

**Dissenting Statement  
of  
Commissioner James H. Quello**

Re: Amendment of Section 73.3597 of the Commission's Rules  
(Applications for Voluntary Assignments or Transfers of Control)

I must dissent from the Commission's decision to affirm the Mass Media Bureau's dismissal of the Petition for a Notice of Proposed Rule Making. My views on reimposing the three year rule and antitrafficking policies are well known and need not be repeated here. See Antitrafficking of Broadcast Stations, 1987: Hearings on H.R. 1187 before the Subcomm. on Telecommunications and Finance of the House Committee on Energy and Commerce, 100th Cong., 1st Sess. 23 1987 (Statement of James H. Quello, Commissioner, FCC)

In light of the new evidence presented at this Congressional hearing, I find it difficult to understand how the Commission could uphold the Bureau's dismissal pursuant to Section 1.401(e) of our rules. The majority simply ignores the fact that there is additional relevant information concerning the ramifications of eliminating the antitrafficking rule. Much has happened in the marketplace since the Commission eliminated the rule in 1982. Contrary to the Bureau's conclusion, the petition is not repetitive. A new rule making proceeding would give the Commission an opportunity to consider new evidence on this issue. Accordingly, petitioner's Application for Review should be granted.