

STATEMENT
OF
COMMISSIONER JAMES H. QUELLO

Re: Programming Digital TV Channels and Children's Programming

In his State of the Union address last January, President Clinton announced, to thundering bipartisan applause, that "The era of big government is over." Congress also declared the era of big government is over.

Somebody should tell the FCC Chairman.

I have read with interest Chairman Hundt's proposal yesterday that all broadcasters be required to devote five percent of the programming time on their new digital channels to "educational TV and political debate." It makes a nice sound, but should big government be able to tell the leading, most influential, news media in the nation how much and what to program?

Digital TV is a new technology that is still years away. It hasn't even had technical standards established yet, much less come onto the market. Broadcasters are going to have to spend millions of dollars to procure the new equipment needed to implement it. Also, no one really knows how fast consumers will accept it, or which among its many potential uses they'll really want most. Digital channels aren't here, their use is uncertain and their consumer acceptance is unknown, so it is premature as well as Constitutionally improper for a government agency to tell broadcasters specifically what to program.

The specter of bureaucrats ordering broadcasters to turn over, for free, a stated percentage of their time for the presentation of specific types of government-prescribed programming is questionable in and of itself. But when you couple it with the fact that the broadcast technology at issue is years away from even being deployed, you have, in my view, premature social engineering of major proportions.

Chairman Hundt also criticized my recent statements on children's TV by conveniently selecting only VCRs, a relatively minor consideration, from a long list of children's programming sources. The point I was making is that there is no marketplace failure in children's educational/informational programming.

There are 73 educational/informational children's programs already being broadcast, and the record of the children's television proceeding contains a survey of 559 stations which broadcast an average of about 4 hours of children's programming per week. I also mentioned cable television, with its multiple channels of children's programming, including Nickelodeon, Discovery and A & E, and 1600 low power community stations, a large majority of which broadcast children's programming. Only then did I mention the availability of VCRs. So I hope this will finally clarify what I said and what I meant.

Back to digital broadcasting, I for one do not endorse imposing obligations like this on a new service that doesn't even exist. I would suggest, however, that if the Chairman is really anxious to get "into" regulating digital TV, he consider presenting a digital TV channel allocation proposal to the Commission as his first order of business. It's needed to make digital TV a reality and it's long overdue. Somehow it seems more orderly to me to at least create the channels before we even consider programming them.

Finally, we must all keep in mind a 1994 Supreme Court ruling with broad implications for the FCC which stated:

"The FCC's oversight responsibilities do not grant it the power to ordain any particular type of programming that must be offered by broadcast stations. The Commission may not impose upon them its private notions of what the public ought to hear."

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