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December 18, 2009

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 December 17, 2009, on behalf of the PPM Coalition, James Winston, Executive Director of the National Association of Black Owned Broadcasters, Horacio Gavilan, Executive Director of the Association of Hispanic Advertising Agencies, Mace Rosenstein of Covington and Burling, Antoinette Cook Bush,¹ and the undersigned, of this Firm, met with (1) Commissioner Meredith Atwell Baker and her legal advisor, Brad Gillen, (2) Commissioner Michael Copps and his legal advisors, Jamila Bess Johnson and Joshua Cinelli, and (3) Rosemary Harold, legal advisor to Commissioner McDowell.

We reviewed the background of Arbitron's Portable People Meter ("PPM") and noted that the PPM Coalition does not oppose electronic audience measurement, as exemplified by the PPM device, but that Arbitron's implementation methodology is defective. Specifically, Arbitron has used methods of recruiting PPM survey panels that result in significant under-representation of minority

¹ Ms. Bush was present only for the meeting with Commissioner Baker and Mr. Gillen.

audiences. This problem has been exacerbated by the lengthy terms that PPM panelists serve.

We discussed the hearing held on December 2 before the House Committee on Oversight and Government Reform and the testimony given there that described Arbitron's failure to secure Media Rating Council ("MRC") accreditation and the damage being done to minority targeted radio stations and their audiences by inaccurate, unaccredited data. We noted that at the hearing MRC indicated that Arbitron was in danger of losing accreditation in the Riverside, California radio market, one of only two where a PPM Survey had received accreditation from the MRC. Congressman Towns, Chairman of the House Committee, has given Arbitron, MRC, and members of the PPM Coalition, with the help of the FCC, thirty days in which to develop a plan of action to address problems associated with PPM surveys along with a realistic timetable for implementing the plan. We expressed our hope that an upcoming meeting with Arbitron would prove fruitful. We also requested that the Commission follow its Notice of Inquiry in this proceeding with its own investigation pursuant to Section 403 of the Communications Act or with a Notice of Proposed Rulemaking.

We provided the attached materials to further illustrate the position of the PPM Coalition.

Sincerely,



David H. Pawlik
Counsel to the PPM Coalition

attachment

cc: Commissioner Baker
Commissioner Copps
Brad Gillen
Jamila Bess Johnson
Joshua Cinelli
Rosemary Harold