

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

**Harriscop of Chicago, Inc. and Monroe Communications Corporation, MM  
Docket Nos. 83-575 and 83-576.**

I concur in this decision because of the unusual facts presented by this case and in deference to the Court of Appeals order that we focus on the end of Video 44's license term. But I am writing separately to emphasize that the Commission's decision in no way represents an abandonment of the renewal expectancy for traditional broadcast licensees.

This case turns on whether the record of WSNS should be evaluated by the renewal standard for traditional licensees or by a different standard for subscription television. But the Commission did not reclassify subscription television as a non-broadcast service until 1987 — five years after the end of the license term under review. For me, then, the important question is whether Video 44 was on notice that it was required to live up to our traditional public interest requirements. The answer is contained in the Commission's *Third Report and Order, Subscription TV Service*, where we concluded that STV and conventional broadcasters have the same obligation to provide programming "in response to community needs." 90 F.C.C.2d 341, 353-54 (1982). Nevertheless, within two months of the *Third Report and Order*, Video 44 eliminated most of its non-entertainment programming on WSNS and cut back to *zero* news and *zero* local programming. Once we focus on this period in the license term, as the Court says we must, it is hard to justify a renewal expectancy for Video 44.

Although today's decision has serious repercussions for Video 44, it will have minimal precedential value, if any. The ultimate question here is whether a pure subscription television operator could gain a renewal expectancy under the standard applicable to traditional broadcasters. Since no licensees are currently providing STV service, I do not expect the Commission's answer to be particularly relevant to future renewal contests.

