

**STATEMENT OF  
COMMISSIONER AJIT PAI**

Re: *NCE MX Group 430. Marfa Public Radio, Application for a Construction Permit for a New NCE-FM Station at Marfa, Texas, File No. BNPED-20071017AEC, Facility ID No. 174131; Houston Christian Broadcasters, Application for a Construction Permit for a New NCE-FM Station at Alpine, Texas, File No. BNPED-20071018AJM, Facility ID No. 173348.*

When Marfa Public Radio purchased a tower from Matinee Radio, LLC, it waited approximately seven years before updating the Commission's antenna structure registration system to reflect this transfer of control. It also waited seven years before informing Houston Christian Broadcasters that it had purchased the tower and was revoking Matinee's commitment to make the site available for Houston's new FM station in Alpine, Texas. Now, Marfa complains that Houston failed to notify the Commission within 30 days of Marfa's purchase of the tower that Houston no longer had assurance that the tower would be available to it. Really?<sup>1</sup>

Needless to say, this Application for Review runs afoul of the "chutzpah doctrine."<sup>2</sup>

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<sup>1</sup> Cf. *Really!?! with Seth and Amy, Saturday Night Live* (2007), available at <http://www.nbc.com/saturday-night-live/video/weekend-update-really/n12109>.

<sup>2</sup> See, e.g., *Illinois Public Safety Agency Network and Nextel Communications, Inc.*, WT Docket No. 02-55, Mediation No. TAM-12389, Memorandum Opinion and Order, 27 FCC Rcd 11459, 11468 (2012) (Statement of Commissioner Ajit Pai); *Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, WT Docket No. 05-211, Order on Reconsideration of the Second Report and Order, 21 FCC Rcd 6703, 6709, para. 13 (2006); *Caribbean Shippers Assoc., Inc. v. Surface Transp. Bd.*, 145 F.3d 1362, 1365 n.3 (D.C. Cir. 1998).