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September 11, 1989

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Federal Communications Commission  
Office of the Secretary

Mr. Alfred C. Sikes  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: A.C. Nielsen's Proposal to  
Use Line 22 of the Active  
Video Signal;  
PN No. DA 89-1060

Dear Mr. Sikes:

This letter is to underscore A.C. Nielsen's support of the compromise resolution to the concerns expressed to you in connection with the above-referenced proceeding, which compromise was suggested by the Commission's staff during our recent meetings with them and representatives of Airtrax. The compromise suggested at the meeting temporarily satisfies all the concerns we understand to have been expressed by Nielsen and others in that it:

1. Serves the television industry's obvious interest in obtaining more accurate ratings during this crucial beginning of the new television season by allowing Nielsen to use its AMOL system on line 22 for a limited period of time;
2. Will not undercut in any way the public's ability to comment upon Nielsen's proposed use of line 22 in response to the above-referenced Public Notice;
3. Permits the use of line 22 by both Nielsen and Airtrax during the public comment period by verifying that minor efforts could assure that Airtrax's codes will not be deleted by the placement of Nielsen's AMOL codes on line 22, and by committing Nielsen to support Airtrax's efforts to

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assure that those protective steps be taken.<sup>1/</sup>

Immediate implementation of the suggested compromise will serve the television industry's strong interest in obtaining more accurate and timely ratings during the new television season, and will do so while assuring that Airtrax's business will not be adversely affected. On the other hand, refusal to implement the compromise quickly would greatly and adversely affect the broadcast industry and viewers in that it would inhibit Nielsen's ability to provide more accurate ratings during this crucial period, but would not further any perceived need to provide protection to Airtrax.

Nielsen requests that any approval necessary to implement the suggested compromise be undertaken **immediately**. Any questions you or your staff may have regarding this matter may be referred to the undersigned.

Sincerely,

  
Grier C. Raclin

cc: All Parties on Attached List.

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<sup>1/</sup>From Airtrax's own statements, it appears that, during the period in which Nielsen would be authorized to use line 22 pursuant to the compromise, Airtrax would only be using line 22 on a test basis, and only in a few television markets. Moreover, based upon currently-available information, it appears that Airtrax is encoding a limited number of entire programs, thus establishing that Airtrax is intending to compete with Nielsen in providing program line-up information.

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