

**CONCURRING STATEMENT
OF COMMISSIONER AJIT PAI**

Re: *Community Radio of Decorah, Postville and Northeast Iowa, for a Construction Permit for New Low-Power FM Broadcast Station KCOD-LP, Decorah, Iowa, File No. BPNL-20131106AUX, Facility ID No. 195240.*

Honest mistakes happen. But so do intentional misrepresentations. And the tribulations of Community Radio prove the latter point.

When seeking an LPFM construction permit, Community Radio certified in November 2013 that no party to its application held an attributable interest in any non-LPFM broadcast station. That was not accurate. James Glesne, the individual who certified Community Radio's application, was serving on the board of a non-LPFM broadcast station, KPVL(FM) in Postville, Iowa, at the time he made the November 2013 certification.

The Petitioners in this case are Iowa commercial radio station licensees seeking to have Community Radio's construction permit rescinded. They pointed out that, in an ownership report submitted to the FCC in March 2014, KPVL had listed Glesne as a member at large of its governing board. Community Radio's response was extremely troubling. In a pleading signed by Glesne, Community Radio claimed that "Glesne submitted his resignation from the Board of Directors of KPVL Radio on December 31st, 2013, so that he would be in compliance with the regulation." Accordingly, Community Radio went on to point the finger of blame at KPVL: "If KPVL's website and ownership report showed otherwise, that is an issue to take up with KPVL and not with Community."

Here's the problem. The record shows that Glesne didn't resign from KPVL's board in December 2013. Rather, it appears as though he submitted his resignation in April 2014, and back-dated the letter to December 31, 2013.¹

Moreover, the Media Bureau specifically directed Community Radio to make its response to Petitioner's allegations under penalty of perjury. It is troubling (and perhaps telling) that it failed to do so.

Given the facts set forth above, I'm inclined to believe that Community Radio's misrepresentations to the Commission have been intentional, not inadvertent. The Commission should take such apparent misconduct by prospective license holders very seriously, and I therefore would have been willing to support designating this matter for a hearing to determine whether Community Radio possesses the character and qualifications to hold an LPFM license. But I'm glad that the Commission is at least directing the Media Bureau to commence enforcement proceedings against Community Radio for its apparent violation of our rules. We must send a strong and clear message that those holding and seeking to hold FCC licenses must be honest and forthright with the Commission.

¹ Now, perhaps one could argue that Glesne honestly believed that by back-dating his April 2014 resignation letter, he really resigned in December 2013. But what about the claim that KPVL's inclusion of Glesne in its March 2014 ownership report is "an issue to take up with KPVL"? It appears impossible to defend this statement as anything other than an attempt to mislead the Commission. KPVL obviously listed Glesne in its ownership report because he was still serving on the station's board at the time it was submitted. Remember that Glesne did not submit his back-dated resignation letter until the next month. The Commission should not countenance the Costanza Conjecture under these (or any, for that matter) circumstances. See "The Beard," Season 6, Episode 15 (Feb. 9, 1995) (George Costanza advises Jerry Seinfeld, "Just remember: It's not a lie if you believe it."), *available at* https://www.youtube.com/watch?v=vn_PSIsl0LQ.