

May 13, 1982

Dissenting Statement of FCC Commissioner James H. Quello  
In Which Commissioner Abbott Washburn Joins

In re: Petitions for Reconsideration of Report and Order In The Matter of  
Petition for Rule to Amend the Television Table of Assignments to  
Add VHF Stations in the Top 100 Markets.

I must dissent to the Commission's refusal to grant reconsideration because I remain unconvinced that a VHF drop-in approach is a proper means to accomplish the Commission's goal of encouraging alternative program services. While approving these four drop-in allocations is a limited step, I am very concerned about the effects on overall television service which would result from future application of the principles employed here.

Any VHF drop-in station will create interference to the service area of other television stations far beyond the area in which the drop-in can provide a new service. Therefore, the potential benefit to viewers in those cities which receive VHF drop-in allocations will be purchased at the cost of increased interference and reduced television service to others, and those others are the rural Americans who now have the narrowest range of broadcast program choices. The existing system of wide-area VHF television service has been extremely successful in providing both rural and urban Americans with significant programming options. <sup>1/</sup> I am not persuaded that adequate consideration has been given to the costs which will be associated with any VHF drop-in policy. The majority's reliance on the doctrine of "equivalent protection" as the basis for these waivers entails too much risk of significant interference, and the application of this doctrine -- as opposed to continued use of the existing clear-cut mileage separations -- will lead to great uncertainty in the future regarding appropriate station coverage boundaries. In my judgment, we should be extremely cautious in this highly technical area where theoretical predictions may differ greatly from actual signal propagation.

In addition, I believe that there is an existing alternative which -- without disrupting existing service -- is available to meet the needs of urban consumers for more diverse program sources. This alternative is, of course, the underutilized UHF television spectrum. A policy of permitting VHF drop-ins not only fails to recognize this resource, it will actively delay full development of UHF's capability to provide far more over-the-air television diversity than is technically possible through VHF drop-ins. The Commission recognizes this

---

<sup>1/</sup> One commenter noted that the present allotment system brings four or more television services to 96% of the U. S. population. See Report and Order in Docket No. 20418, 81 FCC 2d 233, 252 (1980).

278

potential harm, but it concludes that UHF has become more viable and is entitled therefore to less protection. I agree that UHF is becoming a more important source of alternative programming, but I believe that this development argues against this type of damaging intrusion into a system which is continually providing an increased number of viable program sources.

Since I am concerned that the grounds utilized to grant these waivers will undermine the basis for the VHF mileage separation rule, I dissent.