

**JOINT STATEMENT OF CHAIRMAN MICHAEL K. POWELL,  
COMMISSIONER KATHLEEN Q. ABERNATHY, AND  
COMMISSIONER KEVIN J. MARTIN**

*Re: Amendment of the Television Table of Allotments to Delete Noncommercial Reservation of Channel \*16, 482-488 MHz, Pittsburgh, Pennsylvania, Report and Order, MM Docket No. 01-276.*

We support today's decision to dereserve Channel 16 in Pittsburgh. We write separately to emphasize two points. First, removing the reservation of a channel for noncommercial educational (NCE) use is not a step the Commission should ever take lightly. As the item notes, dereservation is warranted only in compelling circumstances. Second, the license for a newly dereserved channel generally should be open to competing applications and allocated through competitive bidding. Dereservation dramatically increases the monetary value of the license, and that value should accrue to the taxpayer. Therefore, compelling circumstances also are necessary to justify a waiver of our uncodified rule that a dereserved channel must be opened to competing applications.

QED presents such a unique and compelling situation. QED is the licensee of two NCE television stations in Pittsburgh. For almost a decade, QED has suffered severe financial distress that has hindered its ability to develop local programming for either of its stations, delayed the stations' transition to digital, prevented the entity from making important upgrades to its facilities, and required QED to operate its stations with a reduced staff. Due to these factors and the changing Pittsburgh economy, QED has had difficulty attracting the very contributions and grants that would help the entity improve its situation. Some of these difficulties were exacerbated by bureaucratic delay and inconsistent regulatory decisions from this agency, including the issuance of ill-conceived "guidelines" regarding religious programming on NCE stations that effectively prevented QED from resolving its financial concerns in a manner that would have enabled Pittsburgh to maintain two NCE channels.<sup>1</sup>

We are confident that the action taken today will serve to strengthen public television and increase educational and public affairs programming throughout Pennsylvania. QED has demonstrated that if it is able to sell one of its licenses as a commercial station, the proceeds will enable QED to pay off its debts, fund its transition to digital, and provide a dramatically superior service on its remaining NCE channel. QED has committed to use these new capabilities to provide three new streams of programming that will address local and national minority issues as well as public affairs, significantly enhancing the services QED can offer the citizens of Pittsburgh.

As a result of these unique circumstances, we believe that the public interest is best served if the Commission dereserves Channel 16 and permits QED to assign the

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<sup>1</sup> See *WQED Pittsburgh*, 15 FCC Rcd 202 (1999), *vacated in part*, 15 FCC Rcd 2534 (2000). Although the Commission ultimately reversed itself and vacated these "guidelines", QED's potential purchaser was no longer interested in pursuing the transaction.

modified license without first opening the license to competing applications. We note that the Corporation for Public Broadcasting, the Pennsylvania Public Television Network Commission, the Children's Television Workshop, and the Association of Public Television Stations have urged the Commission to take this action, believing it to be in the best interest of public broadcasting.<sup>2</sup> John W. Thompson, Pittsburgh Superintendent of Schools stated in support, "By converting WQEX and allowing its sale to a commercial broadcaster, television viewers in Pittsburgh will have more viewing choices than before and a stronger WQED which will better meet the needs of the entire community."<sup>3</sup> We agree. While the taxpayers and prior contributors to QED will not share in the monetary gain that the Commission is permitting QED to realize, great value *will* accrue to the community of Pittsburgh through the noncommercial, educational, digital services it will receive from a rejuvenated QED.

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<sup>2</sup> See note 29 of the attached Order.

<sup>3</sup> Letter from John W. Thompson, Pittsburgh Superintendent of Schools, to Michael K. Powell, Chairman, Federal Communications Commission (Jan. 24, 2001).