

Minority Media & Telecommunications Council

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November 21, 2008

Marlene Dortch, Esq., Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RE: Notice of *Ex Parte* Communication: MB Docket No. 08-187 (Portable People Meter)

This reports on a November 19, 2008 meeting with FCC Commissioner Jonathan Adelstein, Senior Legal Advisor Scott Bergmann, Legal Advisor Rudy Briocche and Confidential Assistant and Director of Outreach Katie Yocum. Participating in the meeting were John Brittain, Director of Litigation, Lawyers Committee for Civil Rights; Inez Gonzalez, Washington Director, National Hispanic Media Coalition; Ronald Gordon, President, Independent Spanish Broadcasters Association; David Honig, Executive Director, Minority Media and Telecommunications Council; Mark Lloyd, Vice President, Leadership Conference on Civil Rights; Kimberly Marcus, Washington Bureau Director, Rainbow PUSH Coalition; Manny Mirabal, Chair, Hispanic Technology and Telecommunications Partnership; Francisco Montero, Counsel, Independent Spanish Broadcasters Association; Karen Narasaki, President and Executive Director, Asian American Justice Center; Eduardo Peña, Communications Counsel and former National President, League of United Latin American Citizens; and James Winston, Executive Director, National Association of Black Owned Broadcasters.

We contended that the Commission should promptly initiate a Section 403 fact-finding inquiry into PPM methodology and sampling procedures in light of the continuing and grave financial harm being visited on minority broadcasters as a result of flawed PPM methodology. On its face, Section 403 affords the Commission jurisdiction to conduct such an inquiry because PPM diminishes the Commission's ability to advance Congress' nondiscrimination and diversity objectives as expressed in Sections 151 and 257 of the Communications Act respectively. A report on an investigation could be used by the Commission in exercising its well-established jurisdiction over broadcasters' contracts with third parties, or as a source of recommendations to public and private parties and to Congress itself.

Respectfully submitted,

David Honig

David Honig
Executive Director