

In response to Chairman Wheeler's request for suggestions on how to improve the Commission's efficiency, the following:

The Media Bureau has before it several hundred applications for review of staff decisions. Some have been pending for five years or more. The Bureau has written decisions in many of these cases but the Commission has not acted on more than a handful of them. These cases simply haven't been a priority at the Commission level.

Parties wishing to delay the finality of Media Bureau decisions know that filing an application for review will serve this objective and, as a result, lob in more and more such filings, some of them frivolous and/or repetitive of claims made and rejected below. In purchase and sale transactions where finality is a condition precedent to closing, transactions have been held up for years by such filings.

The public interest would be served were the Commission to establish procedures by which these cases could be decided expeditiously. Such procedures would permit parties to obtain finality in a reasonable period of time, and fewer applications for review would be filed because causing significant delay would no longer be possible.

The Commission might, for example, announce that a Bureau decision on a application for review would be deemed adopted within a specified period of time (e.g., 90 days) if the full Commission had not acted within that period.

In the alternative, the Chairman could set aside time at each monthly meeting to act on a specified number of such cases, or do so on circulation, until the backlog had been eliminated.

For practitioners before the Media Bureau and their clients, the inability to obtain timely decisions on applications for review has been a major irritant that cries out for a remedy from the new Chairman.

Thanks in advance for your consideration of this matter.

Richard Bordoff

Wiley Rein LLP

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