

memorandum

DATE: June 15, 1984

REPLY TO
ATTN OF: Commissioner Quello

SUBJECT: Detail of Brian Fontes

TO: Jim McKinney

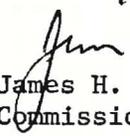
I want you to know that Brian Fontes performed in an exceptionally effective manner while substituting for my stellar legal assistant, Ken Howard.

He served our office during a critical, hectic period when I was preparing for my confirmation hearings. He displayed comprehensive understanding of the key communications issues. By the time he and Bill Harris grilled me on all the tough questions, I was fully prepared to withstand any Senate inquisition. Fortunately, the Senate hearing went well.

As you know, Brian also performed in an outstanding manner while serving on the TCAF Commission I chaired. Again he was knowledgeable, helpful and displayed excellent judgement. In grading his work for me, I give him straight A's.

So, a big thanks to you, Jim, for this timely assist from Brian and for all the cooperation and assistance your bureau has accorded this office. Your type of exceptional cooperation makes my job easier and enhances our ability to serve the public interest.

I'm sending a copy to the Chairman so that he, too, will know of our high regard for you and your bureau. As far as this Commissioner is concerned, you and Brian are prime potential bonus babies.



James H. Quello
Commissioner

cc: Chairman Fowler



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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

June 27, 1984

SEPARATE STATEMENT OF FCC COMMISSIONER JAMES H. QUELLO
DISSENTING IN PART

In re: Revision of Section 73.3550 of the Commission's rules with respect to the assignment of new and modified call letters to AM, FM and TV broadcast stations.

I am persuaded that the disadvantages associated with Commission abandonment of its responsibility to resolve call letter disputes outweigh the slight administrative savings afforded the Commission by this action. I am not persuaded that local forums will be able to provide prompt and consistent resolution of these matters, nor do I believe, as the majority concludes, that the mere threat of civil litigation will prevent problems from arising.

Importantly, the Commission has a significant interest in avoiding audience confusion concerning call letter assignment. The rating services use call signs as the principal means of identifying broadcast stations in their audience surveys. These surveys, of course, play a major role in the marketplace success or failure of a particular broadcast service, and the Commission has on numerous occasions indicated its reliance on such marketplace forces to assure that the public's needs and interests are being met. Particularly in light of the Commission's unavoidably affirmative role in call sign assignment, it appears to me that the Commission is the most appropriate forum for resolving the question of whether audience confusion is likely to result from assignment of particular call letters.

I support one part of the Commission's action. It does appear that requiring call letter applicants to notify all other broadcast stations within 35 miles imposes a more onerous burden than is warranted. As with other applications that may be contested, it would seem to be sufficient that the Commission issue a public notice that an application for particular call letters has been received.

Finally, it may well be that there are trademark or other issues surrounding the assignment of particular call signs that do not have the same nexus to a Commission interest as does the public confusion issue. Accordingly, I would not suggest that the Commission should be the sole forum for resolution of all call sign disputes.

Since I do believe that this is an appropriate area for Commission involvement, I respectfully dissent to the decision to deny reconsideration.