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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
FACSIMILE (202) 225-4784
MINORITY (202) 225-5074

www.oversight.house.gov

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June 24, 2009

The Honorable Michael J. Copps
Acting Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20544

Dear Chairman Copps:

The Committee on Oversight and Government Reform is initiating an investigation into Arbitron's use of the Portable People Meter (PPM) to track the public's listening habits. The PPM, a device developed by Arbitron, Inc. to measure radio station listenership, continues to be a matter of controversy. To date, a number of issues concerning the PPM device have been raised by several sectors within the radio industry and state governments, including allegations that there are methodological flaws in PPM's data collection resulting in the under-representation of particular ethnic and age groups. Yet, despite these critical concerns and Arbitron's failure to receive the Media Rating Council's (MRC) accreditation for PPM in nearly every market, the company still plans to deploy the device across the nation. I remain deeply concerned that without deliberate and timely investigations into this matter the increased use of PPM will further threaten the financial viability of minority targeted radio stations.

Among the most critical complaints by sectors in the radio industry and state governments are (1) Arbitron's failure to distribute the PPM within minority communities, resulting in the underrepresentation of these listeners in sample studies and data collection; (2) failure to use sample audience panels which reflect the demographic of the market being rated; (3) failure to recruit PPM participants from cell-phone-only households, which disproportionately effects minorities; and (4) insufficient training of non-English speaking PPM participants in the proper use of the device. Given these concerns, there is a serious risk that certain groups of minority listeners will continue to be undercounted, imperiling the financial

The Honorable Michael J. Copps
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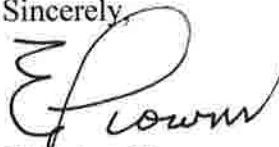
viability of minority audience radio stations whose advertising revenues depend on the size of their rated audience. To date, many of these stations continue to suffer from significant downgrades in ratings, threatening the extent of their programming or even ultimate closure.

There has been some effort to correct Arbitron's methodological flaws in the implementation of PPM embodied in settlement agreements between the company and the states of New York, New Jersey, and Maryland. Further, on July 28, 2008, the Federal Communications Commission's (FCC) Advisory Committee on Diversity for Communications in the Digital Age adopted a resolution requesting that the Commission undertake, conclude, and publish the results of an investigation into this matter by August 28, 2008. On July 29, 2008, MRC testified at the FCC's *en banc* hearing detailing its ongoing concerns about the use of the PPM device. While I applaud the FCC for issuing a notice of inquiry into the use of PPM on May 18, 2009, I have some concerns regarding the timeliness of its announcement.

This is a very important issue with potentially far reaching implications for the future of radio broadcasting, including the viability of minority-serving radio stations. Therefore, please provide the Committee with information concerning the status of your inquiry, with particular attention to how the Commission plans to proceed, including a schedule for completion.

I would appreciate receiving your response as soon as possible, but in any case no later than Wednesday, July 1, 2009. Should you have any questions about this request, you may contact me or have your staff contact Beverly Britton-Fraser of the Committee staff at (202) 225-5051.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edolphus Towns', written over a faint, larger version of the same signature.

Edolphus Towns
Chairman

cc: The Honorable Darrell Issa, Ranking Minority Member
Committee on Oversight and Government Reform