

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

In the Matter of )
Albercio Mercado ) File No.: EB-FIELDNER-23-00034782
Bronx, New York ) NAL/Acct. No.: 202632010006
) FRN: 0038586517
)

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: June 25, 2026

Released: June 25, 2026

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of \$25,000 against Albercio Mercado (Mercado) for operating an unauthorized radio station, known as "Manzana FM" on 94.9 MHz in the Bronx, New York (Station), by which Mercado apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 14, 2026. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act)1 and undermines the primary mission of the Federal Communications Commission (FCC or Commission) to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather events and other dangers to the public.

II. BACKGROUND

A. Legal Framework

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act), which was subsequently codified as section 511 of the Communications Act.2 Section 511 states that any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$2,000,000 and not more than \$100,000 for each day during which such offense occurs.3 Both of these figures are subject to annual inflation adjustments.4 Section 511 defines pirate radio broadcasting as "the transmission of

1 47 U.S.C. § 511.

2 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. § 511(a)-(b). Prior to the passage of the PIRATE Act, the maximum monetary penalty for pirate radio transmissions was \$151,005. See 47 CFR §1.80(b)(9)(ii) (2019); see also Acerome Jean Charles, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12744 (2019) (proposing a penalty of \$151,005), consent decree adopted, Order, 35 FCC Rcd 6878 (2020). In 2020, that maximum limit was increased to \$2,000,000. See 47 U.S.C. § 511.

4 See 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,453,218 and of 47 U.S.C. § 511(b) at \$122,661); Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation, Order, 40 FCC Rcd 25, 32 at Table 5 to

(continued...)

communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.”<sup>5</sup> Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.<sup>6</sup>

## B. Factual Background

3. On August 20, 2024, based on consumer complaints, field agents (Agents) from the FCC’s New York Field Office investigated an alleged unauthorized FM broadcast station operating on 94.9 MHz in the Bronx, New York. Using direction finding techniques, Agents determined that the Station’s signal was emanating from {[ ]}<sup>7</sup> Kingsbridge Avenue, Bronx, New York (Kingsbridge Site). On September 3, 2024, the superintendent of the building at the Kingsbridge Site told Agents that an individual asked him for permission to install the antenna and equipment for the Station. The superintendent stated that the equipment owner’s name was “Albercio” and provided Albercio’s phone number to the Agents. Carrier phone records showed that Albercio Mercado was the subscriber for that number. Later that day, the superintendent contacted Agents to say that Mercado was at the Kingsbridge Site. The superintendent put Mercado on speakerphone with the Agents, and Mercado admitted that he was the only person in New York City operating “Manzana FM.” Agents informed Mercado that he could not operate the Station without a license.

4. On June 18, 2025, Agents located the station at a new address—{[ ]} West 193rd Street, New York, New York (193rd Street Site).<sup>8</sup> The superintendent of the 193rd Street Site building gave Agents access to the equipment room in the building where the Station’s broadcasting equipment was located. The building superintendent stated that “Albercio Mercado” paid him to allow installation of the broadcast equipment in the building and provided Mercado’s phone number.<sup>9</sup>

5. On January 14, 2026, Agents again monitored the frequency 94.9 MHz and, using direction-finding techniques, traced the source of the signal to the 193rd Street Site. The Agents took field strength measurements of the Station’s signal and determined that it exceeded the limits for operation under the part 15 rules.<sup>10</sup> On January 21, 2026, the building superintendent of the 193rd Street Site called Mercado with Agents present, and Mercado told Agents again that he was the operator of the Station.<sup>11</sup> Agents warned Mercado that he was not permitted to operate without a license. A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the 193rd Street Site on any frequency.<sup>12</sup>

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Paragraph (b)(12)(ii) (EB Jan. 3, 2025); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

<sup>5</sup> 47 U.S.C. § 511(h).

<sup>6</sup> 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter (“ $\mu\text{V}/\text{m}$ ”) at 3 meters).

