

DISSENTING STATEMENT OF
COMMISSIONER JAMES H. QUELLO
(Docket No. 19614-19615)

The resolution of this matter by the Commission, in my opinion, has elevated form over substance. The ascertainment of community needs and interests is, of course, the touchstone of the Commission's policy and mandate under the statute to assure that the public's interest, convenience and necessity are served. The Primer on Ascertainment of Community Problems, likewise, is an important means of assuring that a licensee has taken at least the minimum steps necessary in order to determine those interests and needs. However, in this case the community to be served is of such small size that the needs and interests of its citizens would be almost self-evident without a formal ascertainment process... and certainly the ascertainment should here be valid even though it did not blindly follow the mechanistic formulae of the Primer on Ascertainment. The applicants in this proceeding are residents of the community they proposed to serve and, as such, could hardly fail to be at least aware of, if not involved in, that community's needs and interests, I would like to distinguish instances such as this one from the far different, far more complex situations which exist in larger communities and where other than local ownership is concerned.

It seems to me that a narrow view of the ascertainment procedure can, as it has in this case, have the effect of defeating the result it was designed to promote. Instead of providing a second voice for divergent views within this community, the Commission's actions has choked off that voice before it was formed. If diversity is to be a desirable goal, it can hardly be promoted by a policy of rigid conformity to a mechanical procedure which permits little or no deviation based on local circumstances.

Therefore, I dissent.