

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

**RE: ITFS Channel Loading
(MM Docket No. 93-106)**

Over the course of the last ten years it has been necessary for the Commission to deal in an evolutionary manner with the evolving ways that the ITFS and MMDS services alternately complement, and conflict, with one another. They complement each other, as today's Report and Order correctly notes, because each forms a segment of an interwoven set of channels used to provide both instructional and educational programming in a given area. Yet at the same time they conflict with one another because the slow growth of channel utilization by many ITFS licensees matches up poorly with the profit-motivated, demand-driven growth of MMDS systems. The Commission's objective today remains the same as it has always been - to tailor its rules to assure that the instructional uses of ITFS are ultimately preserved, and even enhanced, by compatible use of ITFS channels by MMDS licensees.

The Report and Order we adopt today carries forward the Commission's "win/win" strategy for ITFS and MMDS licensees. Channel loading will achieve the same result as channel mapping without its inefficiencies. ITFS licensees wishing to opt for channel loading should find their instructional programming presented in a cohesive channel format that should prove user-friendly to the student audience, and the channel reclamation rules implemented today should assure ITFS licensees of their ultimate right to broadcast as much instructional programming as their channel allocation would otherwise accommodate. We also carry forward existing policies that allow lessor ITFS licensees to enjoy the benefits of leased channel revenues contributed by lessee MMDS licensees. MMDS licensees are in turn assured of a stable complement of leased ITFS channels and they will have fair notice of, and ability to adapt to, increased future channel usage, by ITFS channel lessors.

Perhaps the most encouraging aspect of today's Report and Order, however, is that it underlines the fact that the coming information superhighway will actually be composed of many different "lanes" of telecommunications services. To the extent that we have today helped to assure that both ITFS and MMDS will be component parts of that highway, we have acted in the best interests of the public as well as of the licensees most immediately involved. And that, in my book, makes this Report and Order worthy of the endorsement the Commission gives it.

818