

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

**Re:** In the Matter of Modification of FM and Television  
Authorizations to Specify a New Community of License  
(MM Docket No. 88-526)

The table of allotments for FM and television broadcasting constitutes the cornerstone of communications policy. Section 307(b) of the Act obligates the Commission to license broadcast facilities to communities in a fair, efficient, and equitable manner. Our allotment decisions are designed to ensure that as many communities as possible are able to obtain service.<sup>1/</sup> The orderly distribution of these facilities is essential if all Americans are to have access to free over-the-air broadcasting service.

By removing existing procedural constraints, the majority's decision will give licensees the ability, indeed the incentive, to change their communities of license, modify their facilities or both. The item acknowledges that licensees in rural areas will attempt to move towards suburban or more urban areas merely to increase the size of their audiences. From an economic standpoint, such a result may be more efficient, but it runs counter to the time honored policy of fairly distributing licenses to communities throughout the United States.

Once these procedural restraints are removed, mere reliance on our existing allotment policies may not, by themselves, prevent such migration. For example, many FM allotment decisions are not premised on the classic first rural service, second rural service and first local service criteria. Instead, many allotment decisions are made pursuant to the fourth criterion, "other public interest factors." This element takes into consideration a host of factors which, in my opinion, may not adequately consider the importance of geographic distribution on a community-by-community basis.

Experience tells me that we will begin to see a gradual movement from communities with limited populations and low incomes to larger more economically advantageous communities. Admittedly, the decision does prevent a station from abandoning its community when it is the only facility in the market. While this makes the decision more palatable, it simply does not go far enough. This decision will set in motion the entire table of allotments for the FM and television services.

On balance, the public's interest in maintaining the integrity of our tables outweighs the private benefit that may accrue to individual broadcasters from moving to more economically advantageous communities. Therefore, I must dissent.

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<sup>1/</sup> See Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88, 92 (1982); Sixth Report and Order, 41 F.C.C. 148, 167 (1952).