

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Impact of Arbitron Audience Ratings)
Measurements on Radio Broadcasters)

MB Docket No. 08-187

TO THE COMMISSION

REPLY COMMENTS OF THE PPM COALITION

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EXECUTIVE SUMMARY

Arbitron's precipitous roll out of its unaccredited PPM service has put minority-oriented radio stations in jeopardy. Since the commercialization of PPM, ratings for minority audiences have plunged dramatically. However, Arbitron attempts to divert the Commission's attention from this fact by focusing on market *share*, a completely irrelevant metric, rather than average quarter hour ("AQH") ratings, the only metric that is used by advertisers. An analysis of AQH ratings reveals what all minority-oriented radio stations know painfully well: the unaccredited PPM service is having a devastating impact on the stations' economic viability. In New York, for example, Spanish-language stations' AQH ratings dropped an average **62%** between the final diary and the most recent PPM ratings. The glaring deficiencies in the unaccredited PPM service result in inaccurate listenership data, which in turn drives lower advertiser rates, making it difficult for ethnic and urban stations to survive.

Two weeks after comments were filed in this Docket, the Florida Attorney General joined a long list of regulators and policymakers questioning the reliability and accuracy of Arbitron's unaccredited PPM service. Recognizing what the PPMC has argued all along, the Florida Attorney General's complaint alleges that the PPM service's flawed methodology undercounts minority listeners and would significantly reduce the ratings for radio stations catering to minority listeners. In addition, a bipartisan group of ten Members of Congress have requested a GAO investigation of the PPM service's impact on radio station revenue streams.

In the face of very valid concerns expressed by now four state Attorneys General, Congress and the FCC, and despite repeatedly flunking the Media Rating Council's accreditation process, Arbitron continues to plunge ahead with the unaccredited PPM service in the nation's largest markets. Unless steps are taken now to ensure representative samples, those markets also

will be plagued with inaccurate data. Continuing commercialization of the flawed PPM service constitutes unacceptable ignorance of the very real damage that PPM is inflicting on minority broadcasters – damage that threatens the very existence of minority radio. The time to act is now.

The PPMC respectfully requests that the Commission commence a formal Section 403 investigation of the PPM service; cease relying on Arbitron's data; mandate that broadcasters not use unaccredited data in FCC filings; recommend to Congress that MRC accreditation become a mandatory step towards implementation of new replacement audience measuring services; and urge Congress to grant the Commission specific authority to regulate audience ratings services as necessary to further the public interest policies and goals that remain important to broadcasting.

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REPLY COMMENTS OF THE PPM COALITION

The PPM Coalition (“PPMC”)¹ respectfully submits its reply comments in response to the Notice of Inquiry (“*NOI*”)² concerning the commercial use of the Portable People Meter (“PPM”), a radio audience measurement service developed by Arbitron Inc. (“Arbitron”). Despite increased scrutiny by state and federal regulators and repeated failure to obtain accreditation by the Media Rating Council (“MRC”), Arbitron continues to roll out a sub-standard product with a flawed sampling methodology to the detriment of the radio broadcast industry and the radio listening public. Consequently, minority radio stations continue to experience precipitous declines in ratings and above average revenue losses as compared to the overall market.

For the reasons set forth in more detail below, the PPMC requests that the Commission (i) investigate the reliability of the PPM service and its impact on minority

¹ The members of the PPM Coalition are: American Association of Hispanic Advertising Agencies, Border Media Partners, LLC, Entravision Communications Corporation, ICBC Broadcast Holdings, Inc., Minority Media and Telecommunications Council, National Association of Black Owned Broadcasters, Spanish Broadcasting System, Inc., Spanish Radio Association, and Univision Communications Inc.

² See *Notice of Inquiry, In the Matter of Impact of Arbitron Audience Ratings Measurements on Radio Broadcasters*, MB Docket No. 08-187 (rel. May 18, 2009) (“*NOI*”).

broadcasters;³ (ii) stop using all unaccredited Arbitron data in determining whether licensees are in compliance with its rules, including with respect to reviews of transactions under the broadcast ownership rules; (iii) cease to rely on unaccredited Arbitron data as a basis for analyzing satisfaction of its statutory obligations under the Communications Act; (iv) require Arbitron to attain MRC accreditation before licensees are permitted to rely on PPM data in filings with the Commission; (v) recommend to Congress that MRC accreditation be a mandatory prerequisite for commercialization of any new replacement audience measuring service; and (vi) request that Congress grant the Commission express authority to regulate audience rating services.

I. THE PPMC AND ARBITRON AGREE ON ONE POINT: THE COMMISSION HAS AMPLE JURISDICTION TO INVESTIGATE PPM

In its comments Arbitron concedes what the PPMC has argued all along – that the Commission has jurisdiction to launch a formal investigation to gather the necessary information to determine for itself the reliability of the PPM data.⁴ The only jurisdictional question that Arbitron raises is whether the Commission has authority to *regulate* the PPM service.⁵ The PPMC, however, has not asked the Commission to *regulate* Arbitron’s PPM service. Throughout this proceeding, including in its initial Emergency Petition for Section 403 Inquiry and in its most recent comments filed in response to the *NOI*, the PPMC has sought for the

³ The term “minority broadcasters,” as used herein, means broadcast companies that target minority audiences. Some minority broadcasters are not minority-owned, including the urban divisions of companies such as Clear Channel Radio, Cox Radio and Cumulus, as well as Spanish-language specialists such as Univision, Entravision and Davidson Media. References to minority-owned broadcasters are made explicit where necessary for context.

⁴ See Comments of Arbitron Inc., *In re Impact of Arbitron Audience Ratings Measurements on Radio Broadcasters*, MB Docket No. 08-187, filed July 1, 2009, at Summary ¶ 3, 3. (“Arbitron Comments”).

⁵ See *id.* at 3-20.

Commission to investigate the reliability of the PPM service and its impact on minority broadcasters; stop using all unaccredited Arbitron data; and require Arbitron to attain MRC accreditation before licensees are permitted to rely on PPM data in filings with the Commission.⁶ Arbitron does not question the Commission’s authority to undertake these actions. Indeed, in its comments Arbitron makes it abundantly clear that the Commission’s use of Arbitron data is a “voluntary” act and that it is wholly within the Commission’s authority to decide whether to continue to use such data.⁷ The PPMC agrees with Arbitron’s position.

Accordingly, the PPMC respectfully requests that the Commission immediately launch a formal Section 403 investigation to undertake a thorough review of the PPM methodology and the devastating impact it is having on minority broadcasting. In a Section 403 proceeding, the Commission has adequate means to protect confidential material in order to compile a complete record regarding the reliability of the PPM methodology,⁸ the reasons behind

⁶ See Emergency Petition for Section 403 Inquiry, MB Docket No. 08-187, filed Sept. 2, 2008, at 15-17 (“403 Petition”); Comments of the PPM Coalition, *In re Portable People Meter – Commission Inquiry Pursuant to Section 403 of the Communications Act*, MB Docket No. 08-187, filed Sept. 24, 2008, at 14-15 (“PPMC 403 Comments”); Reply Comments of the PPM Coalition, *In re Portable People Meter – Commission Inquiry Pursuant to Section 403 of the Communications Act*, MB Docket No. 08-187, filed Oct. 6, 2008, at 3-5 (“PPMC 403 Reply Comments”); Comments of the PPM Coalition, *In re Impact of Arbitron Audience Ratings Measurements on Radio Broadcasters*, MB Docket No. 08-187, filed July 1, 2009, at 40-49 (“PPMC Comments”).

⁷ See Arbitron Comments, at 18-19, 59.

⁸ Arbitron asserted in its comments that it was not able to discuss the MRC accreditation proceedings in response to the *NOI* because they are confidential. See *id.* at 39 n.85. The MRC also cited confidentiality restraints. See Comments of the Media Rating Council, Inc., *In re Impact of Arbitron Audience Ratings Measurements on Radio Broadcasters*, MB Docket No. 08-187, filed June 30, 2009, at 2 n.3 (“MRC Comments”). The Commission should not let Arbitron and the MRC hide behind confidentiality concerns. Section 0.459 of the Commission’s rules provides sufficient safeguards to protect confidential information and should be invoked as appropriate so that the Commission can finally get the full picture regarding PPM and its impact. See 47 C.F.R. § 0.459.

Arbitron's failure to attain accreditation, and the destructive impact that use of the unaccredited PPM data is having on minority broadcasters.⁹

Finally, in its response to the various inquiries by Congress regarding Arbitron's PPM service, the Commission should advocate for modification of the Communications Act to require MRC accreditation as a mandatory prerequisite for commercialization of any new replacement audience measuring service; and remove any doubt that may exist regarding the Commission's authority to regulate audience rating services by granting the agency express authority to regulate where necessary to further the public interest policies that remain important to broadcasting.

II. COMMISSION ACTION IS NECESSARY TO ENSURE THAT ARBITRON IMPLEMENTS SIGNIFICANT IMPROVEMENTS IN ALL PPM MARKETS – NOT JUST THE MARKETS UNDER STATE INVESTIGATION

On July 14, 2009 (after comments were filed in this Docket), the Florida Attorney General filed suit against Arbitron seeking injunctive relief to block release of PPM ratings data in that state on the basis that the "flawed ratings would threaten the viability of radio stations in the Miami area and elsewhere in Florida that air programming targeted to minorities because those stations will be unable to fairly compete for advertising sales."¹⁰ Moreover, on July 23, 2009, a bipartisan group of ten Members of Congress requested a GAO investigation of the PPM service's impact on radio station revenue streams.¹¹

⁹ Arbitron cannot seriously support its assertion that it would be "entirely inappropriate" for the Commission to investigate its PPM service without also investigating Nielsen's new radio service. *See* Arbitron Comments, at 27. First and foremost, Nielsen is not even in the top 100 markets; only Arbitron serves those markets. So in the markets that really matter, Arbitron has no competitors. A company cannot enjoy an effective monopoly and be immune from scrutiny on the basis that no one is investigating its non-existent competitors.

¹⁰ *State of Florida Office of the Attorney General, Dept. of Legal Affairs v. Arbitron, Inc.*, Complaint, filed July 14, 2009, at 1. A copy of the Complaint is attached as Exhibit A.

¹¹ *See* Letter to Mr. Gene Dodaro, Acting Comptroller General, United States Government Accountability Office from Members of Congress, dated July 23, 2009. A copy of the Letter is attached as Exhibit B.

These actions come on the heels of lawsuits filed by the Attorneys General of New York and New Jersey and an investigation initiated by the Attorney General of Maryland. Ultimately, Arbitron entered into settlement agreements with the Attorneys General in those states, which required it to obtain MRC accreditation and make efforts to improve its PPM sampling methodology.¹² Florida is now the fourth state to pursue claims against Arbitron questioning the accuracy of PPM data. Nonetheless, Arbitron plans to roll out additional PPM markets in 2009 and 2010. Unless steps are taken now to ensure representative samples, those markets also will be plagued with inaccurate data. The more markets that are launched, the more difficult it will be and longer it will take to correct this situation. Thus, action on the federal level is imperative to ensure that Arbitron uniformly implements corrective measures in *all* markets where PPM is commercialized.

III. ARBITRON CONTINUES TO TRY AND SHIFT THE COMMISSION'S ATTENTION AWAY FROM PPM'S SHORTFALLS BY HIGHLIGHTING IRRELEVANT AND MISLEADING DATA

A. DDI is a Meaningless Made-Up Metric

Arbitron makes much of its Designated Delivery Index or DDI.¹³ In fact, DDI is an artificial creation that is easily manipulated to gloss over bad measurement outcomes. In its simplest form, DDI is a mathematical formula: $DDI = (\text{"actual" in-tab} / \text{"target" in-tab}) \times 100$. In the formula, "actual" in-tab is the number of individual PPMs reporting usable data in a given day¹⁴ and "target" in-tab is a number unilaterally set by Arbitron.¹⁵ The result is then multiplied

¹² See PPMC Comments, at 33.

¹³ See Arbitron Comments, at 47-50.

¹⁴ Reporting "usable" data means that the PPM is turned on, the panelist remembers to put it on, the panelist keeps it on for a minimum number of hours (individuals 18 and over must actually wear the PPM for a minimum of 8 hours per day), the PPM device is actually working, the encoding device at the station is actually working, and the participant doesn't forget to "dock" the device at the end of the day. For example, if an 18 year old forgets

(cont'd)

by 100. A DDI of 100, according to Arbitron, is supposed to indicate that the sample group for a particular demographic “exactly matches their relative percentages in the population.”¹⁶

Arbitron tries to use DDI to show that the average sample performance (*i.e.*, participating panelists’ performance) across various markets using unaccredited PPM is nearly perfect in several markets.¹⁷ But what does DDI actually mean? In short: very little. DDI is only a measure against *Arbitron’s self-established targets*. Arbitron can easily dictate the results of this artifice by arbitrarily setting a target for each demographic group that bears no discernible correlation to actual population figures. Arbitron also calculates DDI as an average over a period of months, which makes the data appear more stable. If DDI falls in any given month, Arbitron can over-sample the demographic in the following months to raise its average.¹⁸

If the Commission were to ignore Arbitron’s noise about DDI and look at the “in-tab” rate, *it would get a much clearer picture of the number of PPM devices that are actually providing usable ratings data for a given demographic* – the numbers are bleak. The average “in-tab” rate across all 20 PPM markets is only 66% for African-Americans ages 18-34. A much different picture than Arbitron likes to paint.¹⁹ Further, low “in-tab” measures have a trickle down effect. For example, where the sample size for a demographic is small and the “in-tab” is

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to put the PPM on in the morning he/she isn’t counted in the day’s data. If that same person actually puts the device on but takes it off after seven hours, the data is excluded.

¹⁵ The “target” is the number of panelists Arbitron sought to include in a sample demographic group (*e.g.*, African-Americans age 18-34). *See* PPMC Comments, at 19-20.

¹⁶ Arbitron Comments, at 47.

¹⁷ *See id.* at 48.

¹⁸ *See id.* at 47 (the statistics held up for comparison are based on a five month average); *see also* PPMC Comments, at 19-23 (discussing problems with Arbitron’s DDI metric).

