

Congress of the United States
Washington, DC 20515

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MB
Consumer
Broadcast
Audio Services

June 9, 2015

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington DC 20554

RE: Unauthorized FM Radio Operations in New York City

Dear Mr. Chairman:

For quite some time, unauthorized pirate radio stations operating on FM radio frequencies have plagued both listeners and legitimate licensed radio stations in New York City and northern New Jersey. Based on recent complaints filed with the Federal Communications Commission (FCC) in January, there appear to be 34 pirate radio stations operating on rooftops in Brooklyn and the Bronx alone. Fifteen complaints have been filed against pirate stations in Newark, New Jersey. The number of pirate FM radio stations throughout New York City could well outnumber the number of licensed operations, and recently unauthorized stations have shown up elsewhere in New York State and New Jersey.

We have several concerns about persistent radio piracy. First, these stations interfere with services delivered by legitimately licensed radio stations. That interference prevents listeners in New York and New Jersey from getting news, information and entertainment from their favorite radio station. More importantly, when interference occurs during an emergency, millions of people may not hear Emergency Alert System (EAS) alerts from licensed stations. This problem may disrupt the entire alert system in New York City, Long Island, the Lower Hudson Valley and northern New Jersey. We are aware of at least one station that has asked to change its EAS monitoring assignment because of interference from unauthorized operators to New York Public Radio's WNYC. WNYC is one of the primary sources of EAS messages in New York City.

Second, many of these operations focus on some of the most vulnerable populations in New York. We do not believe the FCC should allow these communities to be served by radio stations operating without regard to basic consumer protection laws and FCC regulations. The laws that protect the listening public generally should apply to all listeners, especially those in vulnerable communities. Allowing these radio stations to ignore consumer protection laws and Commission regulations deprives these communities of the protections to which they are entitled. Pirate radio operations also undermine investment in legitimate minority broadcasters. We encourage the Commission to make a more proactive effort to increase legitimate minority participation in broadcasting, broadband and other communications services in order to reach more underserved communities, while increasing its enforcement efforts regarding pirate radio.

Finally, Congress, through the FCC, has allocated radio stations in New York City and across the United States. This carefully engineered system has been put in place to avoid interference, but the unprecedented growth of pirate radio operations in New York City effectively alters this carefully engineered plan. We do not believe this plan should be undermined by unauthorized operations.

While we recognize the FCC has made some efforts to remedy this ongoing issue, primarily issuing Notices of Unlicensed Operation to illegal operators, much more needs to be done. These efforts must be followed up with additional enforcement actions including issuing fines and seizing transmission equipment. The Commission should use all the enforcement tools it has available to correct this situation. We urge you to increase the number of personnel assigned to the FCC's New York field office for the purpose of enforcing against these operators. We also request that you work with the U.S. Attorney's Office and local law enforcement officials to prioritize enforcement.

We understand the Commission has resource challenges. Nonetheless, policing radio frequencies to prevent interference is at the heart of the Commission's mission. We respectfully request that you provide us with a specific plan of action for resolving this problem. We look forward to working with you on this important issue.

Sincerely,



CHRIS COLLINS
Member of Congress



PAUL D. TONKO
Member of Congress



PETER T. KING
Member of Congress



ELIOT L. ENGEL
Member of Congress



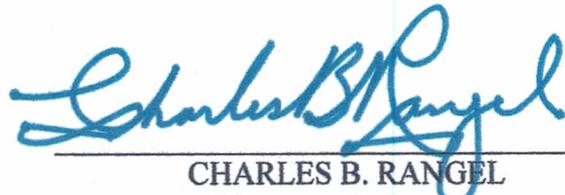
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Member of Congress



LEONARD LANCE
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STEVE ISRAEL
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Member of Congress



SEAN PATRICK MALONEY
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KATHLEEN M. RICE
Member of Congress



