

DISSENTING STATEMENT OF
FCC COMMISSIONER JAMES H. QUELLO

In Re: Mississippi Authority for Educational Television

I have voted with the majority to deny the petition to deny license renewals of the educational television stations licensed to Mississippi Authority for Educational Television (MAET). However, I dissent to the requirement imposed by the majority that MAET be required to file goals and timetables data. In my opinion this amounts to a sanction undeserved in the present circumstances.

While I am not surprised, I am dismayed that the majority does not question the composition of the petitioning coalition to determine whether it represents in fact the views and concerns of the general viewing public, or even the minority population which it professes to represent, with respect to its alleged concern as to lack of ascertainment contacts, insufficient programming for black interests, violation of the fairness doctrine and equal time requirements of the Communications Act, and employment practices. As I have stated on many occasions previously, I have serious concerns as to whether a petitioner, unidentified other than as to name and general makeup, represents any views other than those of its immediate membership, and thus whether such petitioning group has standing to challenge license renewals of a television licensee serving the general public.

The majority has found that MAET has adequately familiarized itself with problems, needs and interests of its service area, that it has provided adequate program responses to the needs of Mississippi, including the needs of black population; and that no further inquiry into the fairness and equal time matters was warranted.

However, the employment allegations raised several issues which could not be resolved on the basis of the record in the pleadings. An on-site investigation of MAET's employment practices revealed that licensee's EEO program was lax during first part of the license term, but improved considerably during the balance of the term. The majority finds no discriminatory intent in the operation of the EEO program. I am in full agreement with these findings.

Having noted the considerable improvement in MAET's EEO program during the license term at issue, as well as in the continuing intervening period, the majority then concludes that such improvement is in and of itself an insufficient guarantee of continued acceptable EEO performance. It accordingly

has sanctioned the licensee with a goals and timetable requirement in order to "remind" it of its continuing responsibility in its employment practices. In my opinion this requirement is a sanction rather than a reminder. It is to this sanction that I dissent.