¹⁹ *See* PPMC Comments, at 21.

low, the end result is that Arbitron relies on just a handful of people to represent a very large population base. The problem is exacerbated further in the case of smaller demographic subsets. In the Nassau-Suffolk market, for example, four Hispanic women age 18-24 constituted an entire panel for a population of over 31,000.

Thus, the PPMC respectfully submits that the Commission should completely disregard DDI. DDI only measures Arbitron's compliance with its own arbitrary targets. If the Commission is looking for an accurate measure of PPM's sampling methodology or demographic representation, it should look at the "in-tab" numbers.

B. Arbitron's Focus on Market Share and Rank is Wholly Misplaced – Advertisers Buy Time Based on Average Quarter Hour Ratings

Arbitron goes to great lengths to try and convince the Commission that minority-oriented stations are actually doing quite well under PPM. By focusing on market share, a completely irrelevant metric,²⁰ and ranking,²¹ Arbitron is merely throwing dust into the Commission's eyes to blur the picture. Arbitron knows full well that radio advertising is bought and sold off of average quarter hour ("AQH") ratings – not market share or rank.²² A review of

²⁰ See, e.g., *More Kabrich bashing of PPM*, Radio Business Report/Television Business Report, July 29, 2009, <http://www.rbr.com/radio/16058.html> (“Share, which Arbitron uses, is not only not currency, it really can't be used to compare diary to PPM because of the vast differences in the PUR [Persons Using Radio],’ Kabrich said. And he used the Adults 18-49 [in his analysis] ‘because this is the primary currency for the ethnic stations’”) [hereinafter RBR Article] (attached as Exhibit C).

²¹ While a station's rank is important insofar as it enables advertisers to determine the top stations in a given market, it does not impact cost per point, which is the way that cost-effectiveness is calculated for advertisers using broadcast media.

²² In fact, Arbitron's own training manual acknowledges as much. See *Planning and Buying Radio Advertising in a PPM World, How 70 Meter Target Rating Points Can Equal 100 Diary Rating Points*, Arbitron, <http://www.arbitron.com/downloads/mediaplan.pdf>.

AQH ratings – the only metric that is *currency*²³ in this industry – irrefutably demonstrates that minority-oriented stations have been devastated by PPM.²⁴

By focusing on the market shares and rankings of cherry-picked stations, Arbitron attempts to mask the realities of the impact that the unaccredited PPM service is having on minority broadcasters. Research shows that since Arbitron introduced its unaccredited PPM service in the New York market, minority broadcasters have experienced an average 40-60% drop in their AQH ratings.²⁵ However, Arbitron ignores this important metric by focusing on the *rankings* of two stations in the market, WWPR and WSKQ. Arbitron argues that these stations have “either maintained or even bettered their market *rankings* in the transition from diary to the PPM service.”²⁶ What Arbitron omits from its fairy tale is that since the commercialization of the unaccredited PPM service in the market, WWPR has experienced a 33% drop in AQH ratings and WSKQ saw its AQH ratings drop by 50%.²⁷ In discussing the New York market, Arbitron also fails to mention that, as a group, Spanish-language stations’ AQH ratings dropped an average 62% from the final diary to June 2009 PPM.²⁸ Furthermore, Urban stations dropped an average 46%.²⁹ The results are even starker for the “morning drive” period (M-F, 6am-10am)

²³ The term “currency” as used by the radio broadcast industry refers to the value ascribed to a station’s ratings which determines the price of advertising sales.

²⁴ See RBR Article (“Bottom line: from diary to PPM, in currency ratings, the Urban and Hispanic stations have more than double the loss of the non-ethnic stations.”) (Exhibit C).

²⁵ See, e.g., RBR Article (Exhibit C).

²⁶ Arbitron Comments, at 33 (emphasis added).

²⁷ In any case, WSKQ went from the number two ranked station in the market to number five. See Total P18-49 / Mon.-Sun. 6a-12mid June 2009 PPM, Arbitron; Spring 2008 Diary, Arbitron.

²⁸ See Exhibit D (charts depicting the average AQH ratings for Urban, Spanish and Top 5 English stations in New York, Los Angeles and Chicago).

²⁹ See *id.*

which traditionally has been the radio industry's bread and butter. In that case, Spanish-language stations' AQH ratings dropped an average 70% and Urban stations dropped 53%.³⁰ These results belie the story that Arbitron, based on its gerrymandered data, would have the Commission believe.

An analysis of how minority-oriented stations are performing in other markets further highlights the negative impact of PPM. For example, in Los Angeles, KLVE, which was the top rated (and ranked) station under the diary system, experienced a staggering 64% drop in AQH ratings and went from the number one ranked station in the market to number eight. If the Commission were to believe the unaccredited PPM data, over half of KLVE's audience has simply disappeared. With respect to another station, KSCA, Arbitron contends that it bettered or maintained its ranking during the "transition" from diary to PPM.³¹ The chart below, however, tells a different story. Since the final diary, KSCA has experienced a devastating 56% drop in AQH ratings and has gone from the number two station in the market to number eleven. This is a far cry from "maintaining" or "bettering" its ranking. In Los Angeles, Spanish-language stations dropped an average of 42% in AQH ratings and Urban stations dropped 44%.³² Again, the "morning drive" figures are even starker: Spanish-language stations dropped 59% and Urban stations dropped 64%.³³

³⁰ *See id.*

³¹ Arbitron Comments, at 33.

³² *See* Exhibit D.

³³ *See id.*

Los Angeles: DIARY v. PPM (Adults 18-49)

Station	Format	Rank		Rating		
		Diary Spring '08	PPM June '09	Diary Spring '08	PPM June '09	% Difference
KLVE	Spanish	1	8	1.1	0.4	(down) – 64%
KSCA	Spanish	2	11	0.9	0.4	(down) – 56%
KIIS	Pop CHR	3	1	0.9	0.7	(down) – 22%
KPWR	Urban	4	2	0.8	0.5	(down) – 38%
KBUE	Spanish	5	10	0.8	0.4	(down) – 50%
KROQ	Rock	6	9	0.7	0.4	(down) – 43%
KLAX	Spanish	7	6	0.7	0.4	(down) – 43%
KHHT	Rhythmic	8	14	0.5	0.3	(down) – 40%
KRCD	Spanish	9	13	0.5	0.3	(down) – 40%
KOST	AC	10	3	0.5	0.5	No Change
KXOL	Rhythmic/Sp	11	19	0.5	0.2	(down) – 60%

Source: Arbitron Spring 2008 Diary / Arbitron June 2009 PPM, Total P18-49, M-Su 6a-12mid (Ranks based on P18-49 AQH)

Moreover, in Chicago, WGCI, which was the top rated (and ranked) station under the diary system, saw its AQH ratings plummet 75% and its ranking drop from number one to number seven in the market since the commercialization of the unaccredited PPM service. Arbitron’s assertion that another station, WLEY, bettered or maintained its ranking in the “transition” from diary to PPM is baseless.³⁴ The station has experienced a dramatic 50% decline in AQH ratings since the commercialization of the unaccredited PPM service and has dropped in the rankings from seventh to eighth place in the market. In Chicago, Spanish-language stations dropped an average 38% in AQH ratings and Urban stations dropped 50%.³⁵ Again, the decline is more pronounced for the “morning drive” period: Spanish-language

³⁴ Arbitron Comments, at 33.

³⁵ See Exhibit D.

stations dropped 53% and Urban stations dropped 64%.³⁶ Needless to say, the financial impact of such ratings declines is overwhelming.

Chicago: DIARY v. PPM (Adults 18-49)

Station	Format	Rank		Rating		
		Diary Spring '08	PPM June '09	Diary Spring '08	PPM June '09	% Difference
WGCI	Urban	1	7	1.2	0.3	(down) – 75%
WOJO	Spanish	2	6	0.8	0.4	(down) – 50%
WKSC-FM	Pop CHR	3	3	0.6	0.4	(down) – 33%
WTMX	AC	4	1	0.6	0.6	No change
WVAZ	Urban	5	5	0.6	0.4	(down) – 33%
WBBM-FM	Hip Hop	6	10	0.6	0.3	(down) – 50%
WLEY	Spanish	7	8	0.6	0.3	(down) – 50%
WPWX	Urban	8	17	0.5	0.3	(down) – 40%
WUSN	Country	9	2	0.5	0.6	(up) +20%
WPPN	Spanish	10	25	0.5	0.2	(down) – 60%
WDRV	Rock	11	9	0.5	0.3	(down) – 40%
WLUP	Rock	12	4	0.4	0.4	No change

Source: Arbitron Spring 2008 Diary / Arbitron June 2009 PPM, Total P18-49, M-Su 6a-12mid (Ranks based on P18-49 AQH)

Similar declines are seen by diary top ten Urban and Spanish-language stations across PPM markets. According to the chart appended to the RBR Article, Urban stations that were top ten under the diary have experienced an average 34% drop in AQH ratings and diary top ten Spanish-language stations' AQH ratings have dropped an average 42% between the final diary and June PPM.³⁷

Finally, Arbitron is equally deficient in attempting to cull conclusions about entire markets based on only partial glimpses of the relevant data. Specifically, Arbitron's rank data (as well as its useless market share metric) are inaccurate in several markets because Univision, a key minority broadcaster, does not participate in encoding its radio stations' signals for use with

³⁶ See *id.*

³⁷ See RBR Article (Exhibit C).

PPM. For example, the data that Arbitron reports in Miami and Phoenix, where Univision does not encode, misses 20-30% of the radio listening occurring in those markets. Univision has four stations in the Miami market, two of which were in the top ten-rated stations according to the final diary report. Similarly, Univision has two stations in the Phoenix market, one of which was the number one rated station in the market.³⁸ Arbitron's woefully incomplete data in those markets completely invalidates any market share or rank comparison and wholly undermines any claim that the unaccredited PPM service remotely approaches credibility or accuracy. This means that under the unaccredited PPM service, Arbitron is only using half a loaf to draw together its statistics, and advertisers are relying on these incomplete statistics to buy time – all to the detriment of minority broadcasters.

It also bears mentioning that Arbitron does not provide radio stations with any back-up measures should a station's encoder fail. In such cases, the station is simply not rated for the affected time period; this down time not only has a direct adverse effect on the station's economic fortunes, it also invalidates the PPM data for the entire market because any subsequently reported ratings are based on an incomplete data set. This too contributes to an incorrect perception that the number of people listening to radio is reduced, when in fact the problem often lies with the PPM encoder.

C. Unaccredited, Unreliable Data is the Real Threat to the Radio Industry

Arbitron's claim that "panel participants under both the diary and [PPM] Radio First sampling methods are recruited in an identical manner" – using RDD telephone recruitment

³⁸ See Winter 2009 Diary, Arbitron.

– provides no comfort.³⁹ Regardless of how panelists initially are selected, there are fundamental differences in how Arbitron administers PPM panels compared to its approach under the diary system. Under the diary-based system, respondents are changed on a *weekly* basis; there are thousands of unique participants whose responses are averaged out over the 12-week diary ratings period. With PPM, respondents are asked to remain in the sample for up to *two years* (not one week). Due to the nature of the task and the significant time commitment requested, recruitment should be conducted in person, not by phone, to ensure a sample panel that is reflective of the diversity of the community.

Arbitron also asserts that while there are fewer “unique persons” in a PPM sample, the average in-tab is significantly higher with PPM than with the diary.⁴⁰ Yet this too completely misses the mark. In the diary system, the relevant currency is typically a three month sample – not a daily sample. Most advertisers, even in PPM markets, request three month averages. An example will illustrate this point: If a market with a 3,000 in-tab for diary converts to PPM, the sample would fall to approximately 1,000 in-tab.⁴¹ An advertising agency that typically uses three month averages under the diary would have data from two-thirds fewer panelists on which to rely. The impact is compounded if the agency generally uses “two book” averages (*i.e.*, six months of data). In such case, the agency would be forced to abandon data that was collected using a sample of 6,000 individual listeners (the sample of 3,000 over two surveys) to rely on data collected using a sample of 1,000 (the Arbitron PPM panel stays the same over the six month period). Thus, the number of unique panelists gets smaller and smaller the longer the time

³⁹ Arbitron Comments, at 39.

⁴⁰ *Id.* at 43. See also *supra* Part III.A for definitional discussion of “in-tab.”

⁴¹ PPM has approximately 66% fewer panelists in its sample than in the diary sample.

period in question. A look at a year's worth of data under the diary service would equate to approximately 12,000 unique persons; however, under PPM the number would be approximately 1,300 (over the course of the year some participants may be replaced with other participants). This dramatic reduction in the number of individuals surveyed under the PPM service leads to data that is prone to error and severely undermines confidence in the results obtained.

The problem is exacerbated in minority demographics because the size and performance of Arbitron's panels for those segments have been dismal. As the PPMC has repeatedly explained, "reliance on telephone-based recruitment significantly affects the representativeness of a given sample and under-represents minorities and lower income persons who are more difficult to recruit and who rely more on wireless phones to meet their communications needs."⁴² To compensate for low numbers in certain demographics (*e.g.*, Adults 18-34) Arbitron over-samples other groups and then "weights" the responses for the group which is under-performing. Weighting, however, can generate misleading and inaccurate market data. The Atlanta example referenced in PPMC's comments bears repeating: Arbitron's panel for African-Americans in Atlanta was so small in November 2008 that, by using the weighted PPM methodology, Arbitron assumed that each African-American panelist represented the views of over 10,000 African-Americans. Thus, one family's vacation to New York dramatically and erroneously skewed the ratings data for that period.⁴³

Arbitron takes great pains to stress that its new PPM service helps radio compete against other media and that, without it, radio will remain in the dark ages. PPMC is not against technological innovation – any *accredited* electronics-based technology that accurately and

⁴² PPMC Comments, at 9.

⁴³ *See id.* at 23.

reliably measures radio audience is welcomed. However, as it is currently implemented, the unaccredited PPM service is neither accurate nor reliable. Use of such defective data has eroded, and continues to abrade, the notable progress that minority broadcasters have made in the past four decades. Put simply, the inaccurate PPM data threatens minority broadcasters' very existence. Unreliable ratings affect the entire radio industry and have the potential to grossly distort the market. If Arbitron wishes to use PPM, it must invest the money and resources necessary to ensure reliable data and gain MRC accreditation. Until PPM is accredited there will continue to be lingering questions about its reliability, to the detriment of the radio industry.

