

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

OFFICE OF COMMISSIONER
JAMES H. QUELLO

February 12, 1980

Honorable Robert A. Roe
U. S. House of Representatives
2243 Rayburn HOB
Washington, D. C. 20515

Dear Congressman Roe:

According to a paragraph in a trade newsletter, Congressman Maguire sent a letter to President Carter critical of my views regarding additional TV service to New Jersey. I understand the Congressman is opposing my reappointment on this basis.

I did not know about the letter and did not have an opportunity to reply to any allegations it may have contained.

My votes and comments on the New Jersey matter have been very positive. I believe Congressman Maguire must have received misleading and biased information. It is inconceivable that my New Jersey views possibly could be considered as a basis for disqualification by any reasonable, fair-minded legislator.

In the interest of fairness, I'm enclosing a statement explaining my constructive votes and current views regarding New Jersey TV.

Sincerely,

James H. Quello

Enclosure

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OFFICE OF COMMISSIONER
JAMES H. QUELLO

February 12, 1980

To: All members of the New Jersey Congressional Delegation

Attached is a brief summary of my record with regard to the provision of television service to the State of New Jersey. This summary is in response to a letter which I understand is being circulated by Congressman Maguire, critical of my views regarding additional TV service to New Jersey.

My final votes and comments on the New Jersey television issue have been very positive. They are discussed in detail in the attached memo. The use of selected outdated statements -- or alleged statements -- taken out of context to mischaracterize my position is misleading.

I believe my final vote with the Commission majority on the New Jersey TV issue represented a positive and practical solution from both an engineering and legal viewpoint.

James H. Quello

Attachment

February 12, 1980

To: New Jersey Delegation

Subj: Comments of FCC Commissioner James H. Quello relative to additional TV service for New Jersey.

In the interest of fair play I wish to set the record straight with respect to certain remarks attributed to me and which are claimed to indicate a negative attitude on my part with respect to additional television service for New Jersey.

My comments and vote in the final decisive October 18, 1979 meeting definitely favored meaningful additional TV service to New Jersey. I shouldn't be castigated on the basis of allegations or statements taken out of context, particularly when such matters aren't reflected in my final actions and attitude.

I voted for adding six new UHF stations to New Jersey on October 18th. and I supported a rulemaking to mandate network affiliation for New Jersey UHF -- an unprecedented move. (See quote below)

I voted to require additional physical presence in New Jersey for nine New York and Philadelphia stations including offices, personnel, news bureaus with direct landline or microwave connections to main studios.

In addition, I was the Commissioner who proposed and the only Commissioner to actually go to Newark for the express purpose of making an on-site inspection of TV studio facilities at Essex Community College. I was advised that due to last minute changes in legal opinion, I should not conduct the on-site inspection at that time.

Also, I was the only Commissioner who voted for placing the transmitter of a New Jersey station (Channel 58) on top of the World Trade Center in order to obtain substantial additional (767 square miles) New Jersey coverage. Request was made by New Jersey Public Broadcasting authority.

It appears that several statements which I allegedly made during a previous meeting at the FCC, which was open to the public and attended by individuals from New Jersey, were deliberately singled out and taken out of context. These statements were apparently given to Congressman Maguire for the express purpose of embarrassing me. I am anxious to clarify this matter for the benefit of the New Jersey Congressional Delegation and the citizens of the state of New Jersey. I flatly deny any insensitivity to the needs of the people of New Jersey, particularly with respect to the desire

for additional television service for the state. I have consistently urged VHF television stations in New York and Philadelphia to provide better service to the state of New Jersey and to establish a physical presence there. I opposed only proposals that were found to be unworkable technically or legally. Here are some examples of the affirmative actions I have taken:

(1) On April 26, 1979, I voted with Chairman Ferris and Commissioner Fogarty to send letters to each of the licensees of the stations in New York and Philadelphia requesting additional proposals for a physical presence in New Jersey.

(2) In October, 1979, I voted to require that all New York and Philadelphia VHF television stations establish complete office services and maintain news facilities adequate to provide meaningful service to New Jersey, and to provide microwave or landline links to their main studios.

(3) I supported an inquiry into the Commission's authority to require the networks to affiliate with the additional UHF stations allocated to New Jersey in an effort to make those stations more viable. This unprecedented proposal was reported in Television Digest on October 22, 1979:

"Network affiliation for stations would be mandatory unless a station didn't want it, and purpose would be 'to make the U's more viable,' said Commissioner Quello. He continued: 'As a proposal, I find it rather interesting ...'"

