

July 20, 1976

DISSENTING STATEMENT OF COMMISSIONER JAMES H. QUELLO
IN WHICH COMMISSIONER BENJAMIN HOOKS JOINS

In Re: New York Thruway Authority

I find it hard to understand why the Commission has temporized with a licensee who has knowingly operated unlawfully for ten years. It is even more difficult to understand why the majority continues to postpone a just resolution of this matter.

Both the Detroit Police Department and the Wayne County Sheriff's Department were penalized for attempting to operate according to our rules while the New York Thruway Authority, operating illegally, was and is rewarded for its misconduct. It seems to me that this Commission has a responsibility to enforce its own rules, particularly where violation results in depriving other licensees who are in compliance.

Enforcement of our technical rules would seem to be fundamental to the Commission's role in ".....regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges" Communications Act of 1934, as amended, Title I, Sec. I.

I believe the staff action to terminate the temporary authority under which NYTA continues to operate was unreasonable only to the extent that it was long overdue. Further extensions are simply not warranted by the facts.

Therefore, I dissent.