IV. ARBITRON'S COMMENTS LACK SUBSTANCE ON THE CRITICAL ISSUES OF CELL PHONE ONLY HOUSEHOLDS, SPANISH-LANGUAGE-DOMINANT HISPANIC REPRESENTATION AND INCLUSION OF ZIP CODE AND COUNTRY OF ORIGIN DATA

A. Under-Representation of Cell Phone Only Households in Its PPM Panels Reflects Arbitron's Outdated Approach

Arbitron's comments fail to provide any useful response to the *NOI's* question on the under-representation of cell phone only ("CPO") households in PPM panels. The PPMC has previously demonstrated the inadequacy of Arbitron's practice with respect to CPO households.

Specifically, the PPMC explained:

Arbitron's current practice is to cap cell phone only households in a PPM sample at 5-7%, however, recent data provided by the Centers for Disease Control's Wireless Substitution Report estimates that the percentage of CPO households in the U.S. has risen to approximately 16%. Further, that percentage rises significantly when accounting for age and ethnicity. Nearly 31% of adults in the U.S. age 18-24 years old live in CPO households and more than one in three adults age 25-29 years old (34.5%) live in CPO households. Hispanics and African-Americans index higher than the U.S. average for CPO, with Hispanics at 19.3% and African-Americans at 12.9%.⁴⁴

⁴⁴ PPMC 403 Reply Comments, at 7-8. The estimates from fall 2008 have now increased dramatically according to the most recent Centers for Disease Control's ("CDC") estimates. See Blumberg SJ, Luke JV, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December 2008*, National Center for Health Statistics (May 6, 2009)

(cont'd)

The *NOI* sought a response through a series of questions on the issue of Arbitron's sampling methodology and, in particular, under-representation of CPO households.⁴⁵ In its comments, however, Arbitron shies away from specifics, highlighting instead its vague commitment "to increase total sample target for CPO households in all PPM markets on an accelerated basis."⁴⁶ With respect to concrete statistics, Arbitron gives an average across 14 PPM markets, thus making it impossible to ascertain what Arbitron's actual performance level is in any particular market.⁴⁷ Further, on the subject of the CDC's Wireless Substitution Report, while admitting that it is the "most comprehensive estimate of total CPO households in the United States," Arbitron dismisses the report out of hand because it doesn't "correspond to the market-level data that is collected by Arbitron"⁴⁸ And, thus, according to Arbitron, a comparison might be "misleading."⁴⁹ A more likely cause of the difference is that Arbitron's collection of CPO estimates is flawed.

How is the Commission supposed to glean anything meaningful from this? First, while Arbitron's pledge to increase CPO households is commendable, it should have made the increase before commercializing the unaccredited PPM product. If it had done so, it may well have preempted a lot of the problems that are highlighted in the *NOI*, by Congress, by four state

(cont'd from previous page)

<http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless200905.htm> ("More than one of every five American homes (20.2%) had only wireless telephones . . . during the second half of 2008, an increase of 2.7 percentage points since the first half of 2008. This is the largest 6-month increase observed since NHIS began collecting data on wireless-only households in 2003.") ("Wireless Substitution Report").

⁴⁵ See *NOI*, ¶ 20; see also Arbitron Comments, at 54.

⁴⁶ Arbitron Comments, at 55.

⁴⁷ See *id.* at 55-56.

⁴⁸ *Id.* at 56.

⁴⁹ *Id.*

Attorneys General and others. In any case, with respect to the CDC survey, Arbitron gives the Commission no real basis for comparison thus precluding the agency from drawing its own conclusion about the usefulness of the data. Arbitron's conclusory statement that a comparison might be misleading is unhelpful.

The same thin analysis plagues Arbitron's attempt to refute the PPMC's argument that a difference exists in audience listening habits between CPO and landline households. Arbitron cites an impact study that it conducted of three PPM markets comparing station ratings where it claims to have run 179,000 rating comparisons involving CPO households.⁵⁰ While Arbitron examined 179,000 weighting point comparisons, the actual number of unique sample listeners was far more limited, namely panelists in the three markets (with CPO households representing 5-10% of that already small sample).

Arbitron asserts that its PPM study proves that whether a household is CPO or landline has no real or material impact on station ratings. But the cited study focuses more specifically on the impact of suspending CPO weighting in PPM markets, not on the differences between CPO and landline listening habits. It also shows that the formats most negatively affected by a failure to weight are Spanish and News/Talk.

Furthermore, Arbitron released an additional CPO analysis in July of preliminary Spring 2009 data which provides a more in depth review of CPO and landline households covering 151 markets with a unique sample size of 55,000 (of which almost 6,000 are CPO households).⁵¹ This analysis shows that CPO households are heavier radio listeners than landline

⁵⁰ *Id.* at 56-57; see also *The Effect of Suspending Cell-Phone-Only (CPO) Weighting in PPM Markets*, Arbitron, June 26, 2009 (attached as Exhibit E).

⁵¹ See *Cell-Phone-Only (CPO) Sampling Spring 2009 Update April Data*, Arbitron, June 2009 (attached as Exhibit F).

households and that Persons Using Radio (“PUR”) levels differ between 10% and 20% for CPO homes, particularly among ethnic audiences. Thus, rather than disproving what the PPMC has been saying all along, Arbitron’s own studies show that there is indeed a difference in listening habits between CPO and landline households.

B. Arbitron’s Response to the Inadequacy of Spanish-language-dominant Hispanic Representation on PPM Panels is Even More Lacking in Substance

Arbitron dedicates a single paragraph in rebuttal to the allegations raised initially by the PPMC and discussed in the *NOI* that “Hispanic PPM recruitment methods skew toward English-language-dominant persons because potential panelists are identified by origin rather than by language.”⁵² Moreover, Arbitron provides Spanish-language-dominant and English-language-dominant sample information at the age six and older (6+) level, but does not provide any detailed information on its samples by language and age groups. Arbitron’s rebuttal relies entirely on DDI numbers that Arbitron generated and holds up as conclusive evidence that the PPMC is wrong. As discussed more fully above, DDI can be whatever Arbitron wants it to be. It is fully malleable and unreliable.⁵³ The problem originally identified by PPMC still exists. The Commission should investigate this matter further in a formal Section 403 inquiry where Arbitron might be compelled to provide a more forthcoming response.

C. Arbitron’s Discussion of Zip Code and Country of Origin Data is a Mea Culpa and Empty Promise to Do Better in the Future

In response to the *NOI*’s request for comment on Arbitron’s refusal to report zip code and country of origin (“COO”) data, Arbitron admits that it got it wrong and will start

⁵² *NOI*, ¶ 3.

⁵³ *See supra* Part III.A for discussion of DDI.

including such data in its monthly PPM audience survey reports.⁵⁴ While the PPMC applauds Arbitron for this about-face, zip code and COO reporting serves as another example of the plethora of problems that have characterized the premature roll out of an unaccredited PPM product. In this regard, the recurring mantra that runs through all of Arbitron's comments seems to be – we're working on it. What Arbitron has not explained is why radio broadcasters should be subjected to this inferior product *before* it is ready for prime time.

Arbitron's change of heart with respect to zip code and COO data only underscores the need for a thorough investigation by the Commission under Section 403 of the Communications Act. Only through such an investigation can the Commission hope to develop a full record on Arbitron's PPM service and its impact on minority broadcasting. A formal investigation is sorely needed to get to the facts while a viable minority broadcasting voice still exists. Arbitron has made clear its intent to continue the commercialization of PPM without proper accreditation.⁵⁵ There could hardly be a more compelling case for a Commission investigation and heightened scrutiny on the critical issues impacting minority broadcasting. The Commission needs to turn up the heat. It needs to launch a formal investigation of PPM and demand straight answers.

V. ARBITRON'S PREMATURE ROLL OUT OF ITS UNACCREDITED PPM SERVICE FAILS TO SATISFY THE MRC'S VOLUNTARY CODE OF CONDUCT AND INDUSTRY PRACTICE

Arbitron is simply wrong to assert that its commercialization of the PPM service prior to accreditation somehow complies with the MRC's Voluntary Code of Conduct and

⁵⁴ See Arbitron Comments, at 58.

⁵⁵ See Arbitron PPM Commercialization Schedule, http://www.arbitron.com/portable_people_meters/PPM_rollout.htm (attached as Exhibit G).

industry practice.⁵⁶ Arbitron tries to support its claim by pointing to a provision in the Code that allows commercialization of a replacement service prior to accreditation.⁵⁷ The plain fact, however, is that Arbitron has ignored the Code’s clear preference for accreditation prior to commercialization where, as in the instant case, a proposed new service is introduced into the market as a replacement for an existing accredited service.⁵⁸

Further, Arbitron has ignored the Code’s admonition that, prior to launching an unaccredited replacement service, “strong consideration should be given to discontinuing the existing accredited currency product only when the replacement currency product has successfully achieved accreditation.”⁵⁹ In other words, the preferred course and industry practice for full compliance with both the letter and spirit of the Code would have been for Arbitron to retain its accredited diary service until it obtained accreditation for PPM. Yet, Arbitron continues to charge forward with its unaccredited PPM service and has exacerbated the problem for minority broadcasters by disallowing use of its fully accredited diary ratings system as it tries to get the PPM service right. Given the record, Arbitron simply has failed to satisfy even the

⁵⁶ See MRC Voluntary Code of Conduct – Adopted by MRC Board of Directors, December 2008, Measurement Service Adoption In-Process (“Code”) (attached as Exhibit B to MRC Comments).

⁵⁷ See Arbitron Comments, at 29. In essence Arbitron posits that it “technically” complied with the Code because of a single provision that allows commercialization prior to accreditation. Arbitron’s attempt to bolster this argument by reference to an April 11, 2008 DOJ letter is way off the mark. See *id.* at 30. The DOJ letter was a “no action” letter responding to a request by the MRC seeking review of changes in the Code to make explicit the preference that, when a measurement service such as Arbitron’s PPM is intended to replace an accredited service, the company is to use its best efforts to obtain accreditation prior to commercialization. See MRC Comments, at 16. If anything, the DOJ letter strongly suggests that even the nation’s antitrust authority agrees that accreditation prior to commercialization is the preferred outcome.

⁵⁸ See Code, §2.2.3.

⁵⁹ *Id.*

absolute minimum standards established by the MRC for ensuring the validity, reliability and effectiveness of media rating research.⁶⁰

Arbitron's reference to the divergent membership of the MRC and its implied suggestion that the MRC processes, rather than its own faulty PPM methodology, may be responsible for preventing accreditation does nothing to support its argument and, in fact, is a red herring.⁶¹ Arbitron offers no support whatsoever to show that the MRC members' "direct and often divergent interests," as Arbitron puts it, have been in any way responsible for PPM's failure to obtain MRC accreditation.⁶² Simply stated, Arbitron failed the test of accreditation and cannot now shift the blame to the MRC members or the accreditation process itself. The facts speak for themselves: the PPM methodology is flawed and should not have been commercialized until Arbitron attained accreditation. Under the Code, Arbitron at least should have kept the accredited diary system in place until the PPM service was accredited.

Arbitron argues that it is only doing what Nielsen did when it rolled out its local people meter ("LPM") television audience rating service.⁶³ Arbitron's claim, however, is uninformed.⁶⁴ Although LPM was not accredited in 2002 when Nielsen rolled it out in Boston

⁶⁰ See Media Ratings Council, Minimum Standards for Media Ratings Research ("MRC Minimum Standards") (attached as Exhibit 2 to PPMC 403 Reply Comments).

⁶¹ See Arbitron Comments, at 30. If Arbitron did not intend such an inference, then its whole discussion regarding the MRC membership, DOJ letter and going the so-called "proverbial extra mile" is not germane. See *id.* at 29-31.

⁶² *Id.*

⁶³ See *id.* at 31-32.

⁶⁴ Nielsen's roll out of its then-new LPM television audience rating service was a case study in how *not* to implement a new replacement electronic rating service. In fact, the Nielsen fiasco precipitated the MRC's decision to strengthen the language of the Code to make absolutely clear that new measurement services obtain accreditation prior to replacing an accredited ratings service. Thus, rather than supporting Arbitron's misguided decision to prematurely roll out PPM, Nielsen's LPM release serves as a "lesson learned" in what not to do – a lesson Arbitron obviously has failed to heed.

(the first market), Nielsen obtained MRC accreditation approximately seven months later and only then rolled out in other markets.⁶⁵ It has now been 28 months since Arbitron rolled out its unaccredited PPM in Philadelphia and still has not received MRC accreditation there. Further, it has been 11 months since PPM rolled out in Los Angeles, New York, Chicago and San Francisco, and in none of these markets has Arbitron obtained MRC accreditation.⁶⁶

Finally, a key factor in Nielsen's roll out of LPM is that it used the same methodology accredited in Boston in each subsequent market. As George Ivie, CEO of the MRC, put it: "It's IMPORTANT to remember that the methodology between Boston LPM and later LPMs did not change."⁶⁷ It is of no value that Arbitron received accreditation for its methodology in Houston prior to commercializing unaccredited PPM in other markets. The Houston accredited methodology included use of an address-based sample frame and in person

⁶⁵ Likewise, except for Chicago which received conditional accreditation *prior* to commercialization, the other top 10 LPM markets received accreditation within only months of commercialization. For example, Los Angeles received conditional accreditation within 14 days of commercialization; San Francisco within three months; and New York within approximately four months. Philadelphia, Washington D.C., Dallas, Detroit, and Atlanta all received full accreditation within approximately four months of commercialization. The PPM rollout doesn't even come close to comparing to LPM.

