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Dissenting Statement of FCC Commissioner James H. Quello

In Re: FM Drop-Ins - Docket No. 80-90

I don't believe the engineering record or the hypothetical need developed in Docket 80-90 justifies the proposed widescale increase in FM allotments.

This action would cause degraded service, turmoil and interference for millions of existing listeners, contention and litigation among applicants and further administrative burdens on a Mass Media Bureau already overburdened with a huge backlog of AM-FM and low power TV applications.

I believe a wiser, more reasoned approach would be to present new FM allotments on a case-by-case basis through waiver requests. This would provide an opportunity to actually test the extent of interference and overall public acceptance before risking an untested, strongly contested, widescale increase and reallocation.

I lend considerable weight to the expert engineering study by A. D. Ring which indicates a net loss in service would result in the Commission's proposals. I agree with the logic in the study that any increase in FM availability would cause a significant detriment to present listening. Also, I believe it is a rule of physics, not of this Commission, that a new station causes interference far beyond the boundaries of new service.

I'm concerned that the value of a strong secondary service now enjoyed by millions of listeners is allotted a much lower priority than the undocumented need for a new, frequently substandard, FM service. I also believe FM stereo should be treated as a significant state of the art improvement in basic service, rather than as a mere expendable ancillary enhancement.

To the extent that the Commission has relied upon the "need" for vastly increased FM allotments, I believe it has been misled. I have seen nothing in the record which documents this alleged need beyond some "wish lists" prepared on a hypothetical basis and largely for purposes other than this Rulemaking.

The only rational public interest reason for embarking upon this massive change in the Table of Allotments is to provide for better, more diversified FM radio service to the American people. The fact is, however, this revised scheme of allocation will merely provide different service in many instances and reduced or deleted service in others. As suggested before, it is axiomatic that for each new service introduced, interference to existing service is also introduced. For some listeners, their present stereo service will become monaural. For others, their present monaural service will become further degraded or disappear.

I'm afraid this Commission has taken an important policy decision without a full understanding of who wins and who loses. In fact, we persisted in keeping our technical analysis secret, including the assumptions that were a part of that analysis, for reasons that remain unclear to me. Since the technical analysis is fundamental to this decision, it should have been made available to interested parties as early as possible to permit careful review and comment. Unfortunately, the Commission has a penchant for withholding technical analysis from the public in important policy proceedings. (Viz: UHF Television Noise Figure, AM Stereo.) The public is ill served, in my view, when our decisions are based upon technical studies which are not made available for comment in a timely manner. If the technical material upon which we rely is flawed or unworthy of public scrutiny, the Commission is diserving itself as well as the public. There is nothing inherently secret about the analysis of known engineering facts regarding technical matters.

In summary, I dissent because (1) the need has not been adequately established; (2) interested parties did not have the opportunity to review and comment upon FCC technical analyses; (3) the resulting interference and disruption would be a disservice to the listening public; and (4) a wiser case-by-case option would provide a valuable opportunity to test interference and public acceptance.