
Federal Communications Commission

Concurring Statement of
Commissioner James H. Quello

In re Application of

Paramount Stations of Houston, Inc.
For Renewal of License of KTXH(TV),
Houston, Texas

This case represents the most serious violation to date involving the Commission's rules regarding commercialization and children's television. I am certain that the sanctions approved in this decision will serve to alter this licensee's behavior and to deter others from similar lapses in judgment.

That being said, I am not entirely comfortable with the amount of the proposed forfeiture. I believe that our public interest goals would have been served to the same extent with a lower fine. To me, our forfeiture authority should be dispensed like a prescription drug — the dosage should be sufficient to cure the disease. But after that, what is the point? This is not a case where repeated Commission sanctions have failed to secure compliance with the rules.

I think it is important to keep our approach to these cases in perspective. I originally dissented to the Commission's *Standards for Assessing Forfeitures* because I found them to contradict other significant policy goals. I noted at the time:

The new policy certainly is hard to reconcile with the recent initiative to review regulations that "impose needless costs on consumers and substantially impede economic growth." For example, the Commission is currently reviewing the rules governing television stations because of findings that "[t]elevision will be a smaller and far less profitable business" and that "small market stations, weak independents in larger markets, and UHF independents in general will find it particularly difficult to compete, and some are likely to go dark."

Standards for Assessing Forfeitures, 7 FCC Rcd. 5339, 5347 (1992) (citations omitted)

(Dissenting Statement of Commissioner Quello). Similarly, the Commission recently decided to retain network syndication restrictions, largely because of the precarious situation facing UHF independent stations. See *Evaluation of the Syndication and Financial Interest Rules*, MM Docket No. 90-162 (released May 6, 1992), *Memorandum Opinion and Order on Reconsideration* (released October 22, 1993).

In this broader context, I believe the public interest would be best served by a careful approach that seeks to set the penalty at a level that will ensure compliance without sacrificing other regulatory goals.

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