

February 17, 1983

Concurring Statement of
FCC Commissioner James H. Quello

In re: Application of Capitol Broadcasting Company for a new commercial television station in Laurel, Mississippi, to operate as a satellite of commonly owned station WJTV(TV), Jackson, Mississippi.

The Commission is faced with a difficult choice in this proceeding: by approving the application for a satellite facility in Laurel, we may be denying the citizens of Hattiesburg an opportunity for an independently owned full-service station. As a long time supporter of UHF television service, I cannot easily dismiss the allegation that a new, independent UHF voice will be lost as a result of Commission action.

This Commission action does directly authorize some new local service to the area, and, under existing Commission policy regarding satellite operations, the Commission should deny the Laurel application only if it determines that the grant would result in a net loss of service to the area. The Hattiesburg permittee urges that such a loss will occur, but it supports its position only by urging that a network affiliation is essential to its survival and that the satellite operation will preclude such an affiliation.

I would not require as detailed an economic showing against a proposed satellite operation as is required under the Carroll doctrine to preclude a new full-service station. Nevertheless, the opponent of any new service should be required at least to make a substantial showing that a net loss of service will occur before the Commission could reasonably shift to the other side the burden of going forward with the evidence. I believe the Hattiesburg permittee has failed to satisfy this threshold test. Thus, I concur in the result.

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