

# FCC Expectations

by James Quello

I've been asked to provide my perspective about the expected regulatory policies or directives of the new Bush administration. As you may know, I now speak from the perspective of a "Has Been" FCC Commissioner, sometime chairman, for 23-and-a-half embattled years at the FCC. Memory serves me well except for a few occasional "senior moments."

Today, I believe a modernized version of history will repeat itself regarding FCC policies that might affect broadcasters, particularly religious broadcasters.

## COMPASSIONATE CONSERVATISM

I remember speaking to you shortly after my reappointment to a five-year FCC term by senior president George Bush.

I opened with "Greetings from the FCC — now the Friendly Communications Commission reflecting the spirit of a kinder, gentler, more practical government relationship. You can count on this FCC to be the prime supporters of the Constitutional guarantees of freedom of religion and freedom of the press."

I expect the same policy will be true of the "compassionate conservatism" of the new George W. Bush administration. I expect the Bush-Cheney team to place moral religious and patriotic values near the top of America's agenda. The nation will once again find moral courage and national spirit.

## CONSTRUCTIVE COOPERATION

I also believe the Bush FCC will be encouraged to operate in a constructive spirit of mutual cooperation-operation with regulated industries while enforcing necessary existing rules. I also expect more sensitivity to First Amendment rights of broadcasting and cable and reduced social activism.

I would expect the elimination of using public interest mandates to effect so-called "voluntary" commitments or to effect political social engineering. I also believe there will be a realistic appreciation that the FCC was originated by congress as an arm of congress and as an independent agency.

## AMENDING SUNSHINE

One of the key topics I was asked to address is "What reforms or changes I think necessary."

I believe the Sunshine law should be amended to permit commissioners to meet and negotiate face-to-face on a daily basis. Right now only two of the five commissioners may meet at one time to discuss issues in advance of the regular monthly commission meetings. This results in many pre-meeting negotiations conducted by legal assistants representing their commissioners.

## DROPPING TAX CERTIFICATE CREDIT

The tax certificate credit for station sales to minorities should be adopted. This is a non-coercive way of promoting sales to minorities. This will require legislation and, perhaps, a compelling presentation before a reviewing court.

# ELECTION 2000:

## PUBLIC INTEREST TEST

The FCC's redundant "public interest test" for merger reviews should be eliminated. Once the Justice Department and the Federal Trade Commission have approved a merger, it should be assumed that overall public interest was thoroughly considered. The additional FCC public interest approval is redundant, time consuming and subjects mergers to further competitive and legal manipulations and delays.

## FAIRNESS DOCTRINE

Also the Fairness Doctrine, which could more appropriately be called the government intrusion doctrine, should be allowed to rest in peace. The Fairness Doctrine is a codification of a good journalistic practice. Its goals are laudatory. However, I don't believe government is the proper source for mandating good journalistic or program practice. Government has a difficult enough job of mandating even good government practice.

I believe the practice of journalism is better governed by professional journalists, editors and news directors. Programming, warts and all, is still best done by professional program directors, producers and talent. There have been no government innovations or contributions to the advancement of the state of the art.

## DTV HINDRANCES

The transition to digital television is being hindered by FCC failure to exercise leadership on various technical aspects of the new DTV standard. As my friend and former fellow FCC member

Dick Wiley has suggested: "This is one of the great transitions of our time.

Unfortunately, however, it has not been a priority at the commission."

Broadcasters have cooperated by spending millions of dollars to develop a higher quality broadcast signal. But more digital programmers and lower-priced receivers would help to move the entire transition along.

## MUST CARRY DIGITAL

The FCC has also failed to address the issue of must carry of digital signals. This leaves the broadcast industry in legal "limbo" with the business and investment communities reacting negatively to the uncertainty.