⁶⁶ Moreover, even though the LPM did not have MRC accreditation when it went commercial in New York, Nielsen delayed the launch by two months in order to reach out to the African-American and Hispanic communities, among others. It also used the time prior to commercialization to correct deficiencies in the LPM sample with respect to minority representation. For example, Nielsen increased the representation of African-Americans and Hispanics in its panels by nearly 50%. It also began using "better incentives and improved recruitment methods to encourage greater participation among people of color; and [] built a diverse staff of field representatives that included African Americans, English-speaking and Spanish speaking Latinos, Chinese-Americans, Korean-Americans and Vietnamese-Americans." Nielsen Press Release, *Nielsen Media Research to Offer Local People Meter Ratings to Los Angeles Market on July 8*, rel. July 7, 2004 <http://www.nielsenmedia.com/nc/portal/site/Public/menuitem.55dc65b4a7d5adff3f65936147a062a0/?allRmCB=on&newSearch=yes&vgnextoid=f868cde720f34010VgnVCM100000880a260aRCRD&searchBox=markets>. Likewise it increased its panels for African-Americans and Hispanics prior to commercialization in Los Angeles, Chicago, and San Francisco, among others, and employed better recruitment methodologies in these markets as well. *See id.* *See also* Nielsen Press Release, *Nielsen Announces Local People Meter Information for Washington, D.C. and Philadelphia*, rel. June 6, 2005, <http://www.nielsenmedia.com/nc/portal/site/Public/menuitem.55dc65b4a7d5adff3f65936147a062a0/?allRmCB=on&newSearch=yes&vgnextoid=027457203e084010VgnVCM100000880a260aRCRD&searchBox=markets>.

⁶⁷ *Statements of George Ivie, Executive Director and Chief Executive Officer of the Media Ratings Council*, Sept. 22, 2008 (emphasis in original).

recruitment which Arbitron abandoned due to costs.⁶⁸ In every other market Arbitron has used a deficient telephone frame and telephone-only recruitment methodology. Even the Riverside/San Bernardino accreditation does not support Arbitron. First, Riverside/San Bernardino was not accredited until after Arbitron rushed its unaccredited PPM to commercialization in 10 markets. Further, the Riverside/San Bernardino market is not comparable to other markets where Arbitron commercialized its unaccredited PPM. Riverside/San Bernardino is a smaller market with the majority of its population comprising minorities. Also, Riverside/San Bernardino is part of the Los Angeles DMA which includes the much larger LA metro that remains unaccredited. Thus, notwithstanding accreditation, Riverside/San Bernardino simply does not support use of a telephone-only or Radio First recruitment methodology in any other market.

If Arbitron is going to look to Nielsen's roll out of LPM as "industry practice," it clearly has failed to meet even that standard. Moreover, it took at least three state Attorneys General taking legal action before Arbitron relented (in at least three states with a fourth state's civil case pending) and agreed to, among others, obtain MRC accreditation, use hybrid telephone/address-based recruitment methods; increase cell phone only participants; raise the performance index; take steps to raise the compliance rate of panelists and provide more granular data regarding the distribution of PPM devices – none of which have yet been accomplished.

In short, Arbitron's premature commercialization of the unaccredited PPM service and utter disregard for the Code's clear guidance unequivocally demonstrates that Arbitron's actions were anything but in conformance with the Code and industry practice. Any contention

⁶⁸ In testimony before the New York City Council, Joint Committee on Consumer Affairs and Civil Rights, Stephen Morris, Arbitron's former CEO, admitted that Arbitron was looking for ways to cut costs in rolling out the PPM product. *See* Testimony of Stephen Morris, CEO of Arbitron before the New York City Council, Joint Committee on Consumer Affairs and Civil Rights, Sept. 10, 2008.

or implication that this failure to obtain accreditation somehow is in “technical” compliance with the Code or industry practice is pure nonsense.

VI. THE INACCURACY OF ARBITRON’S PPM METHODOLOGY AND ITS DISPARATE IMPACT ON MINORITY BROADCASTING IS THE ISSUE – NOT WHETHER ‘EXPOSURE’ OR AUDIENCE ‘LISTENING’ SHOULD BE MEASURED

Arbitron spends nearly eight pages of its comments trying to convince itself or the Commission that there is some industry consensus surrounding the choice to measure audience “exposure” to radio station signals rather than audience listening habits.⁶⁹ While it makes for an interesting read, the question of “exposure” versus “listening” misses the point entirely. The critical issue remains: Does use of the unaccredited PPM methodology produce accurate ratings data? The answer, based on the record in this Docket and investigations by various Attorneys General and others, is a resounding *NO* – PPM in its current unaccredited state does not produce accurate data. Moreover, Arbitron completely ignores the fact that it intends to continue to use diaries in 200 markets and does not plan to roll out PPM in those 200 markets. If diaries are so bad, why continue them?

Arbitron’s few isolated examples comparing diary entries to PPM usage do not change this fact.⁷⁰ The Arbitron examples neglect to take into account or even address the underlying fundamental flaw in the PPM methodology – the failure to use a statistically valid sample. As PPMC discussed at length in its comments, there are numerous statistical problems with Arbitron’s PPM services. To reiterate just a few, Arbitron’s PPM panels are too small to be

⁶⁹ See Arbitron Comments, at 22-29. While the PPMC believes that measuring audience listening gives advertisers a truer picture of the actual radio market, that is not the issue. The issue, as discussed above, is the unreliability of the PPM data.

⁷⁰ See *id.* at 23-24.

statistically reliable (in one market a single person qualified as a cell, in another four Hispanic women represented the entire cell); panelists' response and compliance rates are extremely poor; African-Americans and Hispanics are under-represented in PPM panels (especially within the critical 18-34 year old demographic group); cell phone only households are virtually ignored; and use of landline telephone-based sampling (which ignores one-third of the listening audience) does not deliver a representative sample of the market.⁷¹

Accordingly, absent MRC accreditation, use of larger samples, address-based sample frame and in person recruitment, Arbitron's PPM service will continue to churn out unreliable data and in fact will accurately measure neither "exposure" nor audience "listening." Further, Arbitron's settlement agreements with the various Attorneys General clearly show that Arbitron is fully aware of the statistical flaws in its methodology.⁷² Yet, Arbitron continues to plunge ahead with the PPM service in the nation's largest markets, despite the lack of accreditation, and arrogantly has announced its plan to continue doing so in other markets. While Arbitron's willingness to make changes to its methodology to improve the PPM service is commendable,⁷³ each day that goes by with Arbitron using the flawed service constitutes

⁷¹ Each of these identified faults in the PPM service is discussed along with supporting data in the PPMC's comments. *See* PPMC Comments, at 13-27.

⁷² All three settlement agreements contain substantially similar terms that require, among other things, MRC accreditation, introduction of hybrid telephone/address-based recruitment methods; an increase in cell phone only participants; raising the performance index; taking steps to raise the compliance rate of panelists; and providing more granular data regarding the distribution of PPM devices. *See e.g.*, New York Consent Decree at Exhibit 1 (attached as Exhibit I to PPMC Comments); *see also* PPMC Comments, at 33-35 (discussing the various consent degree terms).

⁷³ *See* Arbitron Comments, at 26-27.

unacceptable ignorance of the very real damage that PPM is inflicting upon minority broadcasters – damage that threatens the very existence of minority radio.⁷⁴

VII. CONCLUSION

For the reasons set forth herein, the Commission should investigate the reliability of Arbitron's PPM methodology and its impact on minority-oriented stations. The Commission should not rely on unaccredited Arbitron data or market definitions stemming from such data in any rule, policy, order or analysis, and it should preclude FCC licensees from using such data in any filing. The Commission also should recommend to Congress that MRC accreditation become a mandatory step towards replacement of an accredited audience measurement service and that specific authority be granted to the FCC to regulate audience ratings services as necessary to further the public interest policies and goals that remain important to broadcasting.

⁷⁴ Indeed, Arbitron is profiting from its PPM service at the expense of minority broadcasters. According to a recent article, "Arbitron has reported a *double-digit growth* at a time when most companies are not reporting growth in their revenue, even though its major clients come from an industry that is struggling" *Update 2-Arbitron Q2 profit up; cuts FY rev view; shares fall*, Reuters, July 21, 2009, <http://www.reuters.com/article/rbssAdvertisingMarketing/idUSBNG50897720090721?pageNumber=1&virtualBrandChannel=0> (emphasis added).

Respectfully submitted,

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July 31, 2009

EXHIBIT A

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

STATE OF FLORIDA,
OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,

Plaintiff,

v.

Case No. _____

ARBITRON, INC.,

Defendant.

_____ /

COMPLAINT

Plaintiff, State of Florida, Office of the Attorney General, Department of Legal Affairs (the "Attorney General"), sues Defendant, Arbitron, Inc. ("Arbitron"), and alleges as follows:

I. JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction pursuant to § 26.012, Fla. Stat., because the action seeks declaratory, injunctive, and other relief to prevent Arbitron from releasing flawed radio station ratings that significantly undercount minority listeners. The flawed ratings would threaten the viability of radio stations in the Miami area and elsewhere in Florida that air programming targeted to minorities because those stations will be unable to fairly compete for advertising sales.

2. The Court has personal jurisdiction over Defendant pursuant to § 48.193(2), Fla. Stat., because Arbitron is engaged in substantial and not isolated activity within Florida.

3. Venue is proper pursuant to § 47.051, Fla. Stat., because the cause of action accrued in Miami-Dade County.

II. THE PARTIES

4. The Attorney General is the chief legal officer of the State of Florida and the enforcing authority for Chapter 501, Part II, Florida Statutes (2008).

5. Arbitron is a Delaware corporation with its principal place of business in Columbia, Maryland. Arbitron is in the business of conducting audience measurement services for radio stations, including radio stations located throughout Florida. Arbitron sells data collected through its proprietary audience measurement services for radio stations to broadcasters and advertisers throughout Florida.

III. BACKGROUND

6. Arbitron intends to release ratings of radio stations in Florida markets, beginning with the Miami area market on or before July 16, 2009, based on a flawed methodology for data collection and sampling. This flawed methodology systematically undercounts African American, Hispanic, and other minority listeners and would dramatically reduce the ratings of numerous radio stations with large minority audiences in the Miami area and elsewhere in Florida, jeopardizing their existence. For example, ratings for minority broadcasters¹ in the New York radio market have fallen 40-60% since October 2008, with a precipitous drop in revenue since broadcasting revenue is directly related to ratings.

7. Arbitron is the monopoly provider of an essential service. As a result, Arbitron's customers have little control over its practices. Advertisers in Florida and elsewhere rely heavily on Arbitron ratings to decide which stations to buy "airtime" from and at what price. In turn, radio stations in Florida and elsewhere depend on those advertising sales as their primary revenue source, making the reliability of Arbitron's ratings crucial to each station's existence.

¹ Minority broadcasters are broadcast companies that target minority audiences. Some minority broadcasters are not minority-owned.

Advertisers will not pay the same rates to reach what appears to be a smaller audience; alternatively, advertisers may choose not to advertise at all on lower-rated radio stations.

8. In conducting its ratings services, Arbitron recruits a sample “panel” of individuals intended to be representative of the demographics, such as age, race, and ethnicity, of the market being measured. Arbitron collects data regarding the radio stations that panelists listen to and converts this data into "ratings" and market share for radio stations in the market. As a general matter, ratings are meant to reflect the number of listeners for a given radio station.

9. Arbitron distributes many radio audience measurement products, but it has indicated that only "currency" ratings may be relied upon to set the rates that broadcasters are paid for the advertising on their radio stations. Generally speaking, the higher a station's Arbitron currency rating, the higher the rate it may charge for advertising on the station's programs.

10. Arbitron has produced “pre-currency” ratings in the Miami area market based on the new methodology that show significant decreases for several minority broadcasters, especially given the fact that certain minority broadcasters are not subscribing to this methodology and are thus excluded from the ratings. Advertising agencies have already begun contacting numerous minority broadcasters in the Miami market seeking to negotiate a 30-50 % discount in their rates in anticipation of the currency ratings under Arbitron's new methodology.

11. Arbitron is the sole source of currency ratings for each of the top fifty (50) radio markets nationwide, with the Miami area market being the twelfth (12th) largest market and the Tampa area market being the eighteenth (18th) largest market. The Orlando and Jacksonville area markets are also in the top fifty (50) markets nationwide.

12. The Media Rating Council (“MRC”) is a non-profit entity formed at the behest of Congress in the early 1960's with the mission of securing valid, reliable, and effective audience

measurement services. MRC is made up of the broadcasters and advertisers who use the audience measurement ratings. Providers of audience measurement services, such as Arbitron, are not permitted to be members of MRC.

13. MRC has established, and updates, its Minimum Standards for Media Rating Research ("Minimum Standards"), which set forth the requirements that audience measurement services must meet to obtain and maintain "accreditation" in a given market. MRC relies on audits by an independent Certified Public Accountant firm and other information to determine whether rating services are conducted in conformance with the Minimum Standards.

14. The Minimum Standards ensure the quality and integrity of the entire process by which ratings are produced in a given market by setting benchmarks of audience measurement methodology and survey performance. The Minimum Standards in part relate to: sample source; selection method; respondents by demographic group versus population; response rates; and the existence of special survey treatment for minority groups that are difficult to recruit, such as young or ethnic persons. Providers of measurement services, such as Arbitron, disclose detailed information about their measurement service's methodology in order to attain and maintain MRC accreditation in a given market.

15. Arbitron has traditionally conducted its radio data collection in the Miami market and elsewhere in Florida through the use of paper diaries, a system accredited by MRC. Under this system, paper diaries are distributed to a sample panel; each panelist completes a weekly diary of radio stations listened to and then mails the diary to Arbitron for tabulation.

16. For more than a decade, Arbitron has conducted research to replace the paper diary system with a more passive, electronic measurement system. It has been testing an electronic Portable People Meter ("PPM") in the Miami and Tampa area markets and

elsewhere. The PPM is an electronic tracking device (slightly larger than an old-style pager) that panelists are supposed to carry with them throughout the day – generally clipped to a belt - which records signals from the radio stations that they encounter. At the end of each listening day, the panelists are required to place their PPM devices into a docking station that transmits the recorded data to Arbitron for tabulation. Arbitron compiles PPM data on a weekly basis and then releases ratings reports based on a four (4) week average approximately two (2) weeks after the close of each month.

17. Arbitron first used the PPM service in the Houston area market. In Houston, Arbitron utilized an in-person, address-based system where potential panelists were selected based on their address, with Arbitron representatives knocking on their doors in order to recruit them as panelists.² MRC has accredited the Houston PPM system for currency ratings.

18. Arbitron next introduced the PPM service in the Philadelphia area market, but did not use the in-person, address-based system of panel recruitment. In order to cut costs, Arbitron changed its methodology to instead utilize a telephone-based system of recruitment, which primarily relies on reaching out to potential panelists with landline telephones. However, a landline telephone book-based sampling ignores one-third of a market's listening audience. MRC has denied accreditation for the Philadelphia area market.

