

Atlanta
Beijing
Brussels
Chicago
Frankfurt
Hong Kong
London
Los Angeles
Milan
New York
Orange County
Palo Alto
Paris
San Diego
San Francisco
Shanghai
Tokyo
Washington, DC

(202) 551-1724
johngriffithjohnson@paulhastings.com

May 14, 2009

72010.00010

FILED ELECTRONICALLY VIA ECFS

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

Re: Notice of Oral *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

Dear Madame Secretary:

On May 13, 2009, Michael P. Skarzynski, Arbitron Inc.'s ("Arbitron's") President and Chief Executive Officer; Alton L. Adams, Arbitron's Executive Vice President and Chief Marketing Officer; Timothy T. Smith, Arbitron's Executive Vice President and Chief Legal Officer; Michelle Levister, Arbitron's Deputy General Counsel; Alfred C. Liggins III, Radio One's President and Chief Executive Officer; and Arbitron's undersigned counsel met with Commissioner Jonathan S. Adelstein and Rudy Brioché, Commissioner Adelstein's Legal Advisor for Media Issues.

Messrs. Skarzynski, Adams, Smith, and Liggins discussed the following with Commissioner Adelstein and Mr. Brioché:

- recent developments in Arbitron's continuous improvement program for its Radio First™ Portable People Meter™ ("PPM")™ radio broadcast station audience measurement service, including improvements in sample recruitment (with an emphasis on increasing cell-phone-only recruitment) and other features of the service that are being implemented in all of the Radio First markets that are covered by -- and also all of the other Radio First markets that are not covered by -- Arbitron's earlier agreements with the Attorneys General of the States of New York, New Jersey, and Maryland;
- Arbitron's ongoing meetings with various broadcasters and other stakeholders who have expressed specific concerns with respect to

Marlene H. Dortch

May 14, 2009

Page 2

particular aspects of Radio First, including representatives of organizations that are members of the PPM Coalition, with a goal of listening to those concerns and making efforts to address them, where feasible, by undertaking further enhancements to Radio First;

- the experience of Radio One, as the largest African-American-owned radio broadcast company in the United States, in using Radio First to learn more about radio station audience listening behaviors and to adjust Radio One's stations' programming accordingly, which has helped Radio One's stations to compete more effectively for audience share against the legacy stations offering urban programming formats in Radio One's stations' markets;
- the Media Rating Council, Inc.'s (the "MRC's") accreditation of Radio First in the Riverside-San Bernardino, California market earlier this year, and Arbitron's commitment to seek accreditation from the MRC in all markets where Radio First is being commercialized, recognizing that such accreditation is not required prior to commercialization and that pre-commercialization MRC accreditation has not been the norm for other broadcast audience measurement services; and
- Arbitron's expectation that the Commission's forthcoming Notice of Inquiry proceeding will afford all parties, including Arbitron, an opportunity to exchange information, to become better educated with respect to the issues related to Radio First and its advantages over the diary-based system, and to understand why a passive, electronics-based audience measurement service such as Radio First is a necessary tool for the radio broadcast industry in the 21st century.

In accordance with Section 1.1206 of the Commission's Rules, one copy of this letter is being filed electronically with the Commission.

In the event that there should be any questions with respect to this matter, kindly direct them to Arbitron's undersigned counsel.

Very truly yours,

/s/ John Griffith Johnson, Jr.

John Griffith Johnson, Jr.
of Paul, Hastings, Janofsky & Walker LLP

cc: The Honorable Jonathan S. Adelstein (via electronic mail)
Rudy Brioché (via electronic mail)