

CONCURRING STATEMENT OF
COMMISSIONER ROBERT E. LEE
IN WHICH COMMISSICNER JAMES H. QUELLO JOINS
IN RE: PETITIONS FOR STAY OF JANUARY 1, 1980,
DIVESTITURE REQUIREMENT

I am concurring because the licensees affected by the divestiture requirement should have a reasonable amount of time to come into compliance. They have done nothing wrong and should not be forced into a forfeiture by heavy-handed government.

I do not agree, however, with all of the memorandum. I see no reason why we should continue to consider petitioners as egregious cases if new stations begin operation in their markets. I also do not think we can assume that the processes here and at the court will work any faster than usual. Requiring those who seek appeal to be ready for divestiture on June 1 or the date of a final decision, whichever is sooner, is unreasonable under the circumstances. We give more time than that to stations whose licenses are revoked for serious misconduct.