



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 08-2048

Released: September 4, 2008

## MEDIA BUREAU ACTION

### PPM COALITION FILES PETITION SEEKING COMMISSION INQUIRY PURSUANT TO SECTION 403 OF THE COMMUNICATIONS ACT (47 U.S.C. § 403)

MB Docket No. 08-187

**Comment Date: September 24, 2008**

**Reply Comment Date: October 6, 2008**

On September 2, 2008, PPM Coalition (“PPMC”) filed an “Emergency Petition for Section 403 Inquiry.” PPMC consists of National Association of Black Owned Broadcasters, Spanish Radio Association, Minority Media and Telecommunications Council, American Hispanic Advertising Association, Border Media Partners, Entravision, ICBC Broadcast Holdings, Spanish Broadcasting System, and Univision. PPMC asks the Commission to immediately open an inquiry, under Section 403 of the Communications Act, into Arbitron’s use of Portable People Meters (“PPM”). PPMC notes that on July 28, 2008, the Commission’s Advisory Committee on Diversity recommended the same action that PPMC formally requests here. PPMC argues that PPM methodology undercounts minority radio listeners, that the rollout of PPM methodology starting October 8, 2008 in eight markets (including the four largest radio markets) will seriously harm minority broadcasting and defeat the Commission’s diversity goals, and that the Commission has ample jurisdiction to conduct this inquiry and to take action. PPMC requests that the Commission undertake a fact-finding inquiry, using subpoenas for document production and conducting witness testimony under oath. PPMC also notes that appropriate protective orders could be crafted to avoid disclosure of financial information. According to PPMC, a Section 403 inquiry is the only way the Commission can shed light on the methodological problems identified in early PPM markets and avert harm to minority broadcasters from a rollout of PPM with a flawed methodology that undercounts minority audiences. PPMC Coalition, Emergency Petition for Section 403 Inquiry (Sept. 2, 2008). We seek comment on PPMC’s petition.

*Ex parte Information.* This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.<sup>1</sup>

*Filing Information.* Comments are due September 24, 2008 and reply comments are due October 6, 2008. All filings should refer to and must be submitted in MB Docket No. 08-187. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record.

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<sup>1</sup> 47 C.F.R. § 1.1206

Comments may be filed using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>2</sup>

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 08-187. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554.

One copy of each filing must be sent to Jamila Bess Johnson, Media Bureau, Room 2-C234, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [Jamila-Bess.Johnson@fcc.gov](mailto:Jamila-Bess.Johnson@fcc.gov).

Copies of any filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
(202) 418-7092

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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<sup>2</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, ¶ 8 (Apr. 6, 1998).

For further information, contact Jamila Bess Johnson of the Media Bureau, (202) 418-2608. Press inquiries should be directed to Clyde Ensslin, (202) 418-0506. TTY: (202) 418-0432 or (888) 835-5322.

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