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

Re: Amendment of Parts 21, 43, 74, 78 and 94 of the Commission's Rules, Pertaining to Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: private Operational-Fixed microwave Service (OFS), Multipoint Distribution Service (MDS), Multichannel Multipoint Distribution Service (MMDS), Instructional Television Fixed Service (ITFS), and Cable Television Relay Service (CARS).

I support aspects of the Notice of Proposed Rule Making seeking to conform many of the rules governing the technical requirements of the OFS, MDS/MMDS and ITFS services. The current inconsistencies in the technical rules governing these services create difficulties for MMDS licensees who are seeking additional channels to provide an alternative means for the delivery of video programming. I also strongly support the proposal to reduce the reporting requirements of MDS/MMDS licensees.

I am aware that some of the proposals presented in the Notice of Proposed Rule Making and Notice of Inquiry may have significant ramifications for the Instructional Television Fixed Services. I have been and continue to be a strong supporter of educational broadcasting and ITFS. I strongly supported the revisions to the Commission's Rules that allow ITFS licensees to lease excess channel capacity. Leasing arrangements provide the necessary funds to help secure educational/instructional programming. On the other hand, I am concerned with spectrum that remains fallow and I believe that alternative uses of fallow spectrum should be considered. Perhaps alternative uses of fallow ITFS spectrum could benefit both the educational needs of the local schools and the needs of entrepreneurs. I encourage existing and potential ITFS licensees to participate in this proceeding.

**Separate Statement in KQED, Inc.
FCC 90-66**

**Separate Statement of
Commissioner James H. Quello**

I agree with the result that the application to renew the license of KQEC(TV) should be denied. I write separately, however, to ensure that the significant level of meritorious service provided by KQED-TV and KQED-FM is not ignored.

As the majority correctly notes, meritorious programming does not mitigate the the misconduct *with respect to KQEC*. But it is important to note that the consistently high level of service provided by stations KQED-TV and KQED-FM provides an additional justification in support of their renewal, despite our decision on the KQEC license. *RKO General, Inc. v. FCC*, 670 F.2d 215 (D.C. Cir. 1981), *cert. denied*, 456 U.S. 927 (1982).