

DISSENTING STATEMENT OF COMMISSIONER JAMES H. QUELLO
IN WHICH COMMISSIONER WASHBURN JOINS
IN RE: JOHNSTOWN CABLE TV (CAC-2110)

On February 23, 1973, TelePrompter Cable Systems, Inc., d/b/a Johnstown Cable TV, filed an application for certificate of compliance for authority to add, as amended, the signal of station WTTG, Washington, D. C. The majority has voted today to take no final action on the application, pending resolution of judicial review of the Commission's earlier decision in TelePrompter Cable Systems, Inc., et al., FCC 75-530, 52 FCC 2d 1263, in which TelePrompter was denied a certificate of compliance to continue operation of its Johnstown, Pennsylvania cable system. I dissented to that holding and I continue to believe that TelePrompter can and should be issued a certificate of compliance for its Johnstown cable operation. Accordingly, I cannot agree with the majority that there is any proper basis for further withholding action on a proper application for certificate of compliance to add a distant signal permitted under the rules. Refusal of the majority to grant the requested certificate to permit carriage of WTTG on the Johnstown cable system deprives not only some 12,300 subscribers in Johnstown of a signal to which they are entitled under the rules, but also deprives approximately 10,700 additional subscribers in 15 surrounding communities also served by TelePrompter from the conglomerate system headquartered in Johnstown. I note additionally that no question has been raised concerning the propriety of TelePrompter's

operations in these 15 communities, and authority to carry WTTG on the TelePrompTer's systems in these 15 communities has been granted by the Cable Television Bureau pursuant to delegated authority. However, provision of the signal to these communities is dependent upon distribution of the signal from the Johnstown conglomerate headend. This the majority has today declined to permit.

Accordingly, I dissent.