

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

In the Matter of Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases, Gen. Doc. No. 90-264.

I fully support the Commission's decision to reform the comparative hearing process for awarding broadcast licenses. Encouraging settlements at an earlier stage in the process and structuring the proceedings in a systematic way should reduce significantly the time and resources devoted to this aspect of our statutory mission. If the rules we adopt today have their intended effect, and I have every reason to believe they will, everybody will benefit.

I am writing separately only to direct the Commission's attention to certain issues raised by commenters that were outside the scope of the instant proceeding. Specifically, several commenters advocated changing the policies for assigning comparative merits and demerits.¹ We declined to address their proposals because they were not raised in the Notice. *Report and Order* at ¶ 52. I have no quarrel with this outcome, but we should not shelve the idea of reevaluating our comparative criteria.

I think the Commission should initiate a new rulemaking proceeding to reexamine some of our policies for evaluating competing applications. Some of the proposals submitted in this proceeding might provide a good point of departure for such an analysis. In addition, I have long argued that the Commission should adopt a "finder's preference" for the applicant that searches for and finds a vacant allotment or successfully obtains a change in the table of allotments. It seems to me that our policies should reward those applicants who go to the trouble and expense of locating available frequencies.

For this reason, I sincerely hope that a reevaluation of our comparative criteria can be made a part of the anticipated "attic to basement" review of broadcast regulations in the coming year.

¹See, e.g., Comments of NAACP; Comments of Radio New Jersey.