



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 27, 2015

The Honorable Yvette D. Clarke
U.S. House of Representatives
2351 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding pirate radio. I appreciate you sharing your views on this very important issue and I look forward to working with you in the future.

The FCC is committed to enforcement of the rules prohibiting unlicensed radio broadcasting. We approach the pirate radio issue in the same manner as other enforcement matters, by focusing on the most egregious violators and those that provide support to those parties. This fiscal year, the Commission's Enforcement Bureau (EB) has issued more than 100 pirate radio enforcement actions.

As you may know, pirate radio investigations are resource intensive -- a typical pirate investigation requires many hours of work by multiple EB field agents, often working overnight and on weekends in neighborhoods that require close coordination with local law enforcement officials to ensure staff safety. The time and expense of these cases present particular difficulties in the current flat budget environment, where the Commission's staffing is at its lowest point in 30 years and overtime is less available. Accordingly, we must prioritize our work based on existing resources and the harm to the public. Thus, matters posing an imminent threat to public safety or directly harming large numbers of consumers must take precedence over other matters, including pirate radio.¹

Moreover, pirate radio presents persistent enforcement issues. Although some pirate operators cease operations after receiving an initial warning letter, they are often quickly replaced by other pirates. Many other pirate operators may ignore the warning or resume broadcasting from another location. Even monetary penalties and equipment seizures do not deter the most aggressive pirate operators, who simply refuse to pay the FCC forfeitures and obtain cheap replacement equipment online.

Given these facts, it is clear that the pirate radio problem cannot be solved by enforcement alone. Therefore, I have created an inter-bureau task force to work with outside stakeholders, including the National Association of Broadcasters (NAB), to develop policy and enforcement options to address the issue. Indeed, on June 29, 2015, this group held a Pirate

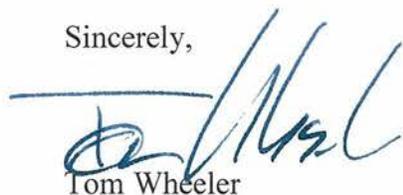
¹ While it is theoretically possible that pirate radio interference could prevent listeners from hearing the Emergency Alert System (EAS) signal from licensed broadcasters, we are unaware of any complaints alleging such interference.

Radio Roundtable with NAB and other broadcaster representatives. Some of the ideas discussed included:

- Revision of the Communications Act to provide for “aiding and abetting” liability for landlords and other parties that provide material support to pirate operators;
- Identification of trade associations and law enforcement entities to educate landlords, advertisers and others about the unlawful nature of pirate operations and develop best practices;
- Release of a policy statement/enforcement advisory that could be shared with these groups and help channel state, local, and federal resources on pirates; and
- Additional FCC, state, and local enforcement options for reducing pirate activities.

The roundtable was a good first step but much more needs to be done. I appreciate your interest in this matter and look forward to working with you and other stakeholders on innovative solutions to the pirate radio problem. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Wheeler', with a horizontal line drawn through the middle of the signature.

Tom Wheeler