

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	File No.: EB-FIELDNER-17-00025400
)	CD Acct. No.: 202032010001
Anthony M. Edwards)	
Stroudsburg, Pennsylvania)	FRN: 0029673498
)	

ORDER

Adopted: June 17, 2020

Released: June 17, 2020

By the Chief, Enforcement Bureau:

1. Unlicensed radio stations create a danger of interference to licensed communications, including other broadcasters, aviation, and public safety frequencies. Such operations also undermine the Commission’s authority over broadcast radio operations. Moreover, unlicensed radio stations do not broadcast Emergency Alert Service messages and thereby create a public safety hazard for their listeners. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission) has entered into a Consent Decree to resolve its investigation into whether Anthony M. Edwards¹ operated an unauthorized radio station on 90.7 MHz and 91.5 MHz in Stroudsburg, Pennsylvania.² To settle this matter, Edwards admits he operated an unauthorized radio station, agrees not to operate an unauthorized radio station in the future, and will pay a \$1,500 civil penalty. Additionally, Edwards will pay a further civil penalty of \$23,500 if the Commission finds that he operates an unauthorized radio station during the next twenty years or that he misled the Commission regarding his current financial status.

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation into whether Edwards operated an unauthorized radio station in violation of section 301 of the Communications Act of 1934, as amended (Act).³

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Edwards’s basic qualifications to hold or obtain any Commission license or authorization.⁴

¹ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

² Edwards’ unauthorized radio station operation occurred before the enactment of the PIRATE Act in January 2020. Preventing Illegal Radio Abuse Through Enforcement Act, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

³ 47 U.S.C. § 301.

⁴ See 47 CFR § 1.93(b).

4. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Act⁵ and the authority delegated by sections 0.111 and 0.311 of the Commission's rules,⁶ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Edwards at his last known address.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary C. Harold
Chief
Enforcement Bureau

⁵ 47 U.S.C. § 154(i).

⁶ 47 CFR §§ 0.111, 0.311.

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In the Matter of
Anthony M. Edwards
Stroudsburg, PA
File No.: EB-FIELDNER-17-00025400
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FRN: 0029673498

CONSENT DECREE

1. Unauthorized radio stations—also known as pirate radio stations—operate illegally, undermine the Federal Communications Commission’s efforts to manage radio spectrum, and can interfere with licensed communications, including authorized broadcasts and public safety transmissions. The Enforcement Bureau of the Federal Communications Commission and Anthony M. Edwards (Edwards), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau’s investigation into whether Edwards violated section 301 of the Communications Act of 1934, as amended, in connection with Edwards’ operation of an unauthorized radio station, World Hype Radio, on 90.7 MHz and 91.5 MHz in Stroudsburg, Pennsylvania. To resolve this matter, Edwards admits that he violated section 301 of the Act by operating an unauthorized radio station, agrees not to operate an unauthorized radio station in the future, and will pay a \$1,500 civil penalty. Further, Edwards will pay an additional civil penalty of \$23,500 if the Commission finds that he operates an unauthorized radio station during the next twenty years or that he misled the Commission regarding his current financial status.

I. DEFINITIONS

- 2. For the purposes of this Consent Decree, the following definitions shall apply:
(a) “Act” means the Communications Act of 1934, as amended,1 including the Preventing Illegal Radio Abuse Through Enforcement Act.2
(b) “Adopting Order” means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
(c) “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
(d) “CD Acct No.” means account number 202032010001, associated with payment obligations described in paragraph 14 of this Consent Decree.
(e) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
(f) “Compliance Commitment” means the compliance obligations described in this Consent Decree at paragraph 12.
(g) “Effective Date” means the date on which both the Bureau and Anthony M. Edwards have signed the Consent Decree and the Bureau has released an Adopting Order.

1 47 U.S.C. § 151 et seq.

