

STATEMENT OF FCC COMMISSIONER JAMES H. QUELLO

In re: Report and Order in General Docket No. 81-768,  
Use of Lotteries to Select Initial Licensees

The random selection approach to licensing has a certain appeal to those of us who are often frustrated by the sometimes protracted delays imposed by the comparative process. But the appeal of lotteries to facilitate the process may be largely illusory. As we have seen in our consideration of this docket, implementation of the concept is an extremely difficult task if the rights of all parties are to be maintained. The statutory requirement that "significant preferences" be accorded all "underrepresented" groups or organizations or members of such groups or organizations would appear to place an extremely heavy burden on the process.

In authorizing the Commission to implement a random selection process, Congress appears to have acceded to past Commission requests that it be granted such authority. After careful consideration, the Commission has determined that implementation of the present statutory authority is not appropriate.

It may be argued that the Congress meant for the Commission to adopt a random selection rule whether or not it intended to use it or whether or not a workable rule could be devised. However, the statute repeatedly speaks in terms of "authorization" which implies Commission discretion. Furthermore, it is clear that the Congress was acting in a constructive effort to facilitate the Commission's processes and not attempting to burden those processes by mandating additional requirements.

After reviewing the comments in this proceeding, it seems clear that the Commission must vigorously pursue other means of expediting the licensing process.