

September 13, 1979

Concurring Statement of
FCC Commissioner James H. Quello

In re: Exceptions (found in Notes 8 and 11 of the multiple ownership rules) permitting case by case treatment of certain UHF television applications which would otherwise violate the one-to-a-market and regional concentration rules.

I am somewhat uneasy about these proposed rules because I don't believe that we have sufficient information to make such proposals with any degree of confidence. We have used ballpark figures of the numbers of UHF stations on the air and generalized profit figures to support the proposition that all UHF stations are created equal.

There is no doubt UHF is a long way from comparability with VHF technically and economically. I also believe the Commission should encourage UHF service in smaller markets.

I think we need more specific information related to market size and potential profitability. I suggest that we limit our proposed elimination of the exceptions to only the top fifty markets. Perhaps even that cutoff is too narrow. We simply lack the information at this time to make such a judgement. I am hopeful that the comments resulting from the issuance of this Notice of Proposed Rulemaking will supply the knowledge which we now lack and that we will be able to fashion an appropriate rule based upon a complete and reasonable record.

While this might more properly be captioned a Notice of Inquiry, I believe it's possible to build an adequate record in a timely fashion in one proceeding without the necessity of going out for further comments. For that reason, I concur.

192