

**Concurring Statement of
FCC Commissioner James H. Quello**

In re: Applications of Christian Broadcasting of the
Midlands, Inc. and Harry J. Pappas for a Construction
Permit for a New UHF Commercial Television Broadcast
Station; BC Docket Nos. 81-178, 81-179.

I support affirming the Review Board's decision. In addition, I agree that to the extent the Commission's decision in King Country Broadcasters, 55 Rad.Reg.2d(P&F) 1591 (1984), could encourage construction of broadcast facilities without a construction permit, that decision should be overruled.

I wish to emphasize, however, that I do not believe that Section 319 of the Communication's Act, 47 U.S.C. § 319, precludes the Commission from behaving reasonably in light of all circumstances in dealing with the premature construction of broadcast facilities. Thus, I do not regard the Commission's decision in Patton Communications Corp., 81 F.C.C.2d 336 (1980), or the instant decision as setting any outer limit on Commission authority to license facilities when construction began prior to the obtaining of a construction permit.

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