

ownership and attribution rules. Hundt said the commission should complete the rulemakings by June.

- **Antenna restrictions.** Commissioners are considering whether apartment buildings should be subject to a rule barring local restrictions that impair a viewer's ability to install receiving gear for TV, DBS or wireless cable. Hundt pledged an answer in the first quarter.

- **Inside wiring.** The FCC is reviewing the cable "demarcation" point, cur-

rently defined as 12 inches outside a subscriber's unit. Hundt said the FCC will resolve the issue early in '97.

- **Local Multipoint Distribution Service (LMDS) spectrum.** Commissioners are deciding whether to allow local cable and phone companies to bid for LMDS spectrum within their own regions. Hundt promised allocation and service rules within the next several weeks and said the FCC will auction the spectrum early next year.

- **Digital audio radio satellite**

(DARS) service. FCC officials are writing service rules for the satellite-delivered radio service. Hundt said an auction of DARS spectrum should begin in April.

- **Universal service.** A Federal-State Joint Board in November adopted a series of recommendations aimed at promoting the universal availability of telecommunications service. Hundt said he has asked FCC staff to prepare final rules by the commission's April meeting. ■

# Quello out by June

*Kennard leads race to replace FCC commissioner*

By Harry A. Jessell

WASHINGTON

**F**CC Chairman Reed Hundt may have one fewer worry as he tries to move his considerable agenda next year.

By late spring, Hundt's chief nemesis on the commission, Jim Quello, should be gone, replaced by another Democrat more to Hundt's liking.

Told two weeks ago that the President wants his seat for another, Quello agreed to go quietly, but asked to stay until June 1. "It's time to get the hell out of here," says Quello, who will celebrate his 83rd birthday and 23rd anniversary as a commissioner in April.

Quello says that he doesn't know whether the White House will honor his request to remain until June 1. But even if the White House nominates a successor in late January or early February, it could easily take until then to win Senate confirmation.

The front-runner for Quello's slot is Bill Kennard, the FCC's 39-year-old general counsel. Also said to be angling for the post is Russell Frisby, chairman of the Maryland Public Service Commission.

Whoever the replacement, his or her name is expected to be sent to Capitol Hill for Senate confirmation along with that of Gina Keeney, a former Hill aide, now chief of the FCC Common Carrier Bureau.

President Clinton first nominated Keeney last August to fill the vacancy created by the departure last April of Republican Andrew Barrett. But the nomination got nowhere on Capitol Hill. Not only was the name sent up



late in the legislative session, but it was done apparently without notifying key senators in advance.

Keeney also is burdened by being the principal author of the FCC's controversial interconnection rules, which regulate what local telephone companies may charge cable and other competitors desiring to hook up to the telcos' networks. The local telcos' antipathy toward the rules could be focused on the Keeney nomination.

First appointed in April 1994, Quello has served under six Presidents and six FCC chairmen. Quello's last five-year term expired in June, but he is allowed to continue until the end of this year or until a replacement is appointed.

Quello, who enjoys the political game as much as any man in Washington, would have liked to be reappointed so he could serve another year or so. And he probably has enough friends in industry and on Capitol Hill to insure speedy Senate confirmation.

But government and industry



*Quello (l) will celebrate his 83rd birthday and his 23rd anniversary as an FCC commissioner before relinquishing his seat. FCC General Counsel Bill Kennard (above, left) is credited with improving FCC's won-lost record in federal court; FCC Common Carrier Bureau Chief Gina Keeney (above, right) is still most likely to fill Republican vacancy.*

sources say there was little chance that President Clinton—acting on the advice of his top telecommunications policy adviser, Vice President Gore, and Gore's friend, Chairman Hundt—would nominate Quello.

Hundt wants Quello out. He and Quello have been at odds over a series of important issues and have developed a strong dislike for each other. The animosity rose highest earlier this year in the fight over children's educational programming, which Quello eventually lost.

Although not assured of the nomination, Kennard may be hard to beat. He has Hundt's endorsement, the trust of regulated industries and relevant experience.

Before joining the commission in 1993, Kennard was a well-regarded communications lawyer at the firm of Verner Lipfert Bernhard McPherson & Hand. The Yale Law graduate also spent a year at the NAB.

A radio broadcaster in his first career, Quello has been an unabashed and enthusiastic supporter of "free over-the-air television." And he also has generally promoted cable, except where its interests have clashed with those of broadcasting. ■

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