

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: Certificate for Eligibility for Class A Television Status for Low Power Television Station WTHC-LP, Atlanta, Georgia

Today's decision highlights the need for the Commission to establish a firm deadline for acting on applications for review and to consider other procedures in order to speed up the disposition of Commission-level items.¹ It should not have taken *almost twelve years* to issue this eleven-paragraph item. The delay is especially ironic given that our decision rests on the Atlanta Channel's failure to file a complete certificate of eligibility for Class A status in a timely fashion (i.e., not until approximately *five months* after the deadline).

¹ For instance, I would support the use of a procedure akin to the *certiorari* process used by the U.S. Supreme Court to manage its docket. Under the Communications Act and our rules, a party aggrieved by a Bureau-level decision on delegated authority may file an application for review with the full Commission. 47 U.S.C. § 5(c)(4); 47 C.F.R. § 1.115(a). In order to prevent such applications (like the instant one) from slipping through the cracks, we could modify our rules to provide that if the full Commission does not act on an application for review within a certain period of time – say, 90 days – the full Commission would automatically affirm the Bureau's decision and would adopt the Bureau's reasoning as its own. Within the 90-day period, any one Commissioner could object to summary affirmance and could request the normal treatment of such an application by the full Commission. Under the Administrative Procedure Act, we could implement this rule change without notice and comment. *See* 5 U.S.C. § 553(b)(A) (procedures do not apply to "rules of agency organization, procedure, or practice"). Moreover, this rule change would be consistent with the Communications Act. *See* 5 U.S.C. §§ 5(c)(4) (Commission may review applications for review "in such manner as it shall determine"); 5(c)(5) (Commission may pass upon applications for review "without specifying any reasons therefore"). This reform could significantly improve agency efficiency; given our limited resources, the full Commission simply cannot conduct a near-plenary review of every application for review in a prompt manner.