

Concurring Statement of
FCC Commissioner James H. Quello

In re: Commission Policy in Enforcing Section 312(a)(7) of the
Communications Act

Section 312(a)(7) imposes upon broadcasters the requirement to provide "reasonable access" to candidates for federal elective office. In according this unique privilege to federal candidates, the Congress declined to provide any definition of "reasonable access" and the FCC decided to rely upon the judgment of licensees. Our reliance has been tempered by doses of Commission judgment overruling licensees from time to time.

Reasonableness, like beauty, is largely in the eye of the beholder. Therefore, I strongly suspect that the Commission's present approach to administering Section 312(a)(7) is as good as any and better than most. I am opposed to a catalogue of "shalts" and "~~sh~~alt nots" imposing further governmental judgments upon licensees and the public at large. What is reasonable in one situation may well be unreasonable in another. Had Congress intended a specific prescription for access, it had the capability of providing one or of mandating the Commission to provide one. It did neither.

If the question to be answered by this Notice relates to the equity and efficacy of the statute, itself, then I will be very interested in the comments. If it merely seeks certainty where there is none, then I doubt that it will produce anything useful.

Therefore, I concur.