

April 26, 1984

CONCURRING STATEMENT OF
COMMISSIONER JAMES H. QUELLO

In re: Random selection proceeding for 800 MHz Specialized
Mobile Radio (SMR) licenses in the Detroit, Michigan
and Cleveland, Ohio areas

This Memorandum Opinion represents a slight variation on a now familiar theme of fervently embracing the lottery process to resolve mutually exclusive applications. Instead of moving directly to the lottery, the Commission has gone through the motions of an oversimplified comparative process designed not to select the best prospective licensees but to eliminate those whose level of interest was extremely low.

Ten applicants were eliminated, of which seven either asked that they no longer be included or declined to respond to Commission inquiries. The remaining eighty-two were deemed equally qualified largely because they retained sufficient interest to either respond to inquiries or, at least, not to actively request withdrawal.

I continue to have misgivings about what I consider to be misuse of the random selection process. See Report and Order Cellular Lottery Rulemaking, CC Docket No. 83-1096, FCC 2d (adopted April 11, 1984) (Quello, Comm'r, dissenting in part). In this instance, however, I bow to the will of the majority and anxiously await the outcome.

Therefore, I concur.

344