

NEWS

**FEDERAL COMMUNICATIONS COMMISSION
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This is an unofficial announcement of Commission Action. Release of the full text of a Commission order constitutes official action. See *MVI v. FCC*, 516 F 2d 385 (D.C. Circ 1974)

Report No. CI 98-11

COMPLIANCE & INFO ACTION

July 7, 1998

HOWELL TOWNSHIP, NEW JERSEY PIRATE RADIO OPERATOR ENJOINED FROM OPERATING WITHOUT A LICENSE

The Federal Communications Commission ("FCC") announced today that a U.S. District Court in New Jersey has granted the United States' motion to enjoin a pirate radio broadcaster, Salvatore DeRogatis, from continuing to operate an unlicensed FM radio broadcast station in the Township of Howell, New Jersey.

In September 1997 the FCC seized equipment being used by Mr. DeRogatis to operate the unlicensed station. Mr. DeRogatis continued to operate the station which broadcast on 104.7 MHz, and identified itself as "Oldies 104.7" and "WFHR." On June 30, 1998, District Judge Katharine S. Hayden issued a Letter-Opinion and an Order finding that the government's "unopposed arguments" were "persuasive" and that it was entitled to judgment as a matter of law. The Court ruled that Mr. DeRogatis is enjoined "from making radio transmissions within the United States unless and until he first obtains a license from the FCC."

The Court noted that although originally five claimants sought return of some or all radio equipment which had been confiscated by the government, only two had submitted responses to the government's motion. One later withdrew the request and the other entered into an agreement with the government.

Broadcast stations that transmit on a frequency in the FM band must be licensed by the FCC. Unlicensed or unauthorized operation of a radio transmitter or station is a violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. § 301. In general, unlicensed radio transmissions create a danger of interference to important authorized radio communications services, such as licensed broadcasting stations, and aircraft tower to airplane communications.

The equipment used in illegal operations is usually of unknown technical quality and its operation causes interference to the reception of authorized services. In extreme cases, illegal broadcast stations have the potential to interfere with vital aircraft, police and fire communications in a manner that may endanger the safety of life.

The Communications Act gives the FCC authority to impose sanctions on unlicensed broadcasters, including civil monetary forfeitures, court injunctions, and seizures of the radio equipment. Violators are subject to penalties of up to \$11,000 and/or seizure and forfeiture of all radio equipment involved by court order. Unlicensed operators are also 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-time offense.

The FCC, therefore, continues to advise all remaining illegal, unlicensed stations located across the country, who continue to operate without a license, to voluntarily cease their illegal broadcasting operations to avoid seizure and/or fines.

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