



Federal Communications Commission
Enforcement Bureau
Region Three

Region Three Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
(562) 860-7474

field@fcc.gov

April 10, 2024

BY UPS AND FIRST-CLASS MAIL

Cesar Ascarrunz, Trustee
The Cesar Ascarrunz Living Trust
{[REDACTED]} Miguel St.
San Francisco, California 94131

NOTICE OF ILLEGAL PIRATE RADIO BROADCASTING

Case Number: EB-FIELDWR-22-00034529

The San Francisco Office of the Federal Communications Commission's (FCC) Enforcement Bureau is investigating a complaint about an unlicensed FM broadcast station operating on frequency 89.7 MHz. On March 5, 2024, an agent from the San Francisco Office confirmed by direction finding techniques that radio signals on frequency 89.7 MHz were emanating from the property at {[REDACTED]} Miguel St., San Francisco, CA 94131 (Property).¹ Available records identify the Cesar Ascarrunz Living Trust (Cesar Ascarrunz, Trustee) as the owner of the Property. The FCC's records show no license issued for operation of a radio broadcast station on 89.7 MHz at this location.

Radio broadcast stations operating on certain frequencies,² including 89.7 MHz, must be licensed by the FCC pursuant to the Communications Act of 1934, as amended (Act).³ While the FCC's rules create exceptions for certain extremely low-powered devices, our agents have determined that those exceptions do not apply to the transmissions they observed originating from the Property. Accordingly, the station operating on the Property may be violating the Act.⁴

Under section 511(a) of the Act, persons or entities found to willfully and knowingly suffer (*i.e.*, permit) a third party to engage in so-called "pirate radio" broadcasting on their property can face significant financial penalties.⁵ **Accordingly, you are hereby notified and warned that the FCC may issue a fine of up to \$2,391,097 if, following the response period set forth below, we determine that you have**

¹ Material that is set off by double brackets {[]} is confidential and is redacted from the public version of this document.

² 47 CFR § 73.201.

³ 47 U.S.C. § 301.

⁴ *See, e.g., id.* § 511.

⁵ *Id.* § 511(a).

continued to permit any individual or entity to engage in pirate radio broadcasting from the property that you own or manage.⁶

If you do not respond to this Notice, the FCC may nonetheless determine that, as a legal matter, you have sufficient knowledge of the above-referenced pirate radio activity to support enforcement action against you. Service of this Notice to you or your agent establishes the foundation, along with other evidence, that could lead to significant financial penalties.

You have ten (10) business days from the date of this Notice to respond by providing evidence that you are no longer permitting pirate radio broadcasting to occur at the Property. In addition, we request that you identify the individual(s) engaged in pirate radio broadcasting on the property that you own or manage. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,⁷ we are informing you that the FCC's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the FCC's rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Lark Hadley
Regional Director, Region Three
FCC Enforcement Bureau

Enclosures:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

⁶ 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 \$2,391,097 and 47 U.S.C. § 511(b) at \$119,555); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 23-1198, 2023 WL 8889597, at *7 (EB Dec. 22, 2023); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting January 15, 2024, as the effective date for the increases).

⁷ 5 U.S.C. § 552a(e)(3).