

Separate Statement of Chairman Richard E. Wiley
In which Commissioners Reid, Hooks, Washburn, Quello and Robinson join

This comparative UHF television proceeding to select a licensee for Channel 21 in Birmingham, Alabama was designated for hearing in 1966. It is very unfortunate that the record developed over the past 10 years is insufficient to enable the Commission to make a final decision and award the license. Certainly, part of the responsibility for this delay rests with the two remaining applicants in this case. In my opinion, both have been less than diligent in amending their applications to reflect changing circumstances. However, to the extent that the Commission's processes have contributed to this situation, it is clear that some reform is in order. In this connection, I am hopeful that our Adjudicatory Reregulation program (see Notice of Proposed Rulemaking in Docket No. 20626, FCC 75-1250, released November 14, 1975), will assist in preventing a reoccurrence of such a prolonged delay in completing a comparative case.

I wish to emphasize strongly that the Commission's intent is that the remaining considerations in this proceeding be expedited to the fullest possible extent. To facilitate this result, we have directed that exceptions to the Supplemental Initial Decision be filed directly with the Commission rather than the Review Board.

We must continue to bear in mind that it is the public interest which suffers as a result of cases like this. We owe it to the people of Birmingham to reach a reasoned decision as soon as possible and we intend to do so.

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