

**STATEMENT OF
COMMISSIONER JAMES H. QUELLO
REGARDING CHILDREN'S EDUCATIONAL TELEVISION
July 26, 1996**

I have reviewed Commissioner Chong's comprehensive proposal revising the original draft Report and Order and addressing the issues that have prevented us from resolving the children's television rulemaking proceeding.

I will say yet again that I have been, still am, and will be, in favor of a reasonably-flexible three-hour weekly processing guideline. My problems with the original draft are: (1) the processing guideline as formulated is so inflexible as to be incompatible with the letter and intent of the Children's Television Act; (2) the ancillary rules set forth in the draft are unnecessarily overregulatory and therefore add to the inflexibility and unworkability of the processing guidelines; and (c) the legal theory used to justify these unnecessarily rigid and intrusive rules flies in the face of reality and attempts to reverse a decade of precedent by resurrecting the abandoned "scarcity" rationale of broadcasting and thereby sets the stage for even more intrusive regulation in the future.

Commissioner Chong's proposal satisfactorily addresses each of these concerns and it is therefore an alternative that I would be able to support.

In saying this I will also say that this proposal is not what I myself would have written had I been the sole decisionmaker. We know it is not what the Chairman or Commissioner Ness would have written, either. Nor, I daresay, is it what Commissioner Chong would have written.

It is, in a word, a compromise.

I hope that in evaluating this compromise the Chairman will think carefully, focus on what is really important, and finally, speak to me directly rather than through the intermediary "spin" of the press or special-interest groups. In this way we may not only adopt sensible children's television rules, but also restore a degree of integrity to a deliberative process that has been needlessly damaged...and if this is the legacy of this senselessly tortured proceeding, we may perhaps not have endured all that we have in vain.

