

Concurring Statement
of
Commissioner James H. Quello

**In Re: Amendment of Part 74 of the Commission's Rules to
Provide for Satellite and Terrestrial Microwave Feeds
to Noncommercial Educational FM Translators**

Consistent with my decision in the Report and Order in this proceeding, I believe the public interest will be served by allowing alternate delivery techniques for translators in the non commercial FM band. The issue is rather difficult because I take very seriously the Commission's obligation to promote local service. We must carefully balance the need to develop the non commercial band against the fundamental objective of promoting local non commercial service. The rule adopted by the Commission strikes a reasonable balance.

I am concerned with the potential for additional interference resulting from these new rules. I would have preferred that the Commission utilize the interference standards contained in the relevant provisions of Section 73.509 as application criteria. As the commenters correctly point out, the "no interference" provisions of Section 74.1203 do not apply at the application stage. They are applicable only to actual operation of the translator. I believe a superior policy would insure that there is no interference before an application is granted.

Nevertheless, I can concur with the item because the Commission is considering interference standards in the context of its general Notice of Inquiry. Standards established in that proceeding will, of course, also apply to non commercial translators. Accordingly, I shall scrutinize interference considerations in that proceeding.

It is worth noting that the policy issues before us in this proceeding, i.e. fostering development of the non commercial band, do not necessarily extend to the commercial band. In recent years, the Commission has embarked on a policy of maximizing spectrum use in the commercial FM band. This already crowded field as well as the economics of commercial broadcasting may require a tightening, as opposed to a relaxation, of our translator rules.