



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Office of Commissioner
Jonathan S. Adelstein

November 18, 2008

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Kevin:

I applaud your decision of September 4th to seek public comment on the Emergency Petition filed by Portable People Meter (PPM) Coalition, requesting that we conduct an inquiry under section 403 of the Communications Act into the new PPM ratings system. Today, I am requesting that we immediately open a formal investigation to determine whether the PPM ratings methodology undermines the goals of Congress and the Commission to enhance media diversity and expand opportunities for minority-owned businesses to own viable broadcasting outlets.

We have heard from numerous broadcasters and advocates for diversity that the continued deployment of PPM in new markets without accreditation from Media Ratings Council (MRC) constitutes a clear and present danger to media diversity. Given the continued rollout by Arbitron, despite numerous and repeated expressions of concern from members of Congress and those affected by the changes, it is urgent that we undertake this investigation now.

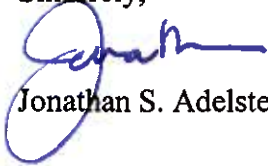
Under section 403 of the Act, and section 1.1 of our rules, we have clear authority to conduct an investigation into the use of PPM. Section 403 empowers the Commission to investigate any matter that concerns a provision of the Act. Section 257 of the Act unquestionably authorizes the Commission to eliminate market entry barriers for minorities to own broadcast stations and to identify ways to promote minority ownership. Arbitron ratings are essential in the Commission's formulation of media ownership rules and radio market definitions, and to broadcasters' ability to sell advertising.

The Commission has recognized the important role of advertising revenue in ensuring a diverse ownership of broadcast assets. For example, in December, 2007, we rightfully prohibited "no urban/no Spanish" dictates by requiring broadcasters to affirm that their advertising agreements include nondiscrimination clauses before they are able to renew their licenses. A section 403 inquiry would give the Commission an opportunity to determine whether Arbitron's use of PPM in some of this nation's largest markets is unfairly harming minority broadcasters.

Because Arbitron ratings play such an integral role in the business of broadcasting, and the MRC's accreditation process is highly confidential, the Commission needs to launch its own inquiry to determine whether PPM ratings are accurate and reliable. A section 403 inquiry is the optimal way to conduct a fair and thorough review.

Thank you for your consideration of this request, and I look forward to working with you on this effort.

Sincerely,



Jonathan S. Adelstein