

**RESOLUTION
OF THE
FEDERAL COMMUNICATIONS COMMISSION
ADVISORY COMMITTEE ON DIVERSITY FOR COMMUNICATIONS IN THE
DIGITAL AGE**

**REQUESTING AN INVESTIGATION
OF THE
ARBITRON PORTABLE PEOPLE METER**

WHEREAS: One of the principal objectives of the Advisory Committee on Diversity for Communications in the Digital Age is to promote the creation and growth of successful broadcast facilities serving diverse audiences;

WHEREAS: The financial success of a radio broadcast station depends upon demonstrating to potential advertisers that the station has a substantial audience that can be desirable consumers of the advertisers' goods or services;

WHEREAS: Arbitron is the only company that presently provides quantitative audience data for radio stations;

WHEREAS: Arbitron has begun using an electronic measurement service, the Portable People Meter (PPM), to measure radio audiences;

WHEREAS: PPM results have been objected to as inaccurate and unreliable by some broadcast companies, and in particular, companies whose programming targets African American and Hispanic audiences;

WHEREAS: The imposition upon the broadcast industry by Arbitron of an audience measurement service that may not accurately measure minority audiences could lead to irreparable financial harm to stations targeting such audiences, and thus lead to the loss of service that such stations provide to the public;

WHEREAS: Under 47 U.S.C. §403, implemented by 47 C.F.R. §1.1, the Commission is authorized to conduct non-adversarial investigations of non-licensee practices that directly and substantially affect the Commission's ability to faithfully execute Congress' directions regarding the selection and regulation of licensees;

WHEREAS: Congress has directed the FCC to promote nondiscrimination, eliminate market entry barriers, ensure diverse program services to consumers, and promote minority broadcast ownership (47 U.S.C. §§151, 257, 303(g) and 309(j) respectively);

WHEREAS: The impact of PPM on the revenues and asset values of minority broadcasters may be substantial enough to wipe out all of the gains anticipated to flow from the twelve new ownership diversity policies adopted by the Commission in

December 2007; further, these potential losses of revenues and asset value appear likely to constitute the greatest economic loss to minority broadcasters in history, thereby frustrating the Commission's ability to execute Congress' directions in 47 U.S.C. §§151, 257, 303(g) and 309(j);

WHEREAS: Time is of the essence due to the potential rollout of PPM in Los Angeles and New York radio markets as early as September 2008.

BE IT RESOLVED THAT: The Advisory Committee on Diversity for Communications in the Digital Age ("Committee") requests that the Commission investigate Arbitron's new PPM audience measurement system to determine whether the system is having or will have a detrimental and discriminatory effect upon stations targeting minority audiences, to determine whether the Commission possesses authority to address such discrimination, and to determine whether the Commission should submit the results of its investigation to the Congress for consideration of possible legislative action or action by sister agencies; and

BE IT RESOLVED THAT: The Committee requests the Commission to undertake to conclude and publish the results of its investigation by no later than August 29, 2008.