

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Patrick Sullivan and Lake Broadcasting, Inc. For Commission Consent to the Assignment of License of FM Translator Station W238CE, Montgomery, Alabama, MB Docket No. 14-82; William F. Crowell, Application to Renew License for Amateur Radio Service Station W6WBJ, WT Docket No. 08-20*

While I approve these items confirming that the requisite showing of bias necessary to disqualify an ALJ was not met, and therefore the appeal must be denied, I feel it is important to make a few observations.

While the bias burden may not have been met because it rightfully remains high, I am concerned that the ALJ took unnecessary actions in these situations. For example, denying a motion to dismiss in order to pursue a case on the character of someone who decided to withdraw his application to be a Commission licensee appears to me to be a questionable use of resources.

The Sullivan item also describes a "lengthy prehearing process" of over three years. Three years! This is an absurd amount of time needed to resolve such a matter and reinforces to me the need to fully weigh the costs and benefits of the ALJ process.

On a larger scale, complaints about the ALJ process are not isolated incidents but paint a picture of questionable decisions coupled with an elevated level of inefficiency. It seems to me that too often the Commission has had to reverse the decisions of the ALJ or address one ALJ decision or another. To its credit, the media bureau has begun to use paper hearings to completely avoid this bureaucratic mess. This reality only reaffirms my call to consider eliminating the ALJ process altogether.