<sup>7</sup> Material that is set off by double brackets {[ ]} is confidential and is redacted from the public version of this document.

<sup>8</sup> Agents recorded audio from the broadcast which the announcer identified the Station as “Manzana FM.” *See* June 18, 2025 audio recordings of 94.9 MHz (on file in EB-FIELDNER-23-00034782).

<sup>9</sup> Carrier records show that Albercio Mercado was the subscriber for that number. After the superintendent unplugged the transmitter and began taking down the antenna, the broadcast of 94.9 MHz ceased. *See* June 18, 2025 video and audio recording of 94.9 MHz (on file in EB-FIELDNER-23-00034782).

<sup>10</sup> *See* January 14, 2026 field strength measurements (on file in EB-FIELDNER-23-00034782).

<sup>11</sup> Agents confirmed with the superintendent that the number he called was the same number that he called in June, 2025. Carrier records show that the number belongs to Albercio Mercado.

<sup>12</sup> *See* FM Query Results, Audio Division (FCC) (Jan. 14, 2026) (on file in EB-FIELDNER-23-00034782).

6. During the course of the investigation, Agents conducted social media research and found additional evidence linking Mercado to the Station. Specifically, Mercado's Facebook page contained a video showing him in what appears to be the "Manzana FM" studio, with a radio station banner on the wall advertising Manzana 94.9 FM. In the video, Mercado identifies himself, the Station's name, and the Station's frequency.<sup>13</sup>

### III. DISCUSSION

7. We find that Mercado, in apparent violation of section 511 of the Act,<sup>14</sup> willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 14, 2026, through the operation of an unlicensed radio station, known as "Manzana FM" on 94.9 MHz. On January 14, 2026, Agents used direction finding techniques and determined that the Station was broadcasting from the 193rd Street Site. They also took field strength measurements of the Station's signal and determined that it exceeded the limits for operation under part 15 of the Commission's rules.<sup>15</sup> Agents recorded audio from the broadcast in which the announcer identified the Station as "Manzana FM."<sup>16</sup> A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the 193rd Street Site at any time relevant to the violation discussed in this NAL. Evidence collected by the Agents—including Mercado's admissions to Agents that he is the operator of the Station,<sup>17</sup> the statement of the 193rd Street Site's superintendent that Mercado paid him to allow installation of the Station's equipment,<sup>18</sup> and a video on Mercado's Facebook page of him in the Station's studio<sup>19</sup>—shows that Mercado is the operator of the Station. Accordingly, the Commission finds that Mercado's actions on January 14, 2026, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.<sup>20</sup>

#### A. Proposed Forfeiture

8. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person "who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting."<sup>21</sup> In exercising our forfeiture authority, we consider the "nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."<sup>22</sup> We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.<sup>23</sup>

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<sup>13</sup> The English translation of the video in Spanish includes Mercado stating: "[R]ight now I'm in the booth on *Manzana 94.9 FM*." See Albercio Mercado, *Facebook*, <https://www.facebook.com/stories/452781229533574/> (June 30, 2025) (on file in EB-FIELDNER-23-00034782).

<sup>14</sup> 47 U.S.C. § 511.

<sup>15</sup> See 47 CFR § 15.239(b).

<sup>16</sup> See June 18, 2025 audio recordings of 94.9 MHz (on file in EB-FIELDNER-23-00034782).

<sup>17</sup> See *supra* paras. 3, 5.

<sup>18</sup> See *supra* para. 4.

<sup>19</sup> See *supra* para. 6.

<sup>20</sup> 47 U.S.C. § 511(a), (h).

<sup>21</sup> 47 U.S.C. § 511(a).

<sup>22</sup> *Id.* § 503(b)(2)(E); 47 CFR § 1.80(b)(11).

<sup>23</sup> 47 CFR § 1.80(b)(11); see also *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Red 17087, 17101, para. 27 (1997) (*Forfeiture Policy Statement*), recons. denied, Memorandum Opinion and Order, 15 FCC Red 303 (1999).

9. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.<sup>24</sup> Under these sections, any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$122,661 for each day during which the offense occurs, but not more than \$2,453,218 in total.<sup>25</sup>

10. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.<sup>26</sup> Accordingly, in 2023, the Commission established a base forfeiture of \$20,000 for pirate radio broadcasting,<sup>27</sup> which is twice the pre-PIRATE Act base forfeiture level. Consequently, for the day that Mercado apparently willfully and knowingly violated section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of \$20,000.<sup>28</sup>

11. Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,<sup>29</sup> we conclude that an upward adjustment is warranted based on Mercado's intentional operation of "Manzana FM" on 94.9 MHz after being notified on September 3, 2024, that he needed a license to operate, yet he continued to operate without a license into 2026.<sup>30</sup> Accordingly, we propose an upward adjustment of \$5,000 for a total proposed penalty of \$25,000.

12. We also consider whether there is any basis for a downward adjustment of the proposed forfeiture. We find none. After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*, Mercado is apparently liable for a proposed monetary forfeiture of \$25,000.<sup>31</sup>

#### IV. CONCLUSION

13. We have determined that Albercio Mercado apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the Act on January 14, 2026. As such, Albercio Mercado is apparently liable for a forfeiture of \$25,000.

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<sup>24</sup> 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

<sup>25</sup> See 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,453,218 and of 47 U.S.C. § 511(b) at \$122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 40 FCC Rcd 25, 32 at Table 5 to Paragraph (b)(12)(ii) (EB Jan. 3, 2025); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

<sup>26</sup> See S. Rep. No. 116-178, 1 (2019) ("The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.").

<sup>27</sup> The Commission first applied this base forfeiture amount in prior Notices of Apparent Liability for Forfeiture. See, e.g., *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2562, 2569, para. 15 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9747 (2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2554, 2558, para. 12 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9744 (2023).

<sup>28</sup> See 47 U.S.C. § 511.

<sup>29</sup> See *Forfeiture Policy Statement*, 12 FCC Rcd at 17101, para. 27; 47 CFR § 1.80(b)(11).

<sup>30</sup> See, e.g., *Renold David, Brockton, Massachusetts*, Notice of Apparent Liability for Forfeiture, 39 FCC Rcd 4495, 4499, para. 12 (2024), *aff'd*, Forfeiture Order, 39 FCC Rcd 14040 (2024) (proposing and then affirming an upward adjustment for each day during which David operated his pirate radio station after being notified that such operation was illegal); *Noah Opoku Gyamfi, Worcester, Massachusetts*, Notice of Apparent Liability for Forfeiture, 40 FCC Rcd 5857 (EB 2025) (upwardly adjusting the forfeiture amount by \$5,000 for a history of operating an unlicensed pirate radio station).

<sup>31</sup> 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.

## V. ORDERING CLAUSE

14. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Albercio Mercado is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twenty-five thousand dollars (\$25,000) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

15. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Albercio Mercado **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 18.

16. In order for Albercio Mercado to pay the proposed forfeiture, he shall notify the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov) of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, Mercado shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at [field@fcc.gov](mailto:field@fcc.gov) on the date said payment is made. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. 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:<sup>32</sup>

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159<sup>33</sup> or printed CORES form<sup>34</sup> must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, 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).<sup>35</sup> 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 CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.

<sup>32</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

<sup>33</sup> FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

<sup>34</sup> Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

<sup>35</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, 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.

17. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554.<sup>36</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

18. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.<sup>37</sup> The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov).

19. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status.<sup>38</sup> Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.<sup>39</sup>

20. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first-class mail and certified mail, return receipt requested, to Albercio Mercado at { [ ] } Kingsbridge Avenue Apt { [ ] } Bronx, NY 10463.

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<sup>36</sup> See 47 CFR § 1.1914.

<sup>37</sup> *Id.* §§ 1.16, 1.80(g)(3).

<sup>38</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>39</sup> See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre  
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