



NEWS

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**Federal Communications Commission
1919 - M Street, N.W.
Washington, D. C. 20554**

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

Report No. CI 98-1 COMPLIANCE AND INFO ACTION February 6, 1998

UNLICENSED RADIO OPERATION IN PUERTO RICO ENDANGERING AIR SAFETY COMMUNICATIONS AT SAN JUAN INTERNATIONAL AIRPORT SHUT DOWN BY FCC

Swift action by the Federal Communications Commission, in conjunction with the Office of the United States Attorney for the District of Puerto Rico, and the Federal Bureau of Investigation, resulted in the closure of an unlicensed FM radio broadcast station in Puerto Rico that was causing severe interference to air traffic control frequencies at the San Juan International Airport.

Acting on a complaint from Federal Aviation Administration (FAA) air traffic controllers about interference to their communications with airplane pilots at the San Juan airport, investigators from the FCC's Compliance and Information Bureau (CIB) located the interfering radio signal on 98.1 MHz coming from a private residence in Bahia Vistamar. No FCC license had been issued for the radio station.

After identifying the unlicensed operator as Mr. Hector Guerra, of Bahia Vistamar, Carolina, PR, the FCC informed him that his operation violated the Communications Act and that it was causing interference to the airport frequencies. Despite the FCC warning and request that he voluntarily shut down the transmitter, Mr. Guerra refused. Due to the continuing hazards to the safety of air navigation caused by this unlicensed station, the FCC and FBI confiscated all radio station transmission equipment from the residence under a criminal search warrant pursuant to Title 18 of the United States Code.

Under Commission rules, radio transmitters, other than certain low powered devices operated in accordance with Part 15 of the Commission's Rules, may be operated only upon the issuance of an FCC license covering such equipment. Unlicensed operation may subject the violator to serious penalties provided for in the Communications Act of a civil fine of up to \$11,000 and/or seizure and forfeiture of the radio equipment by court order. In addition, violators could be subject to criminal fines imposed by the Justice Department of up to \$100,000, and/or imprisonment for up to one year or both for a first offense. Unlicensed radio transmissions, in general, can create a danger of interference to important authorized radio communications services. Such illegal transmissions, using equipment of unknown technical integrity, raise a particular concern because of the potential for harmful interference to authorized services, including public safety communications and aircraft frequencies, as in this case.

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Richard Lee, Chief of the Compliance and Information Bureau said, "Unlicensed radio operations such as this pose a threat to critical air traffic communications and a risk to safety of life due to the interfering transmissions. We will continue to inform the public of these dangers and to move swiftly to eliminate these potential hazards to air traffic communications."

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