19. In its rush to deploy a lucrative new product, Arbitron has apparently determined that accurately measuring minority radio audiences is too expensive. The flaws in Arbitron's PPM service, however, are not technological. No matter how sophisticated the technology, the audience estimates it produces will be misleading if Arbitron does not recruit, train, and retain a sample panel that is reflective of the diversity in a particular radio market and if those in the

² In-person recruitment and coaching has proven especially effective at convincing certain reluctant minority group households to participate as panelists.

sample panel do not faithfully and properly use their PPM devices. If Arbitron wishes to use PPM, it must invest the money and resources necessary to ensure reliable data and gain MRC accreditation.

20. MRC has reviewed and denied accreditation for Arbitron's PPM service in several other markets, especially those markets with diverse populations. Arbitron's PPM service is accredited in only two (2) of the fifteen (15) markets in which PPM is used to determine currency ratings, despite repeated attempts by Arbitron to modify the service to obtain accreditation.³ One of those markets is Houston, with its in-person, address-based system of panel recruitment; the other market is Riverside-San Bernardino, a market that is far smaller and less diverse than Miami's.⁴ Arbitron has not received MRC accreditation for the PPM service in any radio market in the last six (6) months.

21. PPM has repeatedly flunked MRC's accreditation process largely due to the manner in which Arbitron recruits and retains individuals on its panels, particularly individuals who fit into younger age demographics and racial and ethnic minority groups ("Minority Groups"). PPM's sample panels are generally 66 % smaller than the diary panels.

22. Failing the accreditation process, again and again, would give a responsible company pause but Arbitron has exploited its monopoly position to ignore MRC's concerns and deploy its unaccredited service in many of the nation's top radio markets, heedless of the devastating consequences on minority radio stations whose audiences are grossly undercounted.

³ As of June 2009, Arbitron has failed three (3) times in its efforts to obtain accreditation for the New York and Philadelphia area markets.

⁴ Riverside-Bernardino comprises a portion of the greater Los Angeles designated market area.

23. Arbitron's PPM service is deficient in the following ways: panels do not reflect a statistically representative sample of cell-phone-only households,⁵ which a significant and growing number of Minority Group households are, and whose radio listening habits differ from those of landline households; PPMs do not capture listener loyalty, which is high among Minority Groups; even after a panel is selected, a significantly lower number of panelists from Minority Groups are ultimately used to calculate the ratings data or are "in-tab";⁶ many panelists choose not to carry the PPM on the average day or at certain times during the day; high-density Minority Group areas are undersolicited for and underrepresented on panels; and reports do not reflect data concerning panelists' language use (such as whether a household is primarily an English-speaking or Spanish-speaking household) or panelists' country of origin.

24. The flawed methodology of Arbitron's PPM service is reflected by its detrimental effect on the ratings of stations with programming targeted to Minority Groups.

25. Arbitron intends to release currency ratings of stations in the Miami-Ft. Lauderdale-Hollywood market on or before July 16, 2009 based on data obtained from its PPM service. Arbitron intends to release currency ratings of stations in the Tampa-St. Petersburg-Clearwater market based on its PPM service this October. Arbitron classifies both markets as "High-Density Black Area" and "High-Density Hispanic Area." Arbitron intends to release currency ratings of stations in the Orlando and Jacksonville area markets based on its PPM service next year. To date, MRC has not accredited use of the PPM service in any Florida market.

⁵ Cell-phone-only use across the United States was estimated to be 20.2% in December 2008 (and trending upward), but the percentages are significantly higher for Minority Group households. Two (2) studies commissioned by Arbitron raise concerns about the extent of the PPM service's inclusion of cell-phone-only households.

⁶ Presently, Arbitron's PPM service under-samples Minority Groups and then weighs the minority panelists in an attempt to compensate.

26. Arbitron has previously released currency ratings in other markets based on the PPM data and flawed methodology without waiting for MRC accreditation.

27. Releasing currency ratings based on the non-accredited PPM service in the Miami market and elsewhere in Florida will harm the ability of minority broadcasters to fairly compete for advertising revenue and to continue serving their audiences.

28. Arbitron has entered into consent decrees with the Attorneys General of the States of New York, New Jersey, and Maryland concerning its implementation of the PPM system in those states. The consent decrees, however, only apply to radio markets in those states and the PPM service remains conspicuously unaccredited in almost every radio market.

29. Even if all of the provisions of the consent decrees were extended to Florida, such relief would still be inadequate because the provisions are largely aspirational and not dependent upon Arbitron obtaining MRC accreditation prior to implementing the PPM system for currency ratings in a given market.

30. The Federal Communications Commission (“FCC”) has also issued a Notice of Inquiry seeking comments regarding Arbitron’s actions and the PPM service as a result of an investigation by the FCC Advisory Committee on Diversity for Communications in the Digital Age. The U.S. House of Representatives Committee on Oversight and Government Reform has likewise initiated an investigation into Arbitron’s PPM service.

31. In sum, the short cuts and cost-saving measures undertaken by Arbitron have compromised the potential of its PPM service and the currency ratings it plans to release into the marketplace in the Miami area market and elsewhere in Florida— all at the expense and harm to minority broadcasters.

32. Since MRC is the only non-interested third-party with all of the underlying data regarding Arbitron's PPM service, the fact that it has repeatedly withheld accreditation for this service in nearly every radio market is telling.

COUNT I

33. The Attorney General repeats and realleges each and every allegation contained in paragraphs 1-32.

34. This is an action pursuant to Chapter 501, Part II, the Florida Deceptive and Unfair Trade Practices Act. Section 501.204(1) of the Act provides that "unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful."

35. The Attorney General is an enforcing authority of the Act pursuant to § 501.203(2), Fla. Stat.

36. Pursuant to § 501.207(1)(b), Fla. Stat., the Attorney General is authorized to bring an action to enjoin any person or corporation who has violated, is violating, or is otherwise likely to violate the Act.

37. Pursuant to § 501.2075, Fla. Stat., the Attorney General is authorized to seek a civil penalty against any person or corporation who has willfully used a method, act or practice declared unlawful under § 501.204, Fla. Stat., along with an award of reasonable attorneys' fees and costs.

38. The statutory violations alleged herein affected more than one judicial circuit in the State of Florida.

39. The sale of radio station ratings involves the conduct of trade or commerce as defined in § 501.203(8), Fla. Stat.

40. As set forth in paragraphs 1-32, *supra*, Arbitron has willfully engaged in unconscionable acts or practices and/or willfully committed acts or practices that offend established public policy and are immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers, in violation of § 501.204(1), Fla. Stat.

41. The aforesaid acts and practices of Arbitron were to the injury and prejudice of the public.

Prayer for Relief

WHEREFORE, the Attorney General prays for judgment:

A. Declaring, pursuant to § 501.207(1)(a), Fla. Stat., that Arbitron's use of its PPM service for currency ratings in any radio market in Florida without having received MRC accreditation violates § 501.204(1), Fla. Stat.;

B. Enjoining, pursuant to § 501.207(1)(b), Fla. Stat., Arbitron from using its PPM service for currency ratings in any radio market in Florida without having received MRC accreditation, on a temporary and permanent basis;

C. Imposing a civil penalty on Arbitron of \$10,000.00 for each violation of § 501.204(1), Fla. Stat., and awarding the Attorney General his reasonable attorneys' fees and costs; and,

D. Awarding such other and further relief as the Court deems just and proper, including relief pursuant to § 501.207(3), Fla. Stat.

Respectfully submitted,

BILL McCOLLUM
Attorney General

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EXHIBIT B

JOHN CONYERS, JR., Michigan
CHAIRMAN

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JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
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MAXINE WATERS, California
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RANKING MINORITY MEMBER

F. JAMES SENSENBRENNER, JR., Wisconsin
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STEVE KING, Iowa
TRENT FRANKS, Arizona
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TED POE, Texas
JASON CHAFFETZ, Utah
THOMAS ROONEY, Florida
GREGG HARPER, Mississippi

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

July 23, 2009

Mr. Gene Dodaro
Acting Comptroller General
United States Government
Accountability Office
441 G St. NW
Washington, DC 20548

Dear Mr. Dodaro:

We are writing to you to request that the Government Accountability Office (GAO) conduct a study on the use of the Portable People Meter (PPM) by Arbitron and its effect on advertising revenue streams for radio stations. During the past two years, Arbitron has employed the PPM system within certain markets to measure and describe radio station audiences. While we understand that Arbitron is attempting to accurately account for all listenership, we want to ensure that the use of the PPM is in fact counting all populations accurately.

Audience rating services have a significant impact on the pricing agreements that advertisers and radio stations negotiate. Minority-owned companies have raised particular concerns regarding the PPM system, claiming that the methodology and data samples contain flaws that compromise the validity of the data. Because advertising revenues depend so directly on audience ratings data, an accurate and valid system is critical to the fiscal solvency of radio stations.

We write to request that the GAO conduct a detailed analysis of Arbitron's share of the terrestrial radio station ratings system marketplace, the methodology behind the company's PPM and its survey samples, how the PPM system has affected radio station advertising revenues, and:

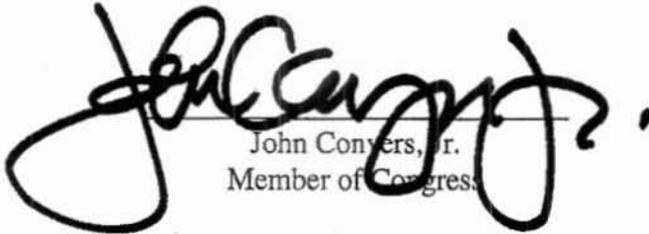
- (1) Whether the survey samples adequately account for young African American, Hispanic, and other minority listeners;
- (2) Whether the survey samples adequately account for cell phone-only households;
- (3) Whether the survey samples adequately account for non-English speaking people;
- (4) Whether the survey samples sufficiently approximate geographic granularity, as well as income and country of origin data.

July 23, 2009
Mr. Gene Dodaro
Page Two

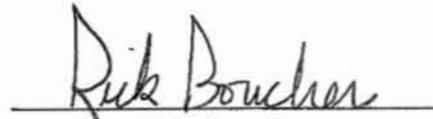
Because certain federal agencies, such as the Federal Communications Commission, rely upon Arbitron data in developing and implementing its regulations, review of Arbitron's methodology is an appropriate task for the GAO to ensure its reliability for federal regulatory use.

If the Committee can be helpful in acquiring the necessary information and data from the Arbitron company, please do not hesitate to contact us or our staffs. The Committee on the Judiciary can be reached at (202) 225-3951. We would request that this study be completed by the end of April 2010 and would appreciate updates as to its progress during the interim.

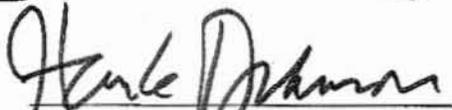
Sincerely,



John Conyers, Jr.
Member of Congress



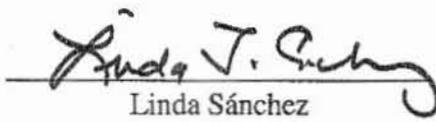
Rick Boucher
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



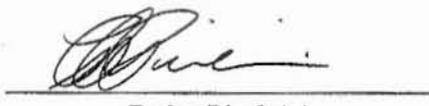
Maxine Waters
Member of Congress



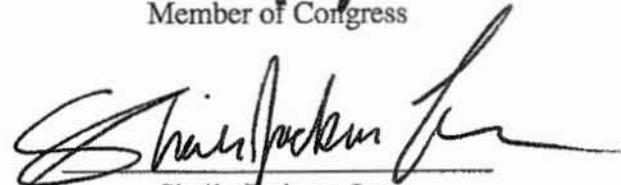
Linda Sánchez
Member of Congress



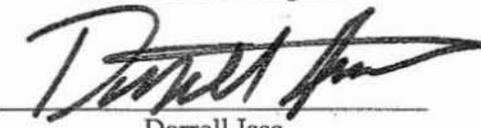
Mike Chiles
Member of Congress



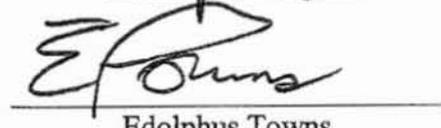
Pedro Pierluisi
Member of Congress



Sheila Jackson-Lee
Member of Congress



Darrell Issa
Member of Congress



Edolphus Towns
Member of Congress

EXHIBIT C

More Kabrich bashing of PPM

2009-07-29 12:19:00

The PPM Coalition (which might better be named the Anti-PPM Coalition) has found a ready ally in consultant Randy Kabrich. His latest data analysis concludes that while most stations saw AQH ratings go down once Arbitron's Portable People Meter (PPM) was introduced in their market, Spanish and Urban formats were hit much harder than non-ethnic stations. Click the headline for his complete chart.

Kabrich says he sought to answer the question, "What has happened to the diary book market leaders in PPM?" He examined the top 10 stations in the last diary book for their respective markets and compared them to the current (June) PPM monthly.

The consultant focused on Average Quarter Hour ratings, arguing that AQH is what is used as currency for ad buys. "Share, which Arbitron uses, is not only not currency, it really can't be used to compare diary to PPM because of the vast differences in the PUR [Persons Using Radio]," Kabrich said. And he used the Adults 18-49 "because this is the primary currency for the ethnic stations (and it's close to having the lead again for all general market buys)."

"Arbitron continues to use 12+ share in their comparisons which not only disguises a number of these issues, it is simply not currency and is irrelevant," Kabrich added.

Here are his conclusions and a market-by-market chart.

Summary of findings:

Comparing the final diary book to the current PPM (A18-49 ratings)

Hispanic formatted stations lost an average of 42% of their ratings and dropped 5 ranks

Urban formatted stations lost an average of 34% of their ratings and dropped 2 ranks

Non-ethnic formatted stations lost an average of 16% of their ratings but held their ranks

Bottom line: from diary to PPM, in currency ratings, the Urban and Hispanic stations have more than double the loss of the non-ethnic stations.

