

**DISSENTING STATEMENT  
OF  
COMMISSIONER JAMES H. QUELLO**

I dissent to the Commission's one line Order staying the must-carry rules adopted by the Commission on August 7, 1986. This Commission unanimously adopted reasoned must-carry rules which, in my view, at least partially remedied the damage done by the court in Quincy Cable. Now, without explanation, the Commission again leaves the public at the mercy of cable systems to determine what local programming will be available to the viewing audience. I simply cannot go along with what may be a lengthy postponement of rules that are needed to protect the public interest and preserve a balanced marketplace.

What is even more troubling is that during this further postponement, noncommercial government-sanctioned public television stands to lose the most. In my view, this majority action seems to flaunt the intent and will of Congress as evidenced by an unprecedented letter to the Commission signed by every member of the House Telecommunications Subcommittee and by the well reasoned proposal by Senate Commerce Committee Chairman John Danforth and the urgings of key members of the Senate Communications Subcommittee for a must-carry rule.

I was sympathetic to the cable industry's concerns that we at least hear arguments on reconsideration regarding the viability and practicality of our A/B switch program and, in the interim, save the industry from incurring large expenditures should the Commission reconsider its position. I am simply at a loss, however, as to why the Commission suddenly decided also to stay the carriage rules which are so desperately needed to protect the public interest. The majority again leaves broadcasters -- especially noncommercial and independent broadcasters -- at the whims of an unbalanced marketplace. The majority simply fails to explain how the parties satisfied the Virginia Petroleum Jobbers/Holiday Tours test for granting a stay.

Therefore, I dissent.

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WERE MAILED TO THE FOLLOWING:

All House and Senate Communications Subcommittee members

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