

April 11, 1984

Statement of FCC Commissioner James H. Quello
Dissenting in Part

In re: Third Report and Order resolving certain issues with respect to
Nationwide Network Paging, CC Docket No. 80-183.

Use of the lottery to resolve mutually exclusive applications in this new service is simply another manifestation of the Commission's propensity to over-emphasize its new lottery authority. 1/ A single hearing could resolve these cases in a reasonable time with the likelihood that the public would be better served.

The majority elects to use the lottery process because "[w]hile the technical means to provide network paging may differ from application to application, we observe that each is proposing to provide the same basic service to the consumer." 2/ Of course, it's hard to imagine that any applicant would propose anything other than "the same basic service" since that is the service established by the Commission and for which spectrum was set aside. Thus presumably, anyone capable of reading the salient parts of our order is fully capable of implementing the service as efficiently and as effectively as anyone else. That kind of irrationality only heightens my concern that we may be doing serious harm to the comparative process. 3/ Thus, I dissent to that portion of the Order which requires use of the lottery to decide among applicants.

I believe the majority was correct when it removed the open access requirement from the terminating end of these paging systems. Such a requirement could only serve to unnecessarily complicate system design without providing any significant public benefit.

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- 1/ See Report and Order Cellular Lottery Rulemaking, CC Docket No. 83-1096, _____ FCC 2d _____ (adopted April 11, 1984) (Quello, Commr., dissenting in part).
- 2/ See Third Report and Order Network Nationwide Paging, Gen. Docket No. 80-183, _____ FCC 2d _____, _____ (para. 18) (adopted April 11, 1984).
- 3/ See MCI Cellular Telephone Co., CC Docket Nos. 82-796 and 82-721, _____ FCC 2d _____ (released March 6, 1984) (Quello, Commr., concurring).