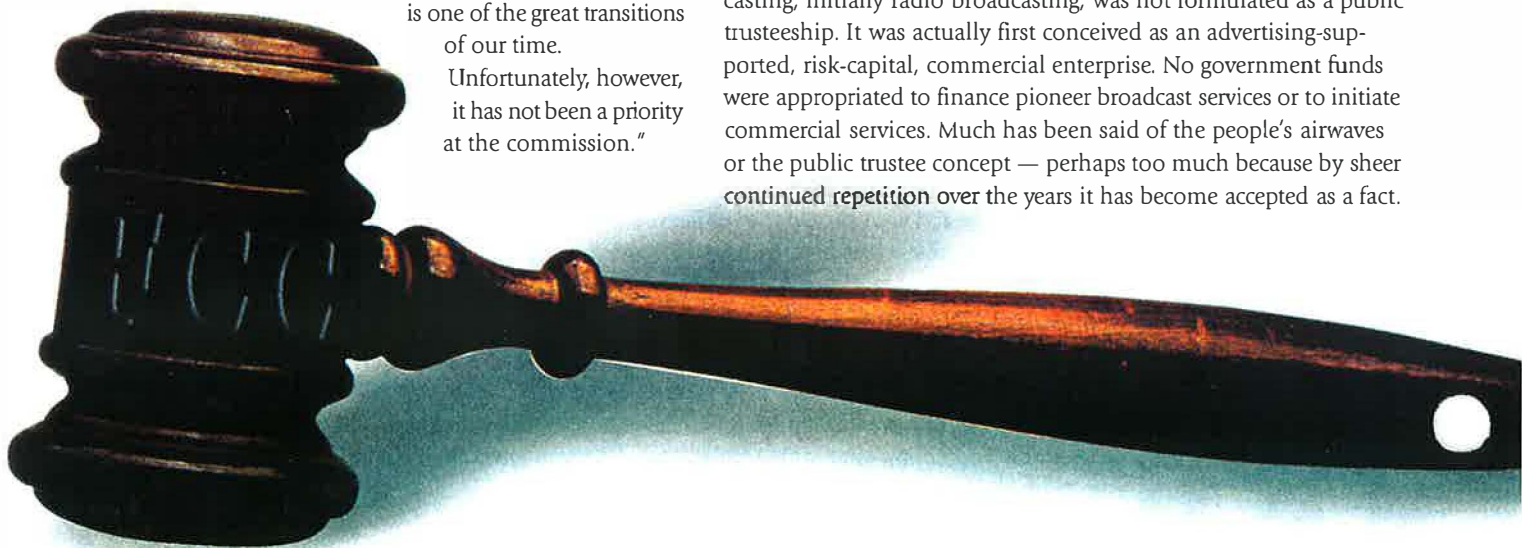
## COST OF BROADCASTING

Also, I expect the new FCC will appreciate that broadcasters today did not receive free licenses. They paid full market price for their licenses. Most TV licenses were granted in 1949 and 1950. Broadcasters lost money for years in initiating TV service.

Nothing happened to the initial TV spectrum until broadcasters invested heavily on acquiring property and buildings, developing and buying equipment, hiring personnel and buying and creating programs. Since the initial TV pioneering, broadcasters have paid full marketplace price.

For the digital transition, congress wisely made the choice not to charge broadcasters billions of dollars for a loan of digital spectrum later to be exchanged for the analog system, while at the same time they are asking an established industry to expensively uproot itself in order to provide news and better service to the public — an improved video and audio service which broadcasters themselves developed.

It is an interesting, often overlooked note in history that broadcasting, initially radio broadcasting, was not formulated as a public trusteeship. It was actually first conceived as an advertising-supported, risk-capital, commercial enterprise. No government funds were appropriated to finance pioneer broadcast services or to initiate commercial services. Much has been said of the people's airwaves or the public trustee concept — perhaps too much because by sheer continued repetition over the years it has become accepted as a fact.



However, the legendary, late Eric Sevareid who said so many things so well over the years, once commented: "I have never understood the basic legally government concept of the people's airways. So far as I know, there is only atmosphere and space. There can be no broadcast airway in any practical sense until somebody accumulates the capital, know-how, programs and enterprise to put a signal into the atmosphere and space."

Reagan and the senior George Bush and keep America on the right course. The ship of state is in good, dedicated hands. In the spirit of bipartisan fairness, it should be noted that Vice President Al Gore is a family man with strong moral values.

We must recognize, however, that the responsibility to set the moral tone for the nation rests not just with the president, the FCC or the government, but with all citizenry. Members of NRB have



## LPFM

As to the question about lower-power FM, I must admit I was not an enthusiast of this proposed new service. I am confronted with too much radio interference already existing in major cities. Also, many existing small radio stations are searching for groups to serve niche programming. Moreover Internet, desktop publishing and instant communications are generally available everywhere. My view is that low-power FM should be allowed only in areas where no damaging interference is assured.

## ADDITIONAL COMMENTS

Space limitation of this article prevents my further comments on possible FCC reforms or changes. Now back to the more important aspects of religious broadcasting and its moral contribution.

The relationship between high moral and religious standards is evident throughout the nation's history. Our first president, George Washington, said it best, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

Given the importance of national moral values to our democracy, the nation is fortunate to have George W. Bush as president of the United States. The Bush-Cheney team will continue the traditions established by George Washington and rekindled by Ronald

the unique privilege to act as beacons on the important moral issues of the day. This duty goes well beyond any public trustee responsibility imposed by the Communications Act. Ultimately, you must answer to a higher authority.

Your message provides an important counterbalance to the increasing levels of violence and filth in our society. At a time when our news is filled with murders, political corruption, sex, deviation and child abuse, we need a message that lifts the spirit and inspires the best in us. As our movies — even TV movies — cable and the Internet become more sexually explicit and violent, the public needs your message. You provide a safe harbor for millions of people who seek inspirational comfort and positive family values.

America needs to hear your positive religious messages to strengthen our moral and religious fiber.

Keep up the good work. May your tribe increase and God bless you.

*James Quello served as a democrat under six U.S. presidents during 23 1/2 years on the FCC. He is the author of the new book, My Wars.*