

July 12, 1984

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DISSENTING STATEMENT
OF
FCC COMMISSIONER JAMES H. QUELLO

In re: Cable Television Syndicated Program Exclusivity and
Carriage of Sports Telecasts

I believe the Commission should institute a Notice of Inquiry to examine the changes that have occurred in the broadcast programming marketplace since its 1980 decision to eliminate the syndicated program exclusivity rules. Then, should it find that adverse effects have resulted from their absence, the Commission could consider what steps it -- or others -- might take to remedy any market failure. Congress gave the Commission a broad mandate to regulate broadcasting, and the Commission should act in conjunction with Congress and the Copyright Royalty Tribunal to ensure that the system as a whole operates to serve the public interest. The Commission should not brush off potential market failures that may adversely affect broadcast service by stating simplistically that copyright issues are not its responsibility.

The broadcast industry does not operate in a vacuum. Copyright issues are a crucial element of the broadcast marketplace, and the Commission cannot fulfill its responsibilities if it ignores the effects of its actions on the very marketplace forces on which it has placed such heavy reliance. I dissent to this refusal to examine the effects of the 1980 decision, and I particularly object to the excessively narrow view of the agency's mandate that is presented in this decision.