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Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

re: MM Docket No. 01-276

Dear FCC Commission members,

I am writing to oppose the dereservation as well as the proposal to allow sale of non-commercial Channel 16 (WQEX) assigned to Pittsburgh Pa.

CHANNEL 16 SHOULD NOT BE DE-RESERVED.

The Pittsburgh metro area has an abundance of commercial outlets on cable, satellite, and broadcast. The original intent of Congress was to allow significant commercialization of TV frequencies with the understanding that certain frequencies were to remain inviolate from commercialization.

The current licensee of WQED states no compelling reason (or any real reason, for that matter other than the licensee's own financial gain) to de-reserve and then be allowed to "sell" the rights to the frequency to a commercial operator.

The current licensee has never owned or held title to the frequency for Channel 16. Channel 16 is a publicly owned spectrum that the current licensee holds, subject to the condition that it operate in the public interest. Since terminating Channel 16's separate programming schedule and converting to a WQED/WQEX programming simulcast, the current licensee has demonstrated its lack of interest in operating Channel 16 at all, let alone operating Channel 16 in the public interest. This simulcasting, purported by the licensee to be a wasteful duplication, is one of the deliberately created shams that the licensee uses as an excuse for jettisoning Channel 16.

I can think of no reason why simulcasting WQED 13's programming on Channel 16 serves the public. Any viewer who can pick up 16 could also pick up 13, so simulcasting on 16 serves no purpose. The only reason can be that the current licensee does not want to operate Channel 16. If it does not want to operate, it should not be allowed to profit from its own squandering of the frequency.

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THE CURRENT LICENSEE SHOULD NOT BE ALLOWED TO TRANSFER THE LICENSE OF CHANNEL 16 FOR CONSIDERATION.

A transfer for consideration would indicate that the licensee has title to the frequency and can alienate it as it wishes. The public owns Channel 16, not the current licensee. A transfer for anything above the value of the physical plant would indicate that the current licensee has title, which it cannot have.

Even if Channel 16 were dereserved, allowing a transfer for consideration would mean a financial reward to the current licensee for years of incompetence, mismanagement and disregard for the public interest. This would be a poor public policy precedent for the FCC to establish.

Allowing a transfer for consideration would mean other non-commercial duopoly licensees would have the incentive to groom their license(s) for sale and search for the highest bidder.

In addition, if the FCC sets a precedent and allows Channel 16 to be dereserved, how can it justify NOT allowing Channel 13 to be similarly dereserved? If the FCC believes two non-commercial broadcast frequencies per market are too much, will it then try to convince me that one non-commercial per market is more than enough? It would seem by this kind of reasoning that the FCC should stop renewing the abundant non-reserved commercial frequencies and begin converting them to non-commercial reserved. Pittsburgh has at least 6 full power commercial TV frequencies. Would that be considered too many? What is the policy here?

THE CURRENT LICENSEE HAS SHOWN AN ARROGANT DISDAIN FOR THE PUBLIC AND FOR CHANNEL 16.

The current chairman of the WQED Board of Directors is a lawyer who recently published an editorial column in the Pittsburgh Post-Gazette on December 9, 2001, asking readers to join its fight to dump Channel 16 and run with the money. In the article, Chairman Tom Gough reiterates the arrogant attitude of the station licensee and its dismissive tone towards community groups and the public who don't view the world his way, which WQED is famous for. He names specific community groups and pooh-poohs those-who-would-be-licensees as lesser beings. He criticizes current non-commercial licensees KBDI and WYBE for operating on only a few million a year, as a defense to the plump budget of \$19 million that WQED operates with. He fails to mention the many fat salaries of past and present personnel, which if trimmed to realistic levels would help pay off the debt.

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THE FCC SHOULD NOT ALLOW THE CURRENT LICENSEE TO BE BAILED OUT FINANCIALLY BY SELLING A FREQUENCY.

The fact that the current licensee operates as a quasi-non-profit entity should not influence the FCC to bail out the licensee financially. It has been Commission practice to be lenient with licensees who are having financial trouble but who want to continue broadcasting. The current licensee of WQEX Channel 16 is not in that category. The current licensee wants to stop broadcasting and have the FCC reward it financially for doing so. There is no theory of current licensing practice which says the current licensee deserves to be rewarded financially for dumping a frequency.

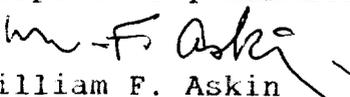
It seems that the current licensee wants to 1) erase its debt, 2) make a "profit" for future programming needs, 3) head off potential competition, and 4) be absolved of its own mistakes. None of these reasons warrant either de-reservation or permission to "sell" Channel 16.

The commercial broadcast, cable, and satellite is large and has a big appetite for programming. The limited non-commercial broadcast band has a tendency to strangle opportunities for small-time producers, particularly those who address local issues. Cable and satellite have dozens of niches, none of which address Pittsburgh issues. Local commercial broadcasters (none of them really owned locally) address local issues only on news programs and an occasional talk show. WQED has produced some notable programs over the years, but very few programs of local-only interest, and has allotted little or no space for small-budget productions whether locally produced or otherwise.

That is why Pittsburgh needs more than one non-commercial TV broadcast frequency. I would want that second frequency, Channel 16, to remain non-commercial and locally governed, but not by the licensee of Channel 13. If diversity of ownership has any remaining value as a public policy, it has even more importance among the non-commercial TV operators. More frequencies and diversified ownership is better.

My background includes work in radio and TV production and I currently am on the board of a foundation which distributes educational programming. I believe I am qualified to make the remarks above, and want them given serious consideration by the FCC. I would appreciate being notified of further proceedings which affect Channel 16, and I ask again that the FCC protect the clear public interest here rather than promote private financial gain through the sale of public frequencies.

Respectfully Submitted,


William F. Askin