

Concurring Statement of  
FCC Commissioner James H. Quello

In re: Petition for Special Relief by WOTV, Grand Rapids, Michigan

I have earlier voiced my concerns over the super-station concept--retransmission of a television signal via satellite, substantially beyond the station's normal service area--and the present case is another example of a new dimension for concern. I have earlier expressed misgivings over the threat of gross basic inequities in disregarding program property rights and the further threat to an orderly system of TV allocation resulting from the Commission's permissive attitude toward the super-station concept.

The instant case underlines a new problem wherein live programming distributed by satellite takes priority in distant cable markets over a delayed broadcast by a local television station which should be provided syndicated program exclusivity under our rules. The right to such program exclusivity fails simply because our definition of syndicated programs excludes live presentations. At the time this definition was conceived the Commission most assuredly did not contemplate the distribution of a syndicated program at the time of its original production via satellite retransmission.

While an amendment to the definition seems desirable, in my opinion, I am aware that the Commission is also considering abolition of the syndicated exclusivity rules, in which case the WOTV syndicated exclusivity problem will continue to grow unchecked. Accordingly, I again express my sincere hope that the Commission will study the super-station concept and its many ramifications before it is too late.

Under our present rules WOTV unfortunately is unable to obtain syndicated exclusivity for the "Phil Donahue Show." I therefore reluctantly concur in the denial of the petition for special relief.