

STATEMENT OF
COMMISSIONER GEOFFREY STARKS

Re: *Gerlens Cesar, Boston, Massachusetts, File Nos. EB-MC-0000049, EB-FIELDNER-17-00024874, EB-FIELDNER-17-00025344, EB-FIELDNER-19-00029169*

As a former enforcement official, both at the FCC and the Department of Justice, it should come as no surprise to anybody that I would support today's actions and the investigative work performed by EB's field agents that went into them. The FCC exists, in part, to manage the use of spectrum and, at its inception, was created to prevent interference among broadcast signals. Let there be no doubt that when we act to enforce the law preventing unlicensed stations, we are executing a statutorily mandated duty that protects licensed and public safety operations and ensures that folks using our airwaves are bound by our rules concerning emergency alerting, indecency, payola, political advertising transparency, and more.

That said, it is impossible to consider today's actions without experiencing the disheartening realization that something is not working as it should. There are no excuses for those who choose to break the law or violate our rules, but I can't help but think about what impact the Commission's longstanding abdication of our diversity obligations has had on the development of unlicensed stations serving immigrant communities. Our numbers reveal that representatives of the communities that largely turn to pirate radio – Haitians, Jamaicans, Trinidadians, folks from Grenada or Guyana, to name a few – are absent from the ranks of licensed operators. Opportunities to obtain licenses are few and far between. And, even when they do open up, opportunities remain severely limited in urban population centers like New York, Boston, and Miami, where unlicensed operators have historically operated.

Where would we be today if we provided real opportunities for these operators years ago and were more intentional about making sure our licenses were distributed with diversity obligations in mind? What if we listened to the Third Circuit Court of Appeals the first or second time, or even the third time when it issued one of its *Prometheus* opinions telling us we need to better study how our rules and policies impact ownership opportunities for women and people of color? And what if we acted years ago to put in place solid, legally sound programs to promote ownership diversity? On this fourth remand from the *Prometheus* court, I have called for us to improve our data and conduct new empirical research to support targeted efforts to improve broadcast ownership diversity. Our work here is long overdue.

According to one local business owner, who routinely tunes into one of the unlicensed stations at issue today, “[T]he most important way of communication that we have is the radio . . . Haitian radio is very, very, very important in our community. [If] all those stations get shut down, the Haitian community would shut down, too.”¹ These operators took matters into their own hands by broadcasting without a license, which risks other licensees and public safety in clear violation of the law. They cannot be allowed to serve their communities illegally. But I also believe that we must widen our aperture on today's actions to fully capture how the FCC's policies have let these communities down. Both are true, and we can all do better.

As I noted throughout my statement, I support our efforts and I appreciate the tireless work of the Enforcement Bureau and our field agents in combatting unlicensed operations across the country.

¹ Tori Bedford, *Radio Concorde: On The Air, Undercover*, WGBH News (June 6, 2018).