



July 17, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Pirate Radio Roundtable

Dear Chairman Wheeler:

Thank you for hosting various commercial and non-commercial broadcasters on June 29, 2015, to discuss strategies to combat illegal pirate radio station operations. Maria Kirby did an excellent job leading the group in a productive discussion and we appreciate Media Bureau Chief Bill Lake's and Enforcement Bureau Chief Travis LeBlanc's participation. We are also grateful to Commissioner O'Rielly for attending the session and his continued commitment to finding ways to make a meaningful difference in reducing unlawful radio station operations

As we discussed, pirate radio operations undermine the very fabric of lawful, licensed full power and low power radio. Pirate radio operations erode the advertising and membership base of legitimate broadcast stations, and undermine investment in legitimate stations, particularly minority-owned stations. They also threaten the health and safety of radio listeners and local residents. Pirate radio operations disrupt the Emergency Alert System (EAS), interfere with aviation frequencies and often transmit from residential buildings where unchecked RF radiation can cause health problems.

With Commission enforcement of pirate radio operations in flux, such operations have grown as pirate radio operators do not fear Commission prosecution. These criminals are smart and savvy, and as Commission enforcement has abated, pirate radio operators have grown bolder and more pervasive.

NAB and those participating in your roundtable are heartened by your renewed attention to illegal radio operation. Indeed, we believe the discussion was an important starting point for what will be an ongoing collaborative process between the Commission and each of the stakeholders represented at the meeting. Commissioner O'Rielly, broadcasters, and staff generated several thoughtful short- and long-term ideas that warrant the attention of and action by the Enforcement Bureau, the Media Bureau, and the Public Safety and Homeland Security Bureau, among others. The list generated by the group is as follows:

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- Significantly increase the number of enforcement actions, including Notices of Apparent Liability, Forfeitures and equipment seizures issued by the FCC against pirate operators. This effort should begin immediately as the number of pirate radio stations often increases during the summer months. While the Enforcement Bureau has issued hundreds of Notices of Unlicensed Operation, it has issued relatively few fines or equipment seizures.
- Develop a Commission policy statement to share with private and law enforcement groups and help channel Commission resources towards pirate radio enforcement.
- Implement a dual strategy which increases pirate enforcement effort in the short term using all existing enforcement tools while working on changes in the Communications Act and other federal laws to improve enforcement against pirate radio. This will include a legislative strategy for expanding the Commission's authority to prosecute pirate radio operators, including coordination with the Federal Aviation Authority and the Federal Emergency Management Agency.
- Raise the awareness of entities (e.g., concert venues, building owners and managers, advertisers) that may unknowingly aid and abet pirate radio operators. Develop best practices with representative trade associations and organizations.
- Enlist law enforcement entities that can serve as partners in education efforts.
- Enhance the Commission's ability to identify and prosecute pirate operators, including the continued assistance of broadcasters in locating illegal radio transmitters and studios.
- Further examine the impact of pirate radio on the nation's EAS system.
- Create a permanent liaison between the Commission, U.S. Attorney's Offices, US Marshal's service, and state and local law enforcement agencies to facilitate pirate radio enforcement.
- Explore using private sector engineers to help FCC offices work with local law enforcement in a more efficient manner.

The roundtable was a tremendous first step, and we look forward to working with you and other Commission staff on these and other proposals for addressing the pirate radio problem. Again, thank you for the opportunity to share our thoughts regarding pirate radio.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Commissioner Michael O'Rielly
William Lake
Travis LeBlanc
Admiral David Simpson
Maria Kirby