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January 23, 2009

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FILED ELECTRONICALLY VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 Twelfth Street, Southwest
Washington, D.C. 20554

Re: *Ex Parte* Presentation in **MB Docket No. 08-187**, In the Matter of the PPM Coalition's Emergency Petition Requesting an Inquiry Under Section 403 of the Communications Act of 1934, as amended, 47 U.S.C. Section 403, into Arbitron Inc.'s Portable People Meter™ ("PPM"™) "Radio First"™ Radio Broadcasting Station Audience Estimate Service

Dear Madame Secretary:

This written *ex parte* submission is made on behalf of our client, Arbitron Inc. ("Arbitron"), pursuant to the so-called "permit-but-disclose" regulations applicable to the above-referenced proceeding,¹ and reports on a recent event of significance to the issues that have been raised in the proceeding.

Specifically, on January 9, 2009 Arbitron announced that the Media Rating Council, Inc. ("MRC") has accredited the Arbitron's PPM radio quarter-hour ratings data for use in the Riverside-San Bernardino, California market. The PPM service so accredited, known as the "Radio First" service, is substantially identical in material respects to the PPM "Radio First" service that Arbitron has commercialized in multiple markets across the United States, including Philadelphia, Pennsylvania; New York, New York; Chicago, Illinois; San Francisco, California; Los Angeles, California; Nassau-Suffolk Counties, New York; Middlesex-Somerset-Union Counties, New Jersey; San Jose, California; Atlanta, Georgia; Detroit, Michigan; Dallas-Fort Worth, Texas; and Washington, D.C.

¹ See Public Notice, "Media Bureau Action – PPM Coalition Files Petition Seeking Commission Inquiry Pursuant to Section 403 of the Communications Act (47 U.S.C. § 403)," 23 FCC Rcd 13,302 (released September 4, 2008).

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Arbitron notes that the issue of accreditation by the MRC of Arbitron's PPM "Radio First" service has been placed into issue by the PPM Coalition in this proceeding,² hence the MRC accreditation decision announced by Arbitron on January 9, 2009 is a recent development of interest that Arbitron believes should be brought to the Commission's attention by means of this *ex parte* submission.

In accordance with Section 1.1206(b)(2) of the Commission's Rules, 47 C.F.R. Section 1.1206(b)(2), one copy of this letter is being filed electronically with the Commission using the Commission's Electronic Comment Filing System, or "ECFS."

In the event that there should be any questions concerning this matter, kindly direct them to Arbitron's undersigned counsel of record in this proceeding.

Very truly yours,



John Griffith Johnson, Jr.
of PAUL, HASTINGS, JANOFFSKY & WALKER LLP

cc: Hon. Michael J. Copps (via electronic mail)
Hon. Jonathan S. Adelstein (via electronic mail)
Hon. Robert M. McDowell (via electronic mail)

Rick C. Chessen (via electronic mail)
Rudy Brioché (via electronic mail)
Rosemary C. Harold (via electronic mail)

Monica Desai (via electronic mail)
Jamila Bess Johnson (via electronic mail)

² "MRC Accreditation Is the Gold Seal On Audience Measurement And Without It The Broadcast Industry Cannot Rely On The Accuracy Of PPM." Comments of the PPM Coalition filed in MB Docket No. 08-187 under date of September 24, 2008, at p. 10.