

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *La Casa Dominicana de Hazleton, Inc., Application for New LPFM Station at Hazleton, Pennsylvania*, File No.: BNPL-20131114BBX, Facility ID No. 195125.

I agree with the Commission that the Applicant underwent a prohibited major change of control in violation of section 73.871(c)(3) of the Commission's rules.¹ Specifically, the Applicant's new fourteen-member board included only three members of its original board as a result of internal conflict and the expulsion of certain members. Thus, the original board members retained far less than a majority ownership interest (21.4%) in the organization while its LPFM application was pending with the Commission.

Earlier this year, I expressed concern about our rule requiring dismissal of a nonprofit organization's radio station application when a majority of a board's membership changes hands.² Board members, who are generally volunteers leading busy lives, decide to resign for a variety of reasons or their terms expire. And if such routine turnover results in the majority of a board's membership changing while an organization has an application pending with the Commission, that application should not be dismissed. After all, it is not the Commission's job to micromanage the day-to-day governance of nonprofit organizations.

Here, however, the change in the Applicant's board membership was not the result of routine turnover. And when there are such substantial changes to the board as the result of a battle for control of the organization, I believe that dismissing an applicant's permit is not only mandated by the Commission's rules, it is also the correct policy outcome.

¹ 47 C.F.R. § 73.871(c)(3).

² See *NCE October 2007 Window MX Group 543 in re Application of the KBOO Foundation for a New NCE(FM) Station, Chehalis, Washington*, Facility ID No. 173822, File No. BNPED-20071019ARU, Memorandum Opinion and Order, FCC 16-10, at 4 (Feb. 2, 2016) (Statement of Commissioner Ajit Pai).