



November 9, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Presentations in MB Docket No. 11-93
Implementation of the Commercial Advertisement Loudness Mitigation
(CALM) Act

Dear Ms. Dortch:

On November 7, 2011, Jane Mago, Art Allison and Valerie Schulte of the National Association of Broadcasters (NAB) met with Media Bureau staff members Michelle Carey, Lyle Elder, Mary Beth Murphy, Nancy Murphy, Shabnam Javid and Krista Witanowski, and Eloise Gore of the Enforcement Bureau. On November 9, 2011, Art Allison and Valerie Schulte spoke with Lyle Elder, Shabnam Javid and Eloise Gore by telephone to confirm certain technical aspects of potential local station testing of transmitted audio for compliance with the Commercial Advertisement Loudness Mitigation Act (CALM Act).

During the November 7 meeting, we discussed various aspects of compliance by broadcasters with the CALM Act and with Commission rules for compliance with and enforcement of the Act. Specifically, we discussed stations' reliance on certifications from program networks and program providers that they control the loudness level of commercials and program content pursuant to ATSC A/85, and the appropriateness of such reliance under new Commission rules for compliance with the Act. We discussed station spot checking and testing of program providers'

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Ms. Marlene H. Dortch
October 20, 2011
Page 2

content for A/85-compliant loudness control with regard to programming and commercial content when a broadcaster does not have such certification from the provider. We emphasized that such testing should not be required of smaller broadcast stations, and that there should be flexibility as to how the testing would be conducted. In addition, we discussed the need to test program providers' content where there was a pattern or trend of complaints about loudness problems. We re-iterated broadcasters' commitment to comply with the terms and spirit of the CALM Act.

During the follow-up phone conference of November 9, Mr. Allison and I further discussed with Mr. Elder, Ms. Javid and Ms. Gore how stations might perform testing and measurement of transmitted audio segments for compliance with A/85.

Respectfully submitted,



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Deputy General Counsel
Legal and Regulatory Affairs

Cc: Michelle Carey
Mary Beth Murphy
Nancy Murphy
Lyle Elder
Shabnam Javid
Krista Witanowski
Eloise Gore