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Federal Communications Commission
445 12th Street, S.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).

FOR IMMEDIATE RELEASE
October 21, 1999

NEWS MEDIA CONTACT
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INJUNCTION COMPLAINT FILED IN DISTRICT COURT REGARDING UNLICENSED RADIO STATION IN LANCASTER, PA.

Attached, for your information, is a News Release from the United States Attorney for the Eastern District of Pennsylvania announcing that a U.S. District Court complaint for declaratory and injunctive relief was filed against an unlicensed radio operator in Lancaster, Pennsylvania.

- FCC -

Attachment



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

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October 20, 1999

PRESS RELEASE

On October 20, 1999, the United States Attorneys Office for the Eastern District of Pennsylvania filed a complaint for declaratory and injunctive relief against the owner and operator of an unlicensed radio broadcast station being operated from a church located at 103 Locust Street, Lancaster, Pennsylvania. The radio station was found to be in violation of the Communications Act of 1934, 47 U.S.C. § 151 *et seq.*

The unlicensed broadcasts were at frequency 106.3 MHz. and are alleged to have been made by a radio station which refers to itself as "Radio Vida." The United States alleges that FCC agents determined that the amount of power from Radio Vida's signal far exceeded that permitted by FCC regulations, which permit certain very low power station emissions in the FM band without a license. The United States alleges that if Radio Vida had been operating within the power levels permitted by FCC's regulations governing unlicensed radio broadcasts, then its signal would not reach any further than about 1,000 feet. In this case, it is alleged that FCC agents were able to receive Radio Vida's signal at a distance of approximately twenty miles, which far exceeds that permitted by law. Radio Vida's broadcast signal strength, measured in micro volts per meter, was recently measured at more than a thirty-one thousand times higher than permissible power levels.

The United States alleges that the FCC made several attempts to obtain Radio Vida's voluntary compliance with the law against unlicensed broadcasting. For example, on November 5, 1999, FCC agent David C. Dombrowski informed Reverend Roberto Figueroa, the operator of Radio Vida, that continued operation of the station could result in seizure of the station's equipment, the issuance of a fine or both. Two written warnings were also forwarded to Reverend Figueroa regarding the operation of the illegal station. Moreover, on September 1, 1999, United States District Court Judge Harvey Bartle, III entered an opinion denying the governments forfeiture of the equipment used by Radio Vida in its unlicensed broadcast but not authorizing Radio Vida to continue broadcasting without a license. Despite these warnings the defendant has continued to broadcast in an open and notorious manner in direct contravention of the law.

The defendant was informed of their responsibility to obtain a license as a condition precedent to broadcasting. The United States alleges that, despite these warnings by representatives of the FCC, these illegal broadcasts have continued to occur and interfere with licensed radio broadcasts with similar frequencies.

The United States alleges that unlicensed broadcasting threatens the integrity of the regulatory structure established in the Communications Act of 1934 to prevent interference and confusion in the

radio spectrum. The regulatory effectiveness of the FCC to carry out its statutory obligations to license stations and prevent radio broadcast interference would be impaired without meaningful action to stop unlicensed broadcasting.

The case has been assigned to Assistant U.S. Attorney Cedric D. Bullock.