

**CONCURRING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Oral Roberts University, Community Television Educators, Inc., for a Construction Permit for a New Noncommercial Educational Television Station on DTV Channel *26, Tulsa, OK.*

While this item correctly applies the Commission's point system for non-commercial (NCE) television stations, it also reveals a potential concern. Where, as here, neither applicant is part of a state-wide network or proposes a significantly larger coverage area than the other, the point system comes down to two factors: (1) whether the applicant has an "established presence" in the local community for at least two years (three points), and (2) whether the applicant would contribute to diversity in the market because it does not own another local television station (two points).

In this case, Oral Roberts was awarded three points for its lengthy community presence in Tulsa, but receives no diversity points because it already owns another television station in the market. CTE, on the other hand, was awarded two diversity points because it does not yet own a television station in Tulsa, but gets no community presence points because it has not had a local presence for at least two years. The end result is that Oral Roberts was designated the tentative selectee, three points to two.

In essence, our point system favors duopolies for established local entities over giving a single voice to new entrants. Where the new entrant is a distant organization with multiple stations across the country, this may be the correct result. But where the new entrant is truly a local organization that simply has not been in existence for at least two years, it is not self-evident to me that granting a duopoly to the established entity is always preferable. I draw no conclusions about this particular case, but it may be time to revisit the point system to determine whether and how it should be changed going forward.