Arbitron diary book vs. PPM								
Analysis of the PPM performance of the Diary's Top tier stations, by ethnicity								
A18-49 AQH Ratings; Current PPM performance of the stations that were top 10 in the Final Diary book								
order of PPM conversion	MARKET (in order of PPM release)	Spanish formats		Urban Formats		Non-ethnic formats		COMMENTS
		Rating % change	# of Rank Change	Rating % change	# of Rank Change	Rating % change	# of Rank Change	
1	Philadelphia	-100%	**	-44%	-2	-37%	1	The only Hispanic stn in top tier changed format after PPM
2	Houston	-43%	-3	-12%	-3	-15%	1	2 of the top 3 Urbans grew in PPM; Address based sample
3	New York	-57%	-8	-43%	-1	-17%	4	
4	Nassau Suffolk			-50%	-7	0%	0	No Spanish Language stations in top 10
5	Middlesex-Somerset	-40%	-3	-33%	-1	20%	2	
6	Los Angeles	-50%	-5	-37%	2	-17%	1	
7	Chicago	-50%	-7	-63%	-2	-33%	1	
8	San Francisco	-20%	-2	0%	-1	-40%	-5	
9	Riverside-San Bern.	-28%	-1			-33%	0	No Urban stations in the top 10; A Hispanic station is #1
10	San Jose	-50%	-6	-33%	-5	-25%	-3	
11	Dallas	-62%	-11	-33%	-5	-20%	-1	
12	Atlanta			-56%	0	-20%	-3	No Spanish Language stations in top 10
13	Washington DC	40%	-4	-25%	-5	0%	3	
14	Detroit			-37%	-4	-15%	2	No Spanish Language stations in top 10
15	Boston			-40%	0	-33%	-1	No Spanish Language stations in top 11
16	Miami	-60%	-5	-25%	-3	-14%	1	The 2 top Hispanic stations did not encode
17	Seattle					25%	0	No Urban or Hispanic stations in the top 10
18	Phoenix	0%	-1	-25%	-1	-20%	-2	Top Hispanic station did not encode
19	Minneapolis					-15%	0	No Urban or Hispanic stations in the top 10
20	San Diego	-67%	-10	-25%	-1	-20%	0	The leading Hispanic station did not encode
	Average	-42%	-5	-34%	-2	-16%	0	
TO BE READ:								
In Chicago the average Hispanic station that was top ranked in the diary fell 50% in the PPM in ratings and lost 7 rank positions;								
In Chicago the average Urban station that was top ranked in the diary fell 63% in the PPM and declined by 2 ranks;								
In Chicago the average NON-Ethnic station that was top ranked in the diary lost 33% in the PPM but GAINED one rank position								
Note: final diary book varies by market but in all cases the last available diary book was used for comparison; "Current" is June 2009 PPM								
In a few markets, stations below the top 10 were included (in those cases top 15 was examined). These markets were those where there were a limited number of ethnic stations in the top 10 to examine								

Source: Randy Kabrich



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Enlarged chart

Arbitron diary book vs. PPM								
Analysis of the PPM performance of the Diary's Top tier stations, by ethnicity								
A18-49 AQH Ratings current PPM performance of the stations that were top 10 in the Final Diary book								
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3	New York	-57%	-8	-43%	-1	-17%	4	
4	Nassau Suffolk			-50%	-7	0%	0	No Spanish Language stations in top 10
5	Middlesex-Somerset	-40%	-3	-33%	-1	20%	2	
6	Los Angeles	-50%	-5	-37%	2	-17%	1	
7	Chicago	-50%	-7	-63%	-2	-33%	1	
8	San Francisco	-20%	-2	0%	-1	-40%	-5	No Urban stations in the top 10; A Hispanic station is #1
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13	Washington DC	40%	-4	-25%	-5	0%	3	No Spanish Language stations in top 10
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Average		-42%	-5	-34%	-2	-16%	0	

TO BE READ:

In Chicago the average Hispanic station that was top ranked in the diary fell 50% in the PPM in ratings and lost 7 rank positions;
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 In Chicago the average NON-Ethnic station that was top ranked in the diary lost 33% in the PPM but GAINED one rank position

EXHIBIT D

NEW YORK FORMAT COMPARISON: DIARY v. PPM

Format	Time Period	Estimate	SPRING '08 DIARY	SPRING '09 PPM	% Var to Diary
English Top 5	Mo-Su 6A-12A	AQH Persons	236,900	203,000	-14%
		AQH Rtg%	2.9	2.5	-14%
Spanish	Mo-Su 6A-12A	AQH Persons	212,100	82,800	-61%
		AQH Rtg%	2.6	1	-62%
Urban	Mo-Su 6A-12A	AQH Persons	225,300	125,400	-44%
		AQH Rtg%	2.8	1.5	-46%

NEW YORK FORMAT COMPARISON: DIARY v. PPM (“morning drive”)

Format	Time Period	Estimate	SPRING '08 DIARY	SPRING '09 PPM	% Var to Diary
English Top 5	Mo-Fr 6A-10A	AQH Persons	321,600	203,500	-37%
		AQH Rtg%	3.9	2.5	-36%
Spanish	Mo-Fr 6A-10A	AQH Persons	325,000	94,200	-71%
		AQH Rtg%	4	1.2	-70%
Urban	Mo-Fr 6A-10A	AQH Persons	291,400	142,200	-51%
		AQH Rtg%	3.6	1.7	-53%

Stations:

English Top 5: WLTW-FM, WKTU-FM, WHTZ-FM, WCBS-FM, WAXQ-FM

Spanish: WSKQ-FM, WQBU-FM, WPAT-FM, WCAA-FM, WBON-FM, WADO-AM

Urban: WWPR-FM, WRKS-FM, WQHT-FM, WBLS-FM

Source: Arbitron Spring 2008 Diary / Arbitron April-June 2009 (Sp09) PPM

Total P18-49, M-Su 6a-12mid and MF 6a-10a

LOS ANGELES FORMAT COMPARISON: DIARY v. PPM

Format	Time Period	Estimate	SPRING '08 DIARY	SPRING '09 PPM	% Var to Diary
English Top 5	Mo-Su 6A-12A	AQH Persons	172,100	139,900	-19%
		AQH Rtg%	2.8	2.3	-18%
Spanish	Mo-Su 6A-12A	AQH Persons	319,400	184,400	-42%
		AQH Rtg%	5.2	3	-42%
Urban	Mo-Su 6A-12A	AQH Persons	100,800	55,200	-45%
		AQH Rtg%	1.6	0.9	-44%

LOS ANGELES FORMAT COMPARISON: DIARY v. PPM (“morning drive”)

Format	Time Period	Estimate	SPRING '08 DIARY	SPRING '09 PPM	% Var to Diary
English Top 5	Mo-Fr 6A-10A	AQH Persons	256,600	159,700	-38%
		AQH Rtg%	4.2	2.6	-38%
Spanish	Mo-Fr 6A-10A	AQH Persons	523,300	215,400	-59%
		AQH Rtg%	8.5	3.5	-59%
Urban	Mo-Fr 6A-10A	AQH Persons	137,600	51,200	-63%
		AQH Rtg%	2.2	0.8	-64%

Stations:

English Top 5: KRTH-FM, KROQ-FM, KOST-FM, KIIS-FM, KCBS-FM

Spanish: KXOS-FM, KWKW-AM, KWIZ-FM, KTNQ-AM, KSSE-FM, KSCA-FM, KRQB-FM, KRCD-FM, KLYY-FM, KLVE-FM, KLAX-FM, KHJ-AM, KDLD-FM, KCEL-FM, KBUE-FM

Urban: KPWR-FM, KJLH-FM, KHHT-FM, KDAY-FM

Source: Arbitron Spring 2008 Diary / Arbitron April-June 2009 (Sp09) PPM
Total P18-49, M-Su 6a-12mid and MF 6a-10a

CHICAGO FORMAT COMPARISON: DIARY v. PPM

Format	Time Period	Estimate	SPRING '08 DIARY	SPRING '09 PPM	% Var to Diary
English Top 5	Mo-Su 6A-12A	AQH Persons	91,600	84,100	-8%
		AQH Rtg%	2.1	2	-5%
Spanish	Mo-Su 6A-12A	AQH Persons	101,500	63,000	-38%
		AQH Rtg%	2.4	1.5	-38%
Urban	Mo-Su 6A-12A	AQH Persons	128,500	63,100	-51%
		AQH Rtg%	3	1.5	-50%

CHICAGO FORMAT COMPARISON: DIARY v. PPM (“morning drive”)

Format	Time Period	Estimate	SPRING '08 DIARY	SPRING '09 PPM	% Var to Diary
English Top 5	Mo-Fr 6A-10A	AQH Persons	137,200	97,900	-29%
		AQH Rtg%	3.2	2.3	-28%
Spanish	Mo-Fr 6A-10A	AQH Persons	137,900	65,400	-53%
		AQH Rtg%	3.2	1.5	-53%
Urban	Mo-Fr 6A-10A	AQH Persons	152,100	56,300	-64%
		AQH Rtg%	3.6	1.3	-64%

Stations:

English Top 5: WUSN-FM, WTMX-FM, WLS-FM, WLIT-FM, WDRV-FM

Spanish: WVIV-FM, WRTO-AM, WPPN-FM, WOJO-FM, WNUA-FM, WLEY-FM

Urban: WVAZ-FM, WSRB-FM, WPWX-FM, WGCI-FM, WBBM-FM

Source: Arbitron Spring 2008 Diary / Arbitron April-June 2009 (Sp09) PPM
Total P18-49, M-Su 6a-12mid and MF 6a-10a

EXHIBIT E

The Effect of Suspending Cell-Phone-Only (CPO) Weighting in PPMTM Markets

June 26, 2009

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With Thanks to: Scott Stinnett
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1. Background

Currently, one of the weighting variables in all Radio First PPM markets is CPO/Landline status. Arbitron has been improving methods used to sample CPO panelists, and studying the effects of CPO panelists on the estimates. Arbitron is committed to raising the percent of CPO panelists to 15% in PPM markets by the end of 2009. Bringing the CPO panelist percentage closer to the population percentage reduces the need for weighting, since the group will not be underrepresented. In earlier regression studies (one completed July 2008 and one completed February 2009) we have seen that after the weighting variables of age, race, gender, geography, language, employment and presence of children are accounted for, that CPO status does not explain a substantial part of the listening variation among panelists. Also, more data about the penetration of CPO houses are becoming available for smaller geographic areas. The NCHS (National Center of Health Statistics) recently released a study of CPO rates at the state level. These data indicate that the CPO rate varies widely within a region. Arbitron currently weights to a population based on a regional CPO rate. Thus, Arbitron was concerned about the quality of the population estimates and how variation in population estimates is affecting the weights of CPO panelists. For these reasons, Arbitron recommended suspending CPO weighting in PPM markets effective with the May 2009 data month. This change is being made to improve the reliability of the estimates by reducing the variability in the weights.

Objective

The objective of this study is to assess the ratings impact of suspending CPO weighting in PPM markets. Our goal is to improve the quality of the estimates and not unduly affect any particular station or stakeholder. Based on previous studies, we expect that there will be very few differences in ratings, and most of these should be small and within the standard error (due to sampling a portion of the population) of the estimates.

2. Methodology

Estimates Used

The currency Arbitron estimates include both landline and cell-phone-only panelists who are weighted to agree with population totals for their markets. We created another set of estimates that did not include weighting by cell-phone-only status. We examined differences between the two estimates (currency and estimates without CPO weighting.)

Data Files Used

The study included all panelists in the February 2009 PPM panels in the three largest Radio First Methodology markets: New York, Chicago and Los Angeles.

Basic Approach to the Comparisons

In the study, we recalculated ratings using the same weighting methodology that was used for the currency ratings, except we excluded CPO panelists. The estimates were calculated by station and summed to the format level for the following demos:

Adults 18+	Black Men 18+	Hispanic Children 6-17	Other Men 18+
Adults 18+ Employed FT Only	Black Women 18+	Hispanic Men 18+	Other Women 18+
Adults 18+ FT or PT	Children 6-11	Hispanic Women 18+	Persons 12+
Adults 18+ Not Employed	Hispanic 18+	Men 18+	Persons 6+
Adults 18-34	Hispanic 18-34	Men 18-34	Teens 12-17
Adults 25-54	Hispanic 18-34 English	Men 25-54	Women 18+
Adults 35+	Hispanic 18-34 Spanish	Men 35+	Women 18-34
Adults 35-64	Hispanic 35+	Men 35-64	Women 25-54
Black 18+	Hispanic 35+ English	Other 18+	Women 35+
Black 18-34	Hispanic 35+ Spanish	Other 18-34	Women 35-64
Black 35+	Hispanic 6+	Other 35+	
Black 6+	Hispanic 6+ English	Other 6+	
Black 6-17	Hispanic 12+ Spanish	Other 6-17	

And the following Daytypes and Dayparts

- Daytype: Total Week, Weekdays Mon-Fri, Weekends Sat-Sun
- Dayparts: 10AM-3PM, 12AM-6AM, 3PM-7PM, 5AM-5AM, 6AM-10AM, 6AM-Midnight, 7PM-Midnight

Formats, as reported in Arbitron reports, were tabulated and the following format groups were used for the analysis: Adult Contemporary, Adult Hits, Adult Standards, Alternative, Classical, Contemporary Hits Radio, Country, New AC/Smooth Jazz, News/Talk/Information, Oldies, Religious, Rock, Spanish, Urban and Remaining formats.

Initial Analysis

First, we examined the distribution of the magnitude of differences in ratings estimates with and without CPO weighting. The estimates were computed at the station level and aggregated for reporting at the format level.

Second, we examined the sum of the format rating differences across demos and dayparts to see if the ratings would be materially different for any particular format with and without CPO weighting.

Relative Difference Calculations

Most importantly, we wanted a way to relate the difference of the two estimates to the variance of the currency estimate. If all the differences we observed during our initial analysis were insignificant compared to the variability of the estimates due to sampling error, then we could not say that there was a meaningful difference in the estimates.

To compare the differences in the estimates and the variance, we constructed a measure of relative difference as the difference of the two estimates divided by the square root of the variance of the currency estimate. Note that unrounded ratings were used in this part of the analysis.

$$Rel\ Dif = \frac{(\hat{X} - X)}{\sqrt{Var(X)}} \quad \text{The absolute value of the relative difference is also used for the analysis.}$$

This measure gives us the percent of the difference compared to the standard error of the estimate. If the standard error is large relative to the difference, then the difference cannot be differentiated from the normal variation or ‘bounce’ in the estimate due to sampling error. To the extent that landline and cell-phone-only panelists have different listening characteristics, a bias may be corrected by weighting.