2 Preventing Illegal Radio Abuse Through Enforcement Act, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

- (h) “Investigation” means the investigation commenced by the Bureau in File No. EB-FIELDNER-17-00025400 regarding whether Edwards violated section 301 of the Act by operating an unauthorized radio station.
- (i) “Parties” means Anthony M. Edwards and the Bureau, each of which is a “Party.”
- (j) “Pirate Radio Broadcasting” means the transmission of communications on spectrum frequencies between 535 and 1705 kHz, inclusive, or 87.7 and 108 MHz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of the Rules.³
- (k) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. Section 301 of the Act states that “[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio” within the United States or its territories without a license granted by the Commission.⁴ Pirate Radio Broadcasting violates section 301 of the Act, and undermines the Commission’s efforts to manage radio spectrum and can interfere with licensed communications, including authorized broadcasts and public safety transmissions. Moreover, stations engaged in Pirate Radio Broadcasting do not broadcast Emergency Alert Service messages, and so create a public safety hazard for their listeners.

4. In the Fall of 2017, the Bureau received four complaints alleging an unlicensed broadcast station, World Hype Radio, was operating on several frequencies, including 90.7 MHz and 91.5 MHz.⁵ Bureau agents investigated the complaints, identified Edwards as the operator of World Hype Radio operating on 90.7 MHz, and warned him, through a Notice of Unlicensed Operation (Notice), of the penalties if he continued to operate the station without a license.⁶ On December 27, 2017, in response to the Notice, Edwards called the Bureau and assured the agents that he would no longer operate a station on 90.7 MHz above the part 15 limits of the Commission’s rules.⁷

5. In March 2019, Bureau personnel conducted additional research and found that Edwards had moved to a new single-family residence on Old Kettle Court Road (Old Kettle Court) in Stroudsburg, Pennsylvania. On June 19, 2019, using direction finding equipment, the agents traced a signal transmitting on 91.5 MHz from Old Kettle Court and observed an FM broadcast antenna mounted on the roof of that residence. Edwards has informed the Bureau that he had ceased operating World Hype Radio on 91.5 MHz in Stroudsburg, Pennsylvania, has submitted a certified declaration in which he asserts an inability to pay a substantial civil penalty, and has provided information regarding his current employment and financial status.⁸ To settle this matter, the Bureau and Edwards enter into this Consent Decree and agree to the following terms and conditions.

³ See 47 U.S.C. § 511(h).

⁴ 47 U.S.C. § 301.

⁵ See Field Agents’ Investigation Report (on file in EB-FIELDNER-17-00025400).

⁶ Letter from David C. Dombrowski, Regional Director, Region One, Enforcement Bureau, to Anthony Edwards, (Dec. 22, 2017), <https://docs.fcc.gov/public/attachments/DOC-348521A1.pdf>.

⁷ See Field Agents’ Investigation Report (on file in EB-FIELDNER-17-00025400).

⁸ Letter from Anthony Edwards to Joy Ragsdale, Field Counsel, Enforcement Bureau (May 30, 2020) (on file in EB-FIELDNER-17-00025400).

III. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** Edwards agrees that the Bureau has jurisdiction over him and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Edwards agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Edwards concerning the matters that were the subject of the Investigation, or to set for hearing the question of Edwards' basic qualifications to be a Commission licensee or hold Commission licenses or authorizations.⁹

10. **Admission of Liability.** Edwards admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 9 herein, that his actions as summarized in paragraphs 4-5 violated section 301 of the Act.

11. **Voluntary Removal or Surrender of Broadcasting Equipment.** Edwards agrees to voluntarily remove and/or surrender to the Commission (or to a designated local enforcement office on behalf of the Commission) any broadcasting equipment used to commit acts of Pirate Radio Broadcasting that may include, but is not limited to, FM antennas, antenna mounts, coaxial cable, filters, and FM transmitters. Edwards agrees to submit photos of any equipment that has been removed to field@fcc.gov within ten (10) calendar days of such removal.

12. **Compliance Commitment.** Edwards has ceased committing acts of Pirate Radio Broadcasting and in the future will not commit, or provide materials assistance to others in committing, acts of Pirate Radio Broadcasting. The commission of Pirate Radio Broadcasting, or the provision of material assistance to another committing acts of Pirate Radio Broadcasting, by Edwards will violate section 301 of the Act and the terms of this Consent Decree. Edwards will report any noncompliance with section 301 of the Act or with the terms and conditions of this Consent Decree within ten (10) calendar days of such noncompliance to Field Director, Office of the Field Director, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554, with a copy submitted electronically to Joy.Ragsdale@fcc.gov and field@fcc.gov. Any failure to report such noncompliance will violate the terms of this Consent Decree.

13. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraph 12 (Compliance Commitment paragraph) of this Consent Decree shall expire twenty (20) years after the Effective Date.

14. **Civil Penalty.** In light of Edwards' demonstrated inability to pay, and subject to the provisions of paragraph 16 below, Edwards will pay a civil penalty to the United States Treasury in the amount of One Thousand, Five Hundred Dollars (\$1,500). Such payment shall be made in thirty (30) installments (each an Installment Payment). The first Installment Payment in the amount of Fifty Dollars (\$50) is due within thirty (30) calendar days of the Effective Date. Thereafter, twenty-nine (29) monthly Installment Payments, each in the amount of Fifty Dollars (\$50), will be due and payable on the fifteenth (15th) day of the month, starting on August 15, 2020, with a final Installment Payment due on December

⁹ See 47 CFR § 1.93(b).

15, 2022. Edwards acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty and each Installment Payment shall become a “Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1).¹⁰ Upon an Event of Default (as defined below in paragraph 16), all procedures for collection as permitted by law may, at the Commission’s discretion, be initiated. Edwards shall send electronic notification of payment to the Office of Field Director, field@fcc.gov and to Joy Ragsdale at Joy.Ragsdale@fcc.gov on the date said payment is made. Payment of the civil penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission’s Fee Filer (the Commission’s online payment system),¹¹ or by wire transfer. The Commission no longer accepts civil penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹²

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹³ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu, and select the bill number associated with the CD Acct. No. – the bill number is the CD Acct. No. with the first two digits excluded – and then choose the “Pay by Credit Card” option. IMPORTANT NOTE: there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu and then select the bill number associated with the CD Acct. No. – the bill number is the CD Acct. No. with the first two digits excluded (e.g., NAL 1912345678 = FCC bill Number 12345678) – and choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

15. **Suspended Penalty.** Edwards further agrees that, upon an Event of Default (as described below in paragraph 16), he will pay a further civil penalty to the United States Treasury in the amount of Twenty-Three Thousand, Five Hundred Dollars (\$23,500) (Additional Civil Penalty). Edwards acknowledges and agrees that upon an Event of Default, the Additional Civil Penalty shall also become a

¹⁰ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

¹¹ Payments made using the Commission’s Fee Filer system do not require the submission of an FCC Form 159.

¹² For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

¹³ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

“Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1), and all procedures for collection of the Additional Civil Penalty may, at the Commission’s discretion, be initiated against Edwards.

16. **Event of Default.** Edwards agrees that an Event of Default shall occur upon (a) the failure to pay any Installment Payment to the U.S. Treasury on or before the date specified in paragraph 14; (b) the failure to comply with paragraph 11, (c) the release of an order within twenty (20) years of the Effective Date by the Bureau or the Commission, such as a Notice of Apparent Liability for Forfeiture that is uncontested or a Forfeiture Order, finding that Edwards committed an act of Pirate Radio Broadcasting, in violation of section 301 of the Act; (d) an admission of noncompliance, or any failure to report such noncompliance, required by paragraph 12; or (e) the release of an order by the Commission finding that Edwards materially misstated his financial condition.

17. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Installments Payments and the Additional Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Installment Payments and the Additional Civil Penalty, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys’ fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Edwards.

18. **Waivers.** As of the Effective Date, Edwards waives any and all rights he may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Edwards shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Edwards nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Edwards shall waive any statutory right to a trial *de novo*. Edwards hereby agrees to waive any claims he may otherwise have under the Equal Access to Justice Act¹⁴ relating to the matters addressed in this Consent Decree.

19. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

20. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

21. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Edwards does not expressly consent) that provision will be superseded by such Rule or order.

22. **Successors, Assigns, and Transferees.** Edwards agrees that the provisions of this Consent Decree shall be binding on his successors, assigns, and transferees.

23. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

¹⁴ See 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

24. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

25. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

26. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

27. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Rosemary C. Harold
Chief
Enforcement Bureau

Date

Anthony M. Edwards

Date