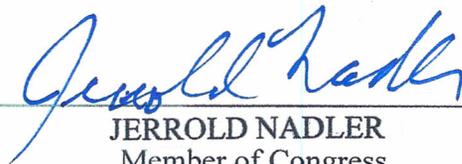
DONALD M. PAYNE, JR.
Member of Congress



HAKHEM JEFFRIES
Member of Congress



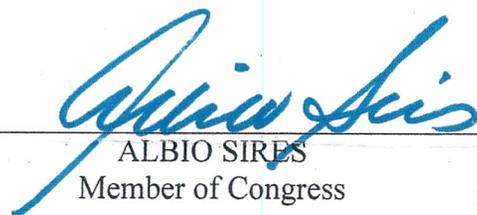
BILL PASCRELL, JR.
Member of Congress



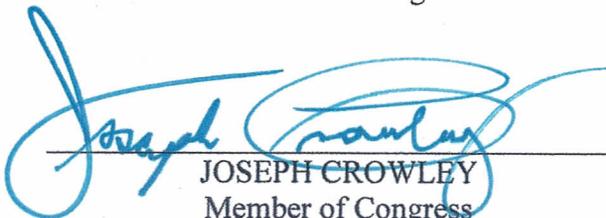
JERROLD NADLER
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RICHARD HANNA
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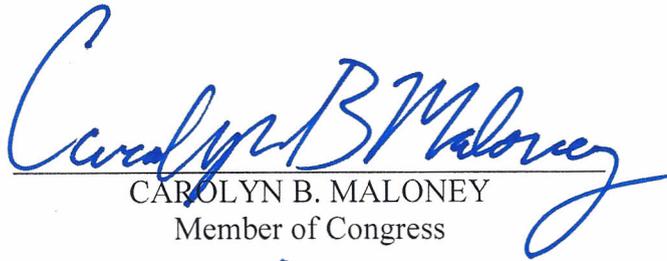
ALBIO SIRES
Member of Congress



JOSEPH CROWLEY
Member of Congress



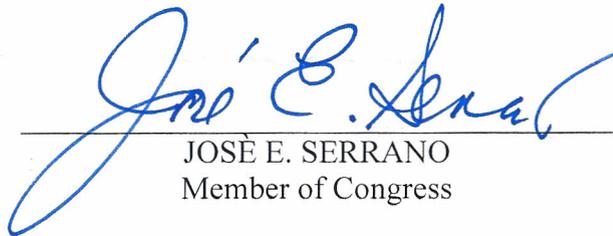
GREGORY MEEKS
Member of Congress

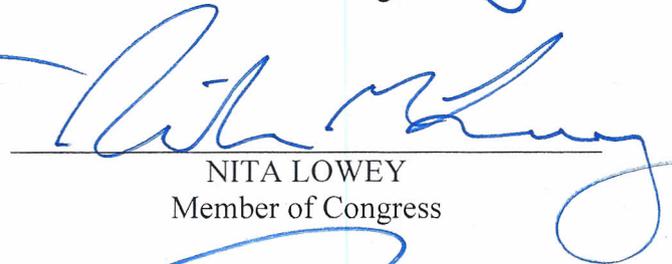

CAROLYN B. MALONEY
Member of Congress


ELISE M. STEFANIK
Member of Congress

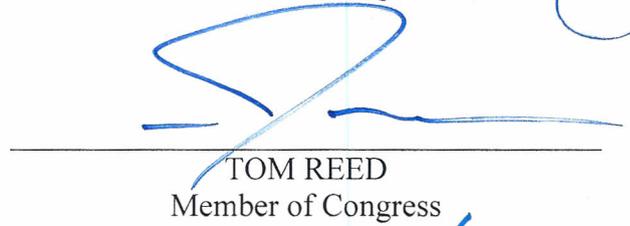

CHRIS GIBSON
Member of Congress


NYDIA M. VELÁZQUEZ
Member of Congress

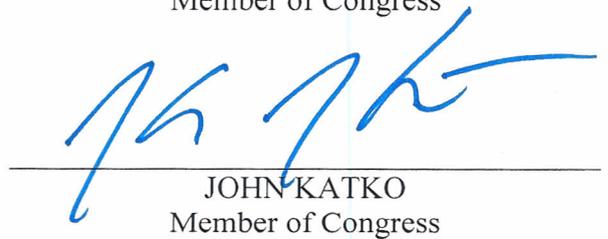

JOSÉ E. SERRANO
Member of Congress

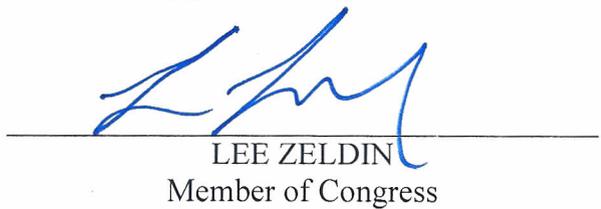

NITA LOWEY
Member of Congress

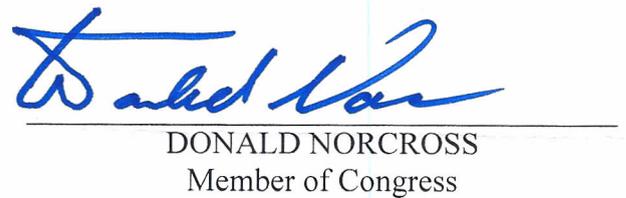

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Member of Congress


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Member of Congress


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DONALD NORCROSS
Member of Congress


YVETTE D. CLARKE
Member of Congress