To compute the variance of an Arbitron rating estimate, we use the formula

$\frac{p(1-p)}{ESB}$, where p is usually the AQH rating for a particular demographic group and daypart, and the \sqrt{ESB} is found in Table B of Arbitron publications.

Differences and relative difference estimates were calculated for the month of February 2009 for the following demographic groups in each of the three markets (New York, Chicago and Los Angeles).

- Total Adults 18+
- Hispanic Adults 18+
- Black Adults 18+
- Men 18-34
- Women 18-34
- Persons 6+

The first five demographic groups were chosen because they were broad enough to have adequate sample size and keyed on ethnic and young adults, where cell phone penetration is most prevalent. The last demographic group was chosen to ensure that children and teens aged 6-17 were included in the analysis.

This analysis uses a smaller set of dayparts than the initial analysis. The dayparts analyzed were:

- Total Week 6AM-Midnight,
- Weekends 6AM-7PM,
- Weekdays 10AM-3PM, 6AM-10AM, 6AM-7PM, 3PM-7PM, 7PM-Midnight

We created estimates of the relative difference by format for each demographic group and daypart, and then took the average relative difference over the dayparts and markets. The format categories were Adult Contemporary, Adult Hits, Adult Standards, Classical, Contemporary Hit Radio, Country, New AC/Smooth Jazz, News/Talk/Information, Oldies, Religious, Rock, Spanish and Urban.

3. Limitations and Assumptions

The study included three large markets, using the February 2009 survey, since we are better able to discern differences due to methodological changes in the markets with the largest sample sizes. We are implicitly assuming that the estimation results and other findings would be similar for other surveys and markets that use the Radio First PPM methodology.

4. Results

Initial Analysis

There were over 179,000 rating comparisons (estimates by market, demographic, day type, daypart, format and station). Of the more than 179,000 rating point comparisons using the two weighting methodologies, 91% showed no difference in ratings rounded to tenths of a rating point and 99.4% were within + or - 0.1 rating point. There were slightly more estimates without CPO weighting that were greater than currency (5% positive changes compared to 4% negative changes.) The following table shows the distribution of differences in format ratings across demos and dayparts in February 2009 across all the estimates used in the study.

Table of Distribution of Differences in the Estimates*

> -1.0	0.0%
-0.5 to -1.0	0.0%
= -0.4	0.0%
= -0.3	0.1%
= -0.2	0.3%
= -0.1	3.6%
No Change	91.0%
= +0.1	4.8%
= +0.2	0.2%
= +0.3	0.0%
= +0.4	0.0%
= +0.5 to +1.0	0.0%
> +1.0	0.0%

**Note: There were 179,534 comparisons, which included 3 Metros, 49 Demos and multiple formats and stations.*

Using the two estimation methods, the sum of ratings by market for each format across demos and dayparts are provided in the following table. While the sum of ratings across demos and dayparts is not a typical measure, it is used here to help identify any format that may be adversely affected by the weighting change. Note that these differences are generally small (only one is over 10%) and differences are not consistently in the same direction across markets. And, most of the percent differences that are greater than 5% are in formats with the lowest sums of ratings (Adult Standards, Classical and Adult Hits.) Therefore, we conclude that on this basis, no format is adversely affected. Also, the sum of differences at the market level are all small (less than 1%.)

Table of Sums of Ratings by Format

Format Category	Radio Metro	Sum of Currency Ratings	Sum of Estimates w/o CPO Weighting Ratings	Difference	Percent Difference
Adult Contemporary	Chicago	972.0	998.4	26.4	2.7%
	LA	773.6	795.9	22.3	2.9%
	New York	1544.7	1524.8	-19.8	-1.3%
Adult Hits	Chicago	157.5	164.1	6.6	4.2%
	LA	212.3	198.5	-13.7	-6.5%
	New York			0.0	
Adult Standards	Chicago	48.1	54.0	6.0	12.5%
	LA	39.0	41.3	2.3	5.8%
	New York	22.5	22.2	-0.3	-1.1%
Alternative	Chicago	226.5	238.2	11.8	5.2%
	LA	630.9	598.2	-32.7	-5.2%
	New York	206.3	207.0	0.6	0.3%
Classical	Chicago	69.3	66.8	-2.5	-3.6%
	LA	124.6	112.9	-11.6	-9.3%
	New York	132.5	138.4	6.0	4.5%
Contemporary Hits Radio	Chicago	549.4	555.3	5.9	1.1%
	LA	1440.7	1457.5	16.8	1.2%
	New York	869.9	861.5	-8.3	-1.0%
Country	Chicago	339.4	357.0	17.5	5.2%
	LA	239.9	241.2	1.3	0.5%
	New York	6.2	6.2	0.0	0.6%
New AC/Smooth Jazz	Chicago	226.9	236.1	9.2	4.1%
	LA	395.7	396.3	0.7	0.2%
	New York	33.1	35.1	2.0	6.0%
News/Talk/Information	Chicago	1545.6	1605.1	59.4	3.8%
	LA	1222.6	1191.8	-30.8	-2.5%
	New York	1502.9	1537.9	35.0	2.3%
Oldies	Chicago	670.8	687.1	16.3	2.4%
	LA	746.4	714.3	-32.1	-4.3%
	New York	392.7	400.6	7.9	2.0%
Religious	Chicago	447.2	425.1	-22.1	-4.9%
	LA	156.1	160.5	4.4	2.8%
	New York	201.5	200.5	-1.0	-0.5%
Remaining Formats	Chicago			0.0	
	LA	24.8	25.9	1.1	4.3%
	New York	13.0	13.5	0.4	3.3%
Rock	Chicago	205.0	218.0	13.0	6.4%
	LA	175.8	164.5	-11.3	-6.4%
	New York	349.9	352.3	2.5	0.7%
Spanish	Chicago	1292.7	1219.8	-72.9	-5.6%
	LA	2195.3	2224.5	29.2	1.3%
	New York	1329.0	1369.0	40.0	3.0%
Urban	Chicago	1095.5	1086.5	-9.0	-0.8%
	LA	108.9	110.7	1.8	1.6%
	New York	1164.4	1172.8	8.4	0.7%
Total Sum	Chicago	7845.8	7911.4	65.6	0.8%
Total Sum	LA	8486.5	8434.2	-52.4	-0.6%
Total Sum	New York	7768.5	7841.9	73.4	0.9%

Relative Difference Calculations

We calculated the relative difference as described in the methodology section. This analysis was done on a more limited set of demos and dayparts, for a total of 1,668 estimates. These demos were selected because they had large sample sizes, and had groups with high cell phone penetration. Note that the relative difference was calculated using unrounded ratings. The table below shows the average of the relative difference across all 1,668 estimates. The average (mean) relative difference is 0.06. The mean value of the absolute value of the relative difference is only 0.30, which is smaller than the standard error for most estimates. A relative difference greater than 1 indicates that the difference is greater than the standard error of the estimate. If users take the standard error of the estimate and calculate a confidence interval for the estimate as described in the methodology section of Arbitron reports, most of the differences will not be detectable when considering the margin of error in the estimates. Based on the upper quartile results (0.40) we see that more than 75% of the estimates will not have detectable differences.

Summary Statistics of the Relative Difference

Variable	Minimum	Lower Quartile	Mean	Median	Upper Quartile	Maximum
Average Relative Difference	-1.87	-0.09	0.06	0.07	0.26	2.94
Absolute Relative Difference	0.00	0.08	0.30	0.19	0.40	2.94

A more detailed look at the average relative difference by demo and station format is in the table below. Note that the averages were created over multiple dayparts (as noted in the methodology section) and across all three markets. The overall average of the relative difference rounds to 0.1 and the overall absolute difference rounds to 0.3 and agrees with the previous table. Also, from this table we see the formats with the largest relative differences are Alternative, News/Talk/Information and Spanish. The demos with the largest relative differences are Hispanic 18+ and Men 18-34.

Table of Average Relative Difference by Demo and Format Across Dayparts and Markets

Format	Data	Demo						
		Adults 18+	Black 18+	Hispanic 18+	Men 18-34	Persons 6+	Women 18-34	Grand Total
Adult Contemporary	Average of Rel Diff	0.2	0.0	0.1	0.2	0.0	0.7	0.2
	Average of Abs (Rel Diff)	0.2	0.1	0.5	0.3	0.1	0.7	0.3
Adult Hits	Average of Rel Diff	-0.2	0.1	-0.2	-0.1	0.1	-0.3	-0.1
	Average of Abs (Rel Diff)	0.3	0.1	0.5	0.2	0.1	0.3	0.3
Adult Standards	Average of Rel Diff	0.1	0.1	0.1	-0.1	0.0	0.1	0.0
	Average of Abs (Rel Diff)	0.2	0.1	0.3	0.2	0.1	0.1	0.2
Alternative	Average of Rel Diff	-0.2	-0.1	-0.2	-0.2	0.2	-0.1	-0.1
	Average of Abs (Rel Diff)	0.4	0.2	0.5	0.6	0.2	0.6	0.4

Table of Average Relative Difference by Demo and Format Across Dayparts and Markets
(continued)

Format	Data	Demo						Grand Total
		Adults 18+	Black 18+	Hispanic 18+	Men 18-34	Persons 6+	Women 18-34	
Classical	Average of Rel Diff	0.1	0.0	0.1	-0.1	0.1	0.0	0.0
	Average of Abs (Rel Diff)	0.2	0.0	0.3	0.2	0.2	0.2	0.2
Contemporary Hits Radio	Average of Rel Diff	0.0	0.1	-0.1	-0.1	0.0	0.2	0.0
	Average of Abs (Rel Diff)	0.2	0.2	0.2	0.2	0.1	0.3	0.2
Country	Average of Rel Diff	0.1	0.0	-0.2	-0.1	0.2	0.0	0.0
	Average of Abs (Rel Diff)	0.2	0.0	0.3	0.4	0.2	0.2	0.2
New AC/ Smooth Jazz	Average of Rel Diff	0.1	0.1	0.2	0.4	0.2	0.1	0.2
	Average of Abs (Rel Diff)	0.2	0.2	0.2	0.4	0.2	0.1	0.2
News/Talk/ Information	Average of Rel Diff	0.1	0.1	0.3	0.0	0.4	0.3	0.2
	Average of Abs (Rel Diff)	0.4	0.3	1.0	0.5	0.4	0.4	0.5
Oldies	Average of Rel Diff	0.1	0.1	-0.1	0.2	0.3	0.5	0.2
	Average of Abs (Rel Diff)	0.3	0.2	0.5	0.3	0.3	0.5	0.4
Religious	Average of Rel Diff	-0.1	-0.2	-0.1	-0.2	-0.1	0.2	-0.1
	Average of Abs (Rel Diff)	0.2	0.3	0.2	0.4	0.2	0.3	0.3
Remaining Formats	Average of Rel Diff	0.0	0.0	0.1	0.0	0.1	0.1	0.0
	Average of Abs (Rel Diff)	0.1	0.0	0.1	0.1	0.1	0.1	0.1
Rock	Average of Rel Diff	-0.1	0.0	0.0	0.2	0.2	0.3	0.1
	Average of Abs (Rel Diff)	0.3	0.1	0.3	0.2	0.2	0.3	0.2
Spanish	Average of Rel Diff	0.2	0.0	0.4	0.1	-0.1	0.3	0.2
	Average of Abs (Rel Diff)	0.8	0.1	1.1	0.8	0.6	0.5	0.6
Urban	Average of Rel Diff	0.1	0.1	-0.2	0.0	0.1	0.2	0.1
	Average of Abs (Rel Diff)	0.1	0.2	0.2	0.4	0.1	0.3	0.2
Total Average of Rel Diff		0.0	0.0	0.0	0.0	0.1	0.2	0.1
Total Average of Abs (Rel Diff)		0.3	0.1	0.4	0.4	0.2	0.3	0.3

We wanted to identify estimates where the relative difference was greater than the standard error of the currency estimate. There were only 78 out of 1,668 (4.6%) estimates with a relative difference greater than 1. The table below contains counts by demo and daypart of these 78 estimates. This table shows that there is an approximately equal distribution of negative and positive differences where the relative difference is greater than 1, with 38 differences being negative and 40 being positive.

Table of Counts of Estimates Where the Relative Difference >1 by Demo and Direction of Difference

Format	Direction of Difference		Grand Total
	Neg	Pos	
Adult Contemporary	5	1	6
Adult Hits		2	2
Alternative		14	14
Contemporary Hits Radio	1	1	2
New AC/Smooth Jazz	3		3
News/Talk/Information	10	4	14
Oldies	1	3	4
Religious		4	4
Rock		1	1
Spanish	16	9	25
Urban	2	1	3
Grand Total	38	40	78

The next table breaks these results down further by demo group.

Table of Counts of Estimates Where the Relative Difference >1 by Demo and Format and Direction of Difference

Format	Direction of Difference	Black 12+	Hispanic 12+	Men 18-34	Persons 18+	Persons 6+	Women 18-34	Grand Total
Adult Contemporary	Neg		1				4	5
	Pos		1					1
Adult Contemporary Total			2				4	6
Adult Hits	Pos		1		1			2
Adult Hits Total			1		1			2
Alternative	Pos		3	4	3		4	14
Alternative Total			3	4	3		4	14
Contemporary Hits Radio	Neg						1	1
	Pos		1					1
Contemporary Hits Radio Total			1				1	2
New AC/Smooth Jazz	Neg			3				3
New AC/Smooth Jazz Total				3				3
News/Talk/Information	Neg		5	1	1	1	2	10
	Pos		3	1				4
News/Talk/Information Total			8	2	1	1	2	14
Oldies	Neg			1				1
	Pos		3					3
Oldies Total			3	1				4
Religious	Pos	1		3				4
Religious Total		1		3				4
Rock	Pos		1					1
Rock Total			1					1
Spanish	Neg		6	4	4		2	16
	Pos		2	5	1	1		9
Spanish Total			8	9	5	1	2	25
Urban	Neg			1			1	2
	Pos			1				1
Urban Total				2			1	3
Grand Total		1	27	24	10	2	14	78

From this table, we again see that the formats most affected by not weighting by CPO status, based on higher absolute relative difference measures, are Spanish, Alternative and News/Talk/Information formats. Spanish and News/Talk/Information formats have more negative changes, whereas Alternative stations have ratings that have a positive difference with the CPO weighting change.

