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September 23, 2009

By Electronic Filing

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Ex Parte Presentation of the PPM Coalition  
in MB Docket No. 08-187

Dear Ms. Dortch:

On September 22, 2009, the undersigned of this Firm, along with James L. Winston, Executive Director of the National Association of Black Owned Broadcasters, on behalf of the PPM Coalition, met with Ajit Pai and Marilyn Sonn of the Commission's Office of General Counsel.

We reviewed the background of Arbitron's Portable People Meter and discussed the settlement agreements reached with Arbitron, Inc. in the states of New York, New Jersey, and Maryland (see the attached chart). We noted that one of the key aspects of the settlements is that Arbitron receive accreditation by Media Rating Council, Inc. and to date Arbitron has not received accreditation in those markets. We also discussed the need for Arbitron to make improvements in all of its PPM markets, not just the markets affected by the settlements, and outlined the continuing concerns of the PPM Coalition. We requested that the Commission follow its Notice of Inquiry in this proceeding with a Notice of Proposed Rulemaking or action under Section 403 of the Communications Act.

Sincerely,

/s/

Antoinette Cook Bush  
Counsel to the PPM Coalition

cc: Ajit Pai  
Marilyn Sonn

**Summary of Principal Terms from Arbitron's Settlements  
in New York, New Jersey and Maryland**

<b>Principal Terms</b>	<b>New York</b>	<b>New Jersey</b> (NJ Settlement Covers Philadelphia Market)	<b>Washington, DC</b>	<b>Baltimore</b>
<b>Accreditation</b>	Oct. 15, 2009	Dec. 31, 2009	Good faith reasonable effort	Good faith reasonable effort
<b>Hybrid Telephone/Address Based Recruitment</b>	10% by July 1, 2009	10% by July 1, 2009	10% by Oct. 1, 2009	10% by Sept. 2009 (1 <sup>st</sup> currency month)
	15% by July 1, 2010	15% by Dec. 31, 2010	15% by Dec. 31, 2010	15% by Dec. 31, 2010
	Recruitment of racial and ethnic minorities shall be commensurate with the demographic composition of the geographic area as determined by annually updated census data			
<b>Cell Phone Only</b>	10% by July 1, 2009	10% by July 1, 2009	10% by Oct. 1, 2009	10% by Sept 2009
	12.5% by Dec. 1, 2009	12.5% by June 1, 2010	15% by Dec. 31, 2010	15% by Dec. 31, 2010
	15% by July 1, 2010	15% by Dec. 31, 2010		
<b>Sample Performance Indicator</b>	Minimum of 15% by July 1, 2009	Minimum of 15% by Oct. 1, 2009	Minimum of 15% by June 1, 2010	Comparable Terms will be applied.
	Minimum of 16% by Oct. 1, 2009	Minimum of 16% by April 1, 2010	Minimum of 17% (no timeframe specified!) <sup>1</sup>	
	Minimum of 17% by June 1, 2010	Minimum of 17% by Nov. 30, 2010		
<b>In- Tab Rates</b>	75% in-tab rate for all demographic groups by April 1, 2009	75% for overall 6+ population by April 1, 2009	75% for overall 6+ population (n. this is current benchmark and does not represent an improvement)	Comparable Terms will be applied.
	Monthly in-tab rates for all sub-categories of race, ethnicity and gender cannot fall below 90% of 75%	Monthly in-tab rates for all sub-categories of race, ethnicity and gender cannot fall below 85% of "target rate" by April 1, 2009.	beginning on Oct. 1, 2009, in-tab rates for all categories and sub-categories will not fall below 85% of "target rate" <sup>2</sup>	
<b>Transparency</b>	beginning Jan. 1, 2009 – all install/in-tab, age, race, ethnicity by county and zip code.	beginning April 1, 2009 all install / in-tab by age, race, ethnicity by county and zip code	beginning April 1, 2009 all install / in-tab by age, race, ethnicity by county and zip code	Comparable Terms will be applied.

<b>Principal Terms</b>	<b>New York</b>	<b>New Jersey</b> (NJ Settlement Covers <b>Philadelphia</b> Market)	<b>Washington, DC</b>	<b>Baltimore</b>
<b>Reporting</b>	Arbitron is required to submit reports to each Attorney General 15 days after the close of each quarter outlining the company's performance against the established metrics.			
<b>Bias Study</b>	To be completed by July 15, 2009. Arbitron is required to address any measurable bias uncovered from its study.		Arbitron is required to notify MD of study's findings. If any perceived bias is relevant to DC, Baltimore markets, Arbitron will agree to address	
<b>Disclaimer</b>	"...PPM estimates are based on audience estimates and are the opinion of Arbitron and should not be relied upon for precise accuracy or precise representativeness of the demographic or radio market..."			
<b>Advertising Campaign</b>	25K toward promotion of minority radio			
<b>Contribution to NABOB/SRA</b>	100K			
<b>Settlement Payment and Costs</b>	200K for deceptive practices; 60K to cover NY AG's costs	130K for NJ AG's costs.		
<b>Enforcement</b>	Right to reinitiate lawsuit and additional penalties		AG may seek specific performance to compel compliance. In the event the court finds Arbitron in substantial continuing non-compliance, Arbitron could be made to pay Attorneys' fees.	

<sup>1</sup> Maryland settlement agreement has "inadvertently" omitted timeframe by which Arbitron should achieve a minimum of 17% SPI. Austin Schlick indicated via telephone that December 31, 2010 would be the applicable date.

<sup>2</sup> Wording in the Maryland settlement allows Arbitron to maintain its 75% benchmark for the overall 6+ population, this is the current benchmark. Further, utilizing the term "target-rate" permits Arbitron to maintain its existing benchmarks for all other demographic categories and sub-categories (e.g., 85% of 65% of Blacks 18-24).