

Concurring Statement of Commissioner James H. Quello

***RE: Modification of Construction Permit and Assignment of License
(La Grange, Georgia)***

As the broadcast industry faces ever-increasing competition from multichannel video providers, this Commission must remain vigilant in ensuring that over-the-air broadcast remain viable as a mass medium in this country. Consistent with this goal, we are currently considering relaxing our multiple ownership rules. Review of the Commission's Regulations Governing Television Broadcasting, 1995 WL 40376, MM Docket No. 91-221 (1995). In the meantime, we are saddled with ownership policies that are more restrictive than may be necessary given the realities of an evolving marketplace. Because I believe our multiple ownership rules are outdated, I reluctantly concur in the denial of Cox's waiver request. At the same time, I recognize that any change in our ownership policies should be accomplished through our pending rulemaking and not through our waiver process.

Cox is already the licensee, under a grandfathered combination, of an AM, FM and TV station in Atlanta, Georgia, and is the publisher of the two dominant newspapers in Atlanta. According to the majority in this case, the assignment of another Atlanta FM station to Cox would result in an unacceptable level of concentration in the market. I fail to see how the addition of one FM station would result in an appreciable increase in that concentration. I am also somewhat baffled as to why Cox's purchase of an additional FM station should be denied in light of the vast array of other radio, television, cable, MMDS, and DBS facilities (not to mention the imminent arrival of satellite DARS and video dialtone) available in Atlanta, the twelfth largest radio market in the nation.

Sadly, while Cox's future vision is clearly progressive and innovative, it is still beyond the current realities of our federal bureaucracy. I look forward to the day this Agency takes a more common-sense view of our multiple ownership rules.