5. Summary and Recommendations

Suspending CPO weighting will result in minor changes in estimates at the format level. Most changes will be small relative to the standard error of the estimates. This is the most important finding and leads to the conclusion that there is no material differences in ratings due to the weighting change. While a few formats are affected more than others, the large differences for these formats are balanced between negative and positive changes. These findings are consistent with the recently completed PPM weighting study where we found that the CPO variable did not explain very much of the listening variation compared to other weighting variables. Only in the combined market study, did we find that the CPO variable was significant in explaining listening variation. Thus, in the context of the reliability of ratings in a single market, the CPO variable was unimportant in explaining listening variation. Overall, we conclude that suspending CPO weighting will result in better quality ratings, since CPO universe estimates at the market level are not available. Once CPO universe estimates are available, we need to assess the benefit of weighting by this variable again.

6. References

Dixon, K., Griffiths R., Tupek, A. *PPM Weighting Study Findings and Recommendations*, presentation slides to MRC Staff on May 6, 2009. (Copies available upon request.)

EXHIBIT F



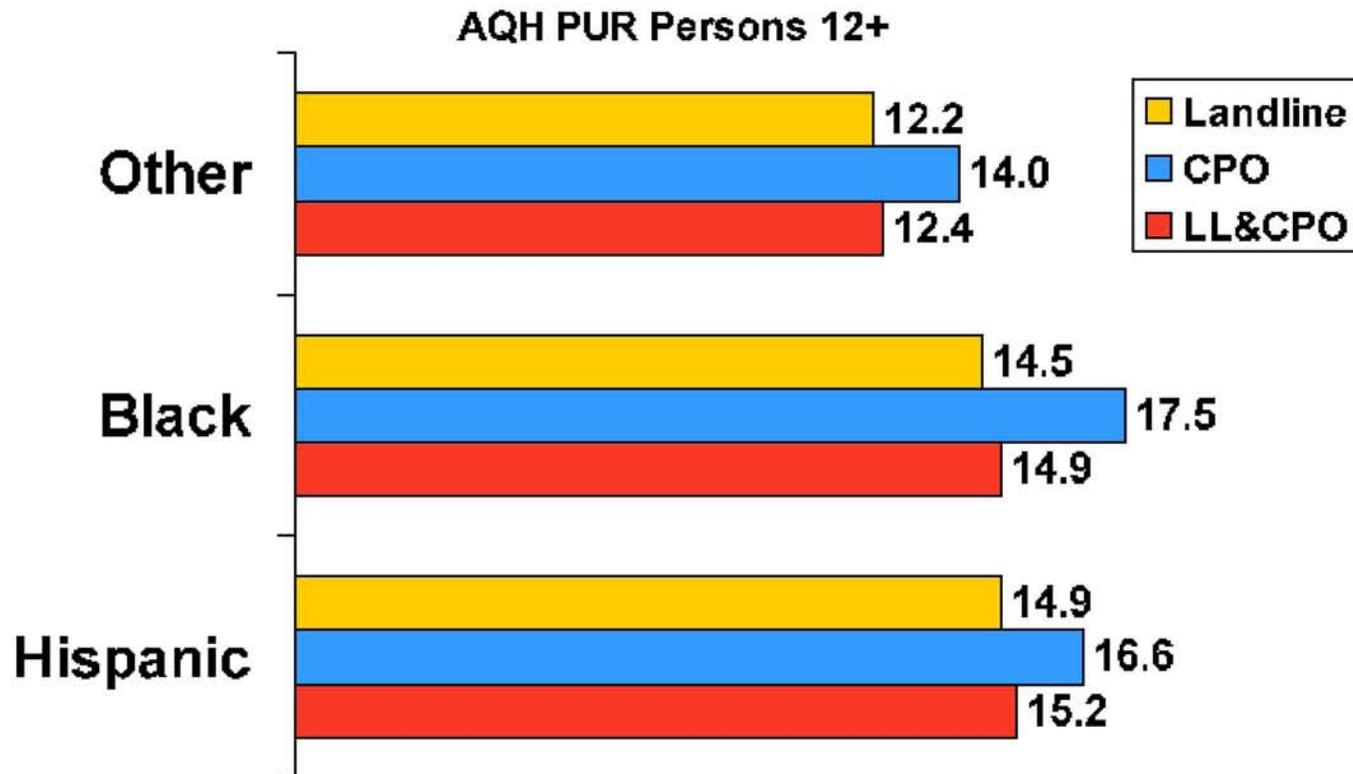
Cell-Phone-Only (CPO) Sampling Spring 2009 Update April Data

June 2009

Bill Rose, Senior Vice President, Marketing
Dr. Ed Cohen, Vice President, Research Policy and Communication

Black and Hispanic Total Listening Up Slightly With Addition of CPO

Landline and CPO AQH Rating vs. Landline Only
Black up 2.8%, Hispanic up 2.0%, Other up 1.6%



Arbitron, April 2009

Markets controlled for race and/or ethnicity. Four markets were Hispanic controlled; 13 were black controlled; and 7 were dual controlled.



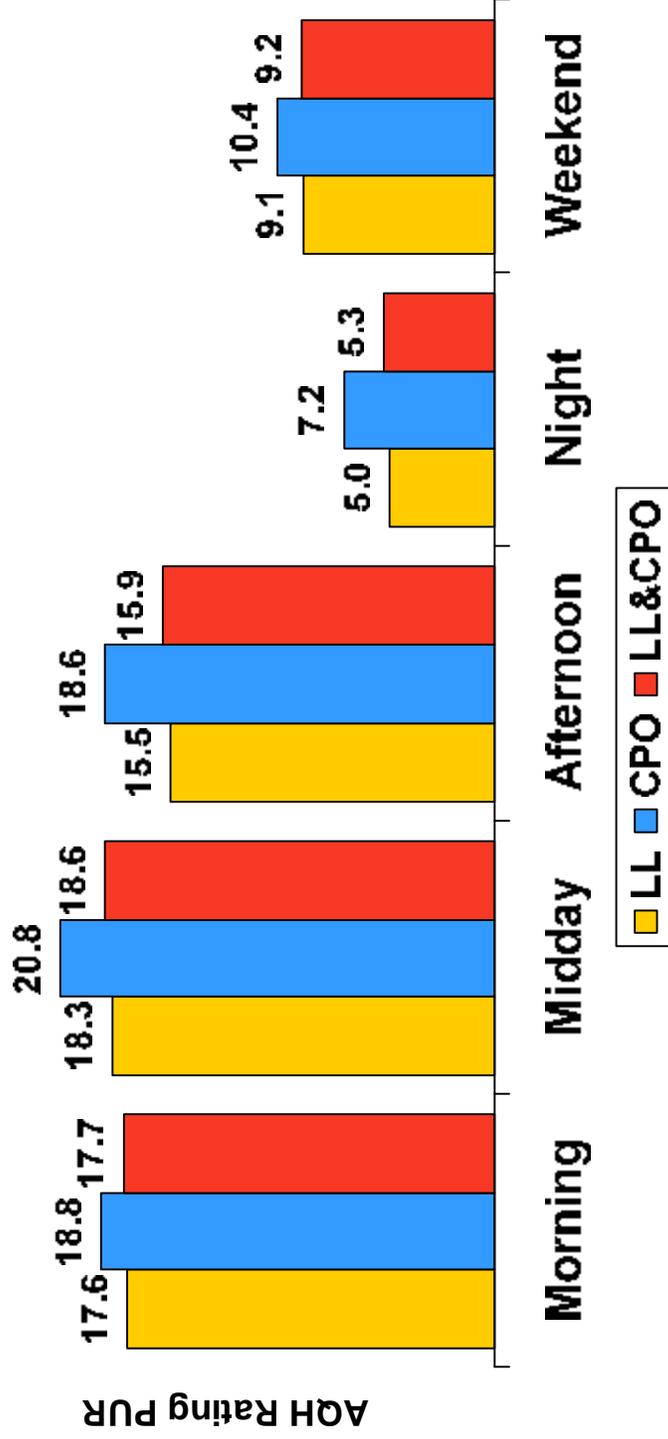


CPO
Listening Profile

All Dayparts Increase With CPO Added

Landline and CPO AQH Rating vs. Landline Only
 Night up 6.0%, afternoon up 2.6%, midday up 1.6%

AQH Rating Persons 12+



Persons 12+ Format AQH Ratings

	Landline	CPO	LL & CPO	Point Diff	%Diff
				LL & CPO vs. LL Only	LL & CPO vs. LL Only
News/Talk	2.3	1.6	2.2	-0.1	-4.3%
Country	1.8	2.0	1.8	nc	nc
AC	1.5	1.7	1.5	nc	nc
Rock	1.0	1.7	1.1	0.1	10.0%
CHR	0.8	1.9	0.9	0.1	12.5%
Religious	0.9	0.7	0.9	nc	nc
Oldies	0.8	0.8	0.8	nc	nc
Urban	0.7	1.2	0.8	0.1	14.3%
Alternative	0.4	0.9	0.4	nc	nc
Adult-Hits	0.2	0.4	0.3	0.1	50.0%
Spanish	0.3	0.4	0.3	nc	nc
Smooth Jazz	0.1	0.1	0.1	nc	nc



EXHIBIT G

Arbitron PPM® Commercialization Schedule

(July 2009)

2008 Rank ¹	Market	In-Tab Target ²	PPM Pre-Currency Data	PPM Currency	Last Diary Report
8	Philadelphia	1,530	Jan/Feb 2007	March 2007	Fall 2006
6	Houston-Galveston ³	1,361	Apr/May 2007	June 2007	Winter 2007
1	New York ⁴	3,892	Oct 2007-Aug 2008	September 2008	Spring 2008
19	Nassau-Suffolk (Long Island) ⁵	1,080	Oct 2007-Aug 2008	September 2008	Spring 2008
38	Middlesex-Somerset-Union ⁵	694	Oct 2007-Aug 2008	September 2008	Spring 2008
2	Los Angeles	2,456	July/Aug 2008	September 2008	Spring 2008
3	Chicago	1,946	July/Aug 2008	September 2008	Spring 2008
4	San Francisco ⁶	2,131	July/Aug 2008	September 2008	Spring 2008
26	Riverside-San Bernardino ³	799	July/Aug 2008	September 2008	Spring 2008
35	San Jose ⁵	866	July/Aug 2008	September 2008	Spring 2008
5	Dallas-Ft. Worth	1,361	Oct/Nov 2008	December 2008	Summer 2008
7	Atlanta	1,335	Oct/Nov 2008	December 2008	Summer 2008
9	Washington, DC	1,331	Oct/Nov 2008	December 2008	Summer 2008
11	Detroit	1,440	Oct/Nov 2008	December 2008	Summer 2008
10	Boston	1,519	Jan/Feb 2009	March 2009	Fall 2008
12	Miami-Ft. Lauderdale-Hollywood	1,553	Apr/May 2009	June 2009	Winter 2009
13	Seattle-Tacoma	1,219	Apr/May 2009	June 2009	Winter 2009
15	Phoenix	1,001	Apr/May 2009	June 2009	Winter 2009
16	Minneapolis-St. Paul	1,136	Apr/May 2009	June 2009	Winter 2009
17	San Diego	1,080	Apr/May 2009	June 2009	Winter 2009
18	Tampa-St. Petersburg-Clearwater	1,016	July/Aug 2009	September 2009	Spring 2009
20	St. Louis	1,103	July/Aug 2009	September 2009	Spring 2009
21	Denver-Boulder	968	July/Aug 2009	September 2009	Spring 2009
22	Baltimore	1,080	July/Aug 2009	September 2009	Spring 2009
24	Pittsburgh, PA	1,088	July/Aug 2009	September 2009	Spring 2009
23	Portland, OR	889	Oct/Nov 2009	December 2009	Summer 2009
27	Sacramento	968	Oct/Nov 2009	December 2009	Summer 2009
28	Cincinnati	945	Oct/Nov 2009	December 2009	Summer 2009
29	Cleveland	1,016	Oct/Nov 2009	December 2009	Summer 2009
30	Salt Lake City-Ogden-Provo	776	Oct/Nov 2009	December 2009	Summer 2009
31	San Antonio	885	Oct/Nov 2009	December 2009	Summer 2009
32	Kansas City	878	Oct/Nov 2009	December 2009	Summer 2009
33	Las Vegas	653	Oct/Nov 2009	December 2009	Summer 2009
25	Charlotte-Gastonia-Rock Hill	919	July/Aug 2010	September 2010	Spring 2010
34	Orlando	709	July/Aug 2010	September 2010	Spring 2010
36	Columbus, OH	806	July/Aug 2010	September 2010	Spring 2010
37	Milwaukee-Racine	881	July/Aug 2010	September 2010	Spring 2010
39	Austin	671	July/Aug 2010	September 2010	Spring 2010
40	Indianapolis	926	July/Aug 2010	September 2010	Spring 2010
41	Providence-Warwick-Pawtucket	581	July/Aug 2010	September 2010	Spring 2010
42	Norfolk-Virginia Beach-Newport News	795	July/Aug 2010	September 2010	Spring 2010
43	Raleigh-Durham	679	July/Aug 2010	September 2010	Spring 2010
44	Nashville	698	July/Aug 2010	September 2010	Spring 2010
45	Greensboro-Winston Salem-High Point	743	Oct/Nov 2010	December 2010	Summer 2010
46	Jacksonville	675	Oct/Nov 2010	December 2010	Summer 2010
47	West Palm Beach-Boca Raton	701	Oct/Nov 2010	December 2010	Summer 2010
49	Memphis	510	Oct/Nov 2010	December 2010	Summer 2010
50	Hartford-New Britain-Middletown	765	Oct/Nov 2010	December 2010	Summer 2010
55	New Orleans	926	Oct/Nov 2010	December 2010	Summer 2010

Information subject to change.

¹ Rank as of Fall 2008

² 75% of Installed Panel Target

³ PPM Radio Ratings Data accredited by MRC

⁴ Includes embedded markets (Nassau-Suffolk and Middlesex-Somerset-Union).

⁵ Embedded Market

⁶ Includes embedded market (San Jose).

PPM ratings are based on audience estimates and are the opinion of Arbitron and should not be relied on for precise accuracy or precise representativeness of a demographic or radio market.