

Separate Statement of
Commissioner James H. Quello

In the Matter of Request for Temporary Waiver for Stations KRON-TV and KPIX(TV), San Francisco, CA of the Prime Time Access Rule, Section 73.658(k).

I agree with the Commission's decision in this case, although I do not think that granting the waiver requests would "go well beyond our intentions" when we authorized a similar market test last year. *See Memorandum Opinion and Order* at ¶ 6. Indeed, the Commission acknowledges that a "two-station test in San Francisco might yield varied data from that of the Sacramento test." *Id.* Additionally, the Republic would not fall if two San Francisco stations were allowed to experiment with their prime time schedules for a year. If there is any risk at all here, it is to the stations, who would gamble with losing their viewers.

In the end, however, I believe that the stations simply failed to overcome the presumption against waiving our rules. *See WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969). There may be no compelling reasons to deny these waiver requests, but neither were sufficient reasons advanced to grant them.

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