

**Statement by Commissioner James H. Quello**  
**In re: Children's Television Proceeding**  
**July 10, 1996**

First, I remain committed to three hours of flexible processing guidelines for children's TV programming.

In fact, I believe the term "processing guidelines" inherently implicates flexibility to obviate First Amendment intrusions or charges of a government programming edict.

My objection to the item in its present form is due not only to lack of any reasonable flexibility or to an unprecedented government attempt to micromanage the program content of a leading news and information medium. More important, is its inclusion of extraneous arguments attempting to justify further regulation by reviving the outdated TV scarcity argument that was rejected by the D.C. Court in 1989 in the Syracuse Peace Council case.

As written, this is an over-inclusive Report and Order I can't support. Its over-regulatory principles represent a heritage I refuse to leave.

I previously agreed and still agree to a reasonably-flexible three-hour processing guideline. I never agreed and never would agree to revive largely outdated and discarded theories of broadcast regulation that would shackle broadcasting with even more extensive content and structural regulation in the future.

I will have a more detailed delineation of my specific objections at a more appropriate time when agreement or disagreement is decided.

The time-worn argument of scarcity hardly applies to the multi-station, multi-channel communications world of today. For example, the number of commercial TV stations have increased from 697 in 1974 to 1181 in 1996, an increase of 69%. The number of noncommercial stations increased from 241 to 263, an increase of 51%. The number of cable channels has increased from 3158 in 1974 to 11,660 in 1996, an increase of 269%. The number of cable subscribers has increased from 8,700,000 in 1974 to 62,232,000 in 1996, a startling increase of 615%! In addition, there are now approximately 1600 community (low power) stations, most of whom broadcast children's programming.

The future compression capabilities of multiple digital channels will bring a mind-boggling array of additional channels. It is apparent we are in an era of station and channel abundance faced with a future of superabundance.

The era of "big government" should be over as President Clinton and Congress recently declared. Is it over for everyone but the FCC?

943