

November 8, 1984

CONCURRING STATEMENT OF
COMMISSIONER JAMES H. QUELLO

In re: Report and Order in General Docket 83-114 to review the
Commission's technical rules and regulations

This document purports to remove needless regulation from certain technical operations in the broadcast industry. Indeed, time and technological advances have served to improve certain equipment to the point where licensees can meet many of our minimum standards with ease.

Many of the comments in this docket have raised serious questions about the advisability of walking away from certain well established standards simply because burdens, usually very small ones, are incurred. I share those concerns because I continue to have a pride in the general quality of our broadcasting services and I do not wish to see that quality diminished. I concede that individual licensees have incentives to maintain high quality service. They also have competing incentives to cut costs. Our minimum technical standards tend to order a balancing of these incentives to the benefit of the American public.

Fortunately, the Report and Order does not reflect the full sweep of technical deregulation in the Notice of Proposed Rulemaking. For example, Section 73.687(a)(3) through (a)(8) and (b)(2) are not being deleted because of valid interference and interoperability concerns.

I cannot subscribe to some of the guidelines enunciated in this document. The Commission's desire to delete rules relating to technical quality is, I believe, a mistake. I also believe the Commission has a legitimate interest in the interoperability of various systems. While I do subscribe to the guideline that says mechanisms to ensure spectrum efficiency are a high regulatory priority, I do not believe that adequate incentives exist to use spectrum efficiently absent regulation.

I bow to the wishes of my colleagues to remove regulations which have proven to be unnecessary and burdensome. There are specific instances in this document where we may have gone too far but I believe they are sufficiently limited so as to permit the Commission to reimpose regulation in a timely fashion should that be necessary.

Therefore, I concur.