

Concurring Statement of Commissioner James H. Quello

**In re Applications of The Lutheran Church/Missouri
Synod For Renewal of Licenses of Stations KFUD/KFUD-FM
Clayton, Missouri**

It is with a heavy heart that I concur in this decision. While I recognize that the facts in this case legally support designation of the renewal applications of Stations KFUD/KFUD-FM for hearing, I nonetheless write separately to emphasize that I viewed this case with a careful eye, ever watchful of the fragile relationship between broadcasters and the federally-licensed spectrum on which they rely. Designation for hearing in my mind is, and will remain, a last resort only for the most serious of cases.

In this case, the licensee argued that its formats require that all upper-level positions be filled with persons with classical music expertise or theological training. Yet the licensee was unable to explain specifically why such a background was necessary to the performance of each upper-level job at the stations. Indeed, it appears that in some instances these jobs were filled by non-minority candidates who had neither classical music nor theological training.

I was also troubled by the licensee entering into an agreement with Concordia Seminary to provide broadcast training to seminary students and their spouses in exchange for rent free studios. This agreement, which was only brought to the Commission's attention in response to extensive inquiries, appears to be directly contrary to our EEO rule. This rule requires licensees to establish and maintain a program reflecting positive and continuing efforts to recruit, employ and promote qualified women and minorities.

Finally, I am concerned with the discrepancy between the renewal year hires reported on the station's renewal applications (6) and those reported on their inquiry responses (14), especially in light of the fact that this "error" was in the licensee's favor.

In light of the above, I am compelled to concur with my colleagues in designating the renewal applications of KFUD/KFUD-FM for hearing.

