

December 19, 1979

See also  
Oct. 30, 1979

Concurring Statement of  
FCC Commissioner James H. Quello

In Re: Television Programming for Children

I concur in the issuance of this Notice of Proposed Rulemaking for the sole reason that it invites comments on the merits of the staff Task Force Report, conclusions, and recommendations, even though I believe the issuance of the proposed rulemaking at this point in the proceeding is premature and predicated on an incomplete record.

Last October the Commission's Children's Television Task Force released its report which relied almost exclusively on its own research and commissioned studies for the conclusions reached. Clearly the report should have been subjected to detailed analysis and challenge by interested parties and the totality of comments should have been considered by the Commission in determining not when, but whether, a rulemaking should issue based on such record. Instead, the Commission instructed the staff to prepare a Notice of Proposed Rulemaking reflecting the options discussed by the Task Force and developed without the benefit of adversarial comments by interested parties. The public was then given a mere 45 days in which to provide informal comments on the report.

The Notice of Proposed Rulemaking adopted today contains no reference to comments filed during the 45 day period, and is predicated on the unchallenged findings and conclusions of the Task Force staff. Procedurally we seem to have placed the cart before the horse in our unilateral determination to "... adopt at the conclusion of this proceeding one or more of the options outlined in this Notice or provided to us by commenting parties," as we stated in paragraph three of the NPRM. I remain extremely concerned that interested parties have the opportunity to comment on--and, indeed, challenge--the staff Task Force Report, conclusions and recommendations. I continue to believe it mandatory that the Commission consider all comments relative to the merits of the Task Force Study and findings before it makes any judgment as to remedial measures. In short, let us know all aspects of the problem, if, indeed, a problem does exist, before we strike a line and calculate the answer.

I find a further compelling reason for proceeding with deliberation in this matter. I am informed that the National Association of Broadcasters through its Children's Television Committee, would prepare a full and complete analysis of the FCC Task Force Study and would examine the possibility of various modes of response to the ongoing challenge of meeting the needs of children. I am particularly interested in any specific and concrete suggestions the television broadcast industry entities may have with respect to responding to the need for children's programming. Such proposals should be evaluated before this Commission makes a decision on the need for additional programming requirements.

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I wish to emphasize that I have come to no conclusions with respect to the adequacy of children's television programming and I shall continue to keep an open mind until the record in this proceeding has been fully developed and considered by the Commission. In the interim, I look forward to the panel discussions that we have promised in the NPRM.