

May 10, 1984

Concurring Statement of FCC Commissioner James H. Quello  
In re: Monterrey Peninsula TV Cable

I would like to emphasize at the start that if subsequent events demonstrate that today's interpretation of the mandatory carriage rules in any way undermines the basic purpose of these rules, then I shall urge taking whatever steps are necessary to protect the public's ability to receive local broadcast service.

I reluctantly support this decision for three reasons. First, the Commission has previously determined that cable operators need not carry UHF stations on the same "bank" of channels as VHF stations in order to meet their mandatory carriage obligation.<sup>1</sup> Thus, the issue presented here is not whether the cable operator can place station KCBA on a channel that requires use of a converter but whether these converters are sufficiently dispersed throughout the community to meet the cable operator's obligation to provide carriage of this channel. Second, it is evident that all reasonable steps are being taken to publicize the fact that a converter may be obtained simply by asking for one. Finally, this is a relatively narrow fact situation, and it is a temporary problem because normal turnover among cable subscribers will continue to raise the percentage of cable households with converters.

No one is more interested than I in ensuring that local broadcast stations continue to have access to their audiences. Nevertheless, once reasonable access has been assured, this Commission should take care not to overregulate to the detriment of cable subscribers.

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<sup>1</sup>/ Amendment of Section 76.55(a) of the Cable Television Service Rules, FCC Release No. 80-570 (October 22, 1980), 48 Rad. Reg.(P&F) 553.