

Dear FCC – Every time a new Media or Wireless Bureau Chief comes on board at the Commission, I always suggest to them that something needs to be done regarding non-policy matters that languish at the Commission. As a long-time practitioner, I find that many matters that for some reason are less than routine take years or even decades to be resolved. I have one case where the application was originally filed in 1990 and 23 years later it still remains in limbo. (To be fair, in that case I have had to file multiple recon petitions because the Commission comes up with new reasons to deny the relief requested and I can't appeal it until I've given it an opportunity to correct the new error.) But it is not at all uncommon for an uncontested matter to sit in a Bureau for two or three years, ultimately resulting in a 4 or 5 page order. This delay often undermines the utility of whatever purpose the original license application may have had at the time it was filed.

My suggestion is that the Bureaus should tag any cases which have been pending on recon or otherwise for more than four months so that the Bureau Chief is aware of the item. The Bureau should then commit to either act on the item within another two months (if it can be resolved based on prevailing law), or buck it up to the full Commission to resolve within another 3 months if it presents a novel question of law. In either case, if a recon petition is not acted on within the time limit specified, it would be deemed denied. This will permit the petitioner to seek appropriate relief from the courts based on a final decision of the Commission. I should add that I frankly do not like the "default denial" approach because I'd prefer to think that the Commission has actually given some thought to the issue presented and has deliberately decided to go one way or the other, but I see no other way (other than a "deemed granted" approach) which would bring matters to a prompt conclusion.

Deciding individual cases that are not routine is an important part of the Commission's job description. While not as appealing as the broad policy issues that generally concern the 8th floor, the lives and financial well-being of individual applicants and licensees are often adversely affected by delay in the administrative process. Setting up a way to avoid the administrative inertia that causes these delays would be a huge step forward in improving the FCC's processes.

Thanks for your consideration.

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