

VIEWS OF COMMISSIONER JAMES H. QUELLO
(Re: KMJ-TV, Fresno, California)

Although I remain opposed to Commission recognition of "citizens / broadcaster agreements" in principle, I recognize the majority policy of sanctioning those agreements which do not inflexibly bind the licensee in matters the Commission and the Act reserve solely for licensee judgment.

I must question in this instance, however, whether the licensee has taken steps to ascertain the constituency of TACOMA to determine the representativeness of this organization. Further, I must question whether other groups within the community have been given equal opportunity to express their concerns regarding programming policy. I remain concerned that a single, highly vocal group, with an indeterminate constituency, can exert a disproportionate influence over programming for the entire community. The licensee, it seems to me, must bear a heavy burden of determining, first, the representative nature and legitimacy of the group he is dealing with, and, second, the reasonableness of the demands, in terms of the needs of his entire community, that he is being asked to accede to. I am assuming the good faith of both parties to the agreement. Absent good faith on either side, of course, serious questions would arise as to whether the public interest was being subverted in favor of the private interests of one or both of the parties.