The remarks attributed to me alleging insensitivity were probably made during a meeting when the Commission had a rather free-wheeling session on the subject of service to New Jersey. There was a great deal of rhetoric relating to the situation and there were intemperate remarks from several of the Commissioners during heated debate. My statement regarding the lack of a professional sports team in New Jersey was either an attempt at levity or a possible reaction to overstatements made at the time. Most assuredly the comment was irrelevant to the main thrust of discussion. Such an observation was not and is not at all representative of my sympathetic views toward alleviating the problem of television service for New Jersey.

As for the allegation that I considered the response by the New York and Philadelphia stations to be merely a "public relations gesture" absent any substance, my full remarks were either misinterpreted or mischaracterized. I have repeatedly stated that I believe the stations should publicize their actions in New Jersey in order to bring such efforts to the attention of New Jersey residents.

A verbatim statement from the record of our meeting of April 26, 1979 with respect to this matter follows:

"...what I said in 1976 is that if I were a New York broadcaster I would have actually had a studio and an office in New Jersey and I'd have big signs and I'd give a good local service and I'd be available for local public service announcements so that the perception would match the performance. And I think we've got a very serious problem here. It isn't a matter of just having something for public relations purposes but the studio would have a tendency, I think, to integrate that station a little bit closer with the community. After all, they either have to buy or rent from someone in New Jersey. They'll probably hire people from New Jersey and it might be worth it to them and it might, I think, alleviate the problem. Frankly, I don't know what to do about the situation. But my hunch is that maybe we should require a presence...."

In the final decisive meeting of October 18, 1979 I stated and this is a direct excerpt:

"I have to say that I was here when this initially came up and I made a very strong argument at that time for physical presence in New Jersey and I said that if I were a New York or Philadelphia station I would have an office, I would have phones, I would be able to take news tips, public service requests, serve citizen groups. I don't see any need to move the studio from New York into Newark. I can't understand having 15 or 16 studios suddenly appear in Newark when probably the most sophisticated...and best...most flexible studio operations in the country are in New York. It's a production center. But I say that the message has to go out very strong this time that those that haven't got an office will be required to have an office. And I really think the coverage is better than the perception of coverage but we do have a perception problem here and it continues. I say require an office and send the message without any doubt that we are interested in full service. More than covering an office, someone there that can take requests, news requests, give service messages and can function and that would meet the requirement."

"...I think the message should go out this time that nothing less than a full office facility will be tolerated and I hope the broadcaster lawyers out there will take the message back this time. I'm disappointed they didn't do it the first time. Fact is, you could have lost a source of some sort of support from me by being disappointed in not having the physical presence and I think you have to have it...."

In short, my voting -- and my views -- simply do not reflect insensitivity to the New Jersey television service problem. The filing of letters and pleadings since 1976 made me more aware of the complexity of the problem and the need for an equitable solution. I have developed an ever-increasing determination to encourage and support provision of adequate television service to the state of New Jersey by whatever means within the limit of the law. My vote on the New Jersey TV issue represented the most positive and practical solution available to the FCC without prolonged litigation and was consistent with the overall public interest. I'm sorry if I have inadvertently and in the heat of public debate offended some who have misunderstood or misinterpreted my position.

October 18, 1979

Statement of FCC Commissioner James H. Quello

Re: WNET(TV), Channel 13, Newark, New Jersey license renewal and waiver for main studio location.

I agree with the General Counsel's well-reasoned recommendations re: WNET(TV). In addition, I want to call to the Commission's attention compelling reasons for maintaining leased or shared studio with Essex County College which is located in the heart of downtown Newark. As Educational Commissioner, I planned over a year ago to visit the studios at Essex County College--other urgent business interfered at that time. Now I'm volunteering to visit Newark for an on-site inspection with any other Commissioner or staff members who may wish to accompany me. I also think discussions with the President and Communications Department Dean would be helpful.

From past information, I understand Essex County College has an excellent studio facility. It is a 30'x30' room with three color video cameras, video recorders, full film facilities, full lighting complement, a full crew and offices. There are three auditoriums, one prewired for video. The college enrollment is approximately 90% Black. The studio provides a unique opportunity for on-the-job training for minority students in the communications field. It is the only facility in the entire state in which students and the university have a direct involvement in national programming. This facility already produces telecourses and the weekly "Dateline: New Jersey" program.

The arrangement is not only valuable but essential to the College and its media arts program students. It provides income for the college as well as training and visibility. This is the type of educational and practical on-the-job training the Commission should be encouraging rather than discouraging.

I also believe public TV is already doing more comprehensive New Jersey programming than any other station. It provides full state coverage, regular news and public affairs programming and has future plans for continued and improved service.

I believe public interest will be eminently well served by continuing the waiver without further conditions.