

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: Fabrice Polynice, North Miami, FL, File No. EB-FIELDSCR-13-00012949; Harold Sido and Veronise Sido, North Miami, FL, File No. EB-FIELDSCR-15-00018596.

I generally withhold from making comments on Notices of Apparent Liability (NAL). Here, I will make an exception since it focuses on an area that I have spent a considerable amount of time and energy.

I applaud Chairman Pai's directive to the Enforcement Bureau that they actually enforce the law and the Commission's rules as they pertain to pirate radio broadcasting. The previous Commission leadership had a much different approach that was both destructive and misguided. I thank the Bureau's field office staff for their renewed enthusiasm to stop current pirate radio "stations" and prevent new ones from forming. I also appreciate the scope of this NAL in that it seeks to go after the actual landlords housing the pirate station, although in this instance these landowners seem more like active participants than just facilitators.

As I have said before, pirate radio broadcasters cause harm to existing licensed broadcasters by depriving them of their regular audience and potential listeners while, at the same time, decreasing crucial advertising revenues that fund the station's operations. More importantly, the listening American public can be put at greater public safety risk when prevented access to legitimate radio stations in times of emergency. If you believe that radio is actually a critical medium for sharing vital information, especially in times of crisis as has been noted during the recent hurricanes of Harvey, Irma and Maria, then allowing rogue individuals to potentially cause interference, effectively steal listeners and put legitimate broadcasters at risk of failing is antithetical to the Commission's purpose.

Before the Commission is an NAL initializing forfeiture proceedings against three individuals who have repeatedly and intentionally participated as pirate radio broadcasters in the Miami radio market. These individuals, based on the information presented, have been at this since at least 2012 and have been subject to numerous warnings. While I look forward to any response they may provide, I question whether we will get one worthy of refuting the claims. Instead, I suspect the perpetrators will run and hide, failing to respond at all.

While I applaud our action today, I would be remiss if I didn't note the inadequacy of the potential fines contained in the NAL. In particular, the collective penalty being imposed would be a little over \$144 thousand. That's pennies in the bucket compared to the huge penalties we have sought against rule violators in other contexts. I am hopeful that Congress will revisit and amend the statute to deter the formation and operation of pirate radio stations. It would also be helpful to expand the scope of the Commission's authority to go after additional participants who are facilitating their illegal practices.