

**SEPARATE STATEMENT
OF
COMMISSIONER JAMES H. QUELLO**

Re: In the Matter of Amendment of Section 73.3555 of the
Commission's Rules, the Broadcast Multiple Ownership Rules

I support today's decision as a measured response to dramatic growth in the number of broadcast facilities in local markets. We are not eliminating our one-to-a-market rules. In the top 25 markets, we will tend to look favorably on waivers provided there are at least 30 separately owned and operated broadcast stations in that market. Also the 30 station requirement for each market is a floor limiting the number of multiple owned combinations that can be authorized. Even in these circumstances, I would not be inclined to approve these waivers if they would create undue concentration of control in any one license. Every waiver will be considered on a case-by-case basis and will require a specific public interest finding.

The dramatic growth of cable, over the past four years from 36 to 104 channels and with public access channel requirements, has provided program diversity undreamed of in the early 1970s when current multiple ownership rules were promulgated. In addition to cable, there are many other outlets contributing to diversity of programming including low power TV, MDS, MMDS, satellite transmission, translators and VCRs.

Each situation will receive individual attention to ensure that there are no unique circumstances that would impair viewpoint diversity or economic competition in any specific market. Licensees unable to meet these criteria will bear a significant burden to demonstrate that the benefits of the combination outweigh any potential harm to diversity.

Competition to free local over-the-air broadcast services is increasing rapidly. I believe it is in the public interest to afford broadcasters a measured amount of flexibility to meet these new challenges. Only broadcasting is required by law to operate consistent with the public interest, convenience and necessity. As long as our traditional concerns regarding diversity and competition are not undermined, I believe we should create some flexibility in the process. I believe the Commission has placed itself in a position to closely monitor any changes that may occur.

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