

February 7, 1985

Separate Statement of  
Commissioners James H. Quello,  
Mimi Weyforth Dawson and Henry M. Rivera

In Re: Memorandum Opinion and Order in Docket No. 21323  
(FCC-85-63)

The separate statement of Chairman Fowler and Commissioner Patrick requires a brief response to ensure that the Commission's decision is not misunderstood. As the order expressly states, it is the majority's view that "program related MTS is a part of the basic signal and is required to be delivered by whatever means the cable system chooses." Memorandum Opinion and Order, at para. 3 (released February 8, 1985).

We agreed to delay implementation of mandatory carriage at this time because there is uncertainty as to how soon stereo broadcast service will become broadly available and--most importantly--because the technical capacity of cable operators to deliver high quality stereo service at reasonable cost is still evolving. Nevertheless, it should be recognized that a majority of the present Commission approves of mandatory carriage for program related MTS. It would be a serious mistake to believe that this decision need await a "future Commission" or that implementation of mandatory carriage has been rendered a remote possibility. If there is any remaining doubt as to the Commission's intention in this regard, it can be clarified easily upon reconsideration.

Finally, like Chairman Fowler and Commissioner Patrick, we are very concerned that the Commission not hamper cable industry growth or innovation. It is to assuage such concerns that the opinion clarifies that the Commission will not dictate the technical means by which stereo service is to be delivered.

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