

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *In the matter of Procedural Streamlining of Administrative Hearings*, EB Docket No. 19-214.

I applaud today's action seeking comment on reforming and streamlining the Commission's administrative hearing procedures. While I may be willing to go even further than contemplated here, this item's direction is consistent with process reform recommendations that I have endorsed and advocated for over the last many years. Further, we expand upon the Commission's precedent, starting with the decision in *Radioactive, LLC*,<sup>1</sup> and the efforts of applicable FCC Bureau and Office staff to utilize a "paper" hearing process, instead of referring matters to the administrative law judge (ALJ).

The Commission's current process is not only burdensome, expensive, and time consuming, but it is also inefficient and has resulted in harmful outcomes. As I have stated before, time and time again, we have gone through the charade of a lengthy proceeding to determine that a hearing is needed, followed by a protracted trial-like hearing before an ALJ, just to have the matter reconsidered yet again by the Commission. And, the Commission has oftentimes overruled the ALJ's recommendations, making the process a waste of everyone's time and effort. The biggest problem with such futility is that, beyond taking years to complete, the simple threat of a referral to the ALJ has been used to unilaterally quash pending mergers of Commission licensees. In other words, it has been used with nefarious intent to kill mergers without providing any recourse or challenge. By proposing to move most cases to paper hearings, we take the first step to end this flawed process, while ensuring that the Commission is able to obtain the factual information it needs, that parties have access to due process, and that final decisions and court review are timely.

I thank the Chairman for commencing this important process reform proceeding. I approve and look forward to its conclusion.

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<sup>1</sup> *Application of Radioactive, LLC for Renewal of License Station WRAX(FM), Lake Isabella, MI*, MB Docket No. 17-198, Hearing Designation Order, 32 FCC Rcd 6392 (2017).