

June 15, 1984

DISSENTING STATEMENT OF  
COMMISSIONER JAMES H. QUELLO

IN WHICH COMMISSIONER HENRY M. RIVERA JOINS

In re: Amendment of Part 15 of the Commission's Rules to  
provide for the operation of a limited reception TV  
receiver

While this is a close question, I believe that exempting a two-channel receiver from the requirements of Section 15.65 of the Commission's Rules and Regulations is not warranted. It seems to me that a fundamental concept underlying Section 303(s) of the Communications Act of 1934, as amended, and Section 15.65 of our Rules and Regulations is that all television receivers must be capable of receiving all channels. The reason for the enactment of the statute and the rule clearly was to end the distribution of receivers capable of receiving only a part of the television spectrum.

The Commission's approval of this receiver is particularly unfortunate at this time. A new television service is being launched which will, in large measure, depend upon off-the-air reception. Low Power Television (LPTV) is a fragile service, at best, and limited-reception receivers will not contribute to its growth.

In addition, by encouraging the introduction of a class of television receivers that are incapable of receiving all stations, we are placing stations not protected by our cable television "must carry" rules in a decidedly disadvantaged position, to the detriment of our desire to encourage a fully competitive video marketplace.

While I believe that the Commission is not required to include the Sanyo receiver under its all-channel rule, I don't believe that there is any good public policy reason for not doing so.