

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

Re: In the Matter of Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignment by Using Directional Antennas.

Consistent with my separate statement to the Notice of Proposed Rulemaking in this proceeding, I must disagree with the majority's decision to authorize short-spaced facilities in the FM band.

The Commission's decision ultimately rests on the concept that we can achieve equivalent contour protection for FM stations. This is precisely the method now employed in the AM band. As the level of interference in the AM band demonstrates, contour protection has not served this Commission well. I firmly believe that this decision will increase congestion and decrease the quality of service to the public. Indeed, the item acknowledges that there will be an average reduction in current spacing requirements of about 14 percent. Moreover, because stations employing short spacing techniques will be protected only to their contours, the flexibility inherent in the existing table of allotments will be lost.

I fully recognize that the item does not propose to change the table of allotments today. However, once numerous licensees take advantage of this proposal, you have in effect reallocated much of the existing band. I doubt it will be very long before short-spacing becomes an allotment tool. This proposal goes far beyond present use of short-spaced facilities in the noncommercial FM band. It is a first step toward elimination of the table of allotments.

The site problems confronting radio broadcasters today are very real. Rather than opening the floodgates, I would have preferred to adopt a case-by-case approach where an applicant seeking to short-space its antenna would be required to demonstrate that it has lost its site due to zoning changes, loss of land or other circumstances beyond its control. I believe this approach would have properly balanced both the need for flexibility and respect for the table of allotments.