

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

In the Matter of)
Johnny Peralta) File No.: EB-FIELDNER-18-00026578
Bronx, New York) NAL/Acct No.: 202432010001
) FRN: 0034392233

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: November 15, 2023

Released: November 16, 2023

By the Commission: Chairwoman Rosenworcel issuing a statement.

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of \$2,316,034 against Johnny Peralta a/k/a Jhonny Peralta (Peralta), for operating an unauthorized radio station on 105.7 MHz in the Bronx, New York, by which Peralta apparently willfully and knowingly did or caused pirate radio broadcasting during a period from November 16, 2022 to February 21, 2023, resulting in 98 days of apparent violations. Peralta appears to have engaged in the longstanding illicit operation of an unauthorized radio station known as "La Mia Radio." Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act).1 Pirate radio stations undermine the Commission's primary mission 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.2 Accordingly, Commission enforcement action in this area is essential.

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.3 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.4 Both of these figures are subject to annual

1 47 U.S.C. § 511.

2 See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

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

inflation adjustments.⁵ Section 511 defines pirate radio broadcasting as “the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Federal Communications Commission (Commission), but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.”⁶ Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.⁷ Moreover, under part 15, intentional radiators, such as FM transmitters, must be designed to ensure that no antenna other than that furnished by the responsible party shall be used with the device (e.g., a permanently attached antenna or an antenna that uses a unique coupling to the intentional radiator).⁸

B. Factual Background

1. Pre-PIRATE Act Investigation

3. Peralta has been directly involved in the operation of a pirate radio station (Station) on 105.7 MHz in the Bronx, New York, for years. The Station is known as La Mia Radio,⁹ and Enforcement Bureau (Bureau) field agents (Agents) have confirmed that the Station has continually identified itself on-air as La Mia Radio since at least 2018. The Bureau first became aware of Peralta’s Station on September 26, 2018, when, in response to complaints, Agents from the New York Field Office (New York Office) traced the source of radio transmissions on 105.7 MHz to an FM transmitter antenna at an apartment building at 226 Mt. Hope Place, Bronx, New York (Mt. Hope site). The Agents 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.¹⁰ Commission records indicated no authorization for any FM broadcast station to operate at or near the Mt. Hope site on any frequency. Returning to the Mt. Hope site on October 2, 2018, the Agents confirmed the Station was still operating and took photos of the antenna equipment on the building. The Agents also took photographs of the antenna used to broadcast the signal and determined that it used a standard coaxial connector and was not compliant with the part 15 rules.¹¹ After unsuccessfully attempting to contact any of the building’s occupants, the Agents posted a Notice of

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⁴ 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.

⁵ 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 \$2,316,034 and 47 U.S.C. § 511(b) at \$115,802); *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 22-1356, 2022 WL 18023008, at *5 (EB Dec. 23, 2022); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 88 Fed. Reg. 783 (Jan. 5, 2023) (setting January 15, 2023, as the effective date for the increases).

⁶ 47 U.S.C. § 511(h).

⁷ 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 at 3 meters).

⁸ *Id.* § 15.203.

⁹ The Station is also known as “La Mia Radio 105.7.” See La Mia Radio, <https://lamiaradio.com> (last visited July 10, 2023).

¹⁰ Section 15.239 of the Commission’s rules provides that non-licensed broadcasting in the 88-108 MHz band is permitted only if the field strength of the transmission does not exceed 250 microvolts per meter (“µV/m”) at three meters. 47 CFR § 15.239(b). Measurements showed that the field strength of the Station’s signal exceeded the permissible level for a non-licensed part 15 transmitter.

¹¹ 47 CFR § 15.203 (“[T]he use of a standard antenna jack or electrical connector is prohibited.”).

Unauthorized Operation (NOUO) on the building's entry door.¹² The NOUO stated that the unauthorized operation of the Station was illegal, and that continued operation of it could result in further enforcement action. The NOUO contained the directive that unlicensed operation of the Station must be discontinued immediately. The Bureau received no response to the NOUO.

4. The Station left the air briefly following the October 2, 2018 NOUO's issuance, but soon resurfaced. On February 11, 2019, in response to complaints, an Agent from the New York Office checked the Mt. Hope site and discovered that while the FM antenna had been removed from that building, a signal was still broadcasting La Mia Radio on 105.7 MHz within the general area. Using direction-finding techniques, an Agent traced La Mia Radio's signal to an apartment building at 1652 Dr. Martin Luther King Jr. Boulevard, Bronx, New York (MLK Blvd. site) approximately 1.2 miles from the Mt. Hope site. The Agent 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.¹³ The Agent also took photographs of the antenna used to broadcast the signal and determined that it used a standard coaxial connector and was therefore not compliant with the part 15 rules.¹⁴ Commission records indicated no authorization for any FM broadcast station to operate at or near the MLK Blvd. site on any frequency.

5. On March 13, 2019, Agents visited the MLK Blvd. site to follow up on their earlier investigation. They determined that while the rooftop antenna had been removed from that site, radio transmissions on 105.7 MHz were still occurring in the vicinity. The Agents traced the source of the signal to an FM transmitter antenna that had been reinstalled atop the Mt. Hope site. Photographs confirmed that the antenna atop the Mt. Hope site looked identical to the antenna that had been removed from the MLK Blvd. site, used a standard coaxial connector and was therefore not compliant with the part 15 rules.¹⁵ The Agents made audio recordings of the Station's broadcasts and confirmed the Station still identified itself as La Mia Radio. They also confirmed that the Station continued to operate on 105.7 MHz, at power levels above the part 15 limits, and without a Commission authorization.¹⁶

6. On May 14, 2019, the Agents returned to the Mt. Hope site. They took photographs of the rooftop antenna equipment, made audio recordings of on-air broadcasts announcing the Station's contact phone numbers, and confirmed through measurements that the unlicensed Station's signal remained above part 15 power limits without authorization.¹⁷ On August 6, 2019, the Agents again traced a broadcast signal for La Mia Radio on 105.7 MHz back to the Mt. Hope site and took more photographs of the antenna equipment.

2. PIRATE Act Investigation

7. The PIRATE Act, among other provisions, codified the definition of pirate radio,¹⁸ increased fines for pirate radio operators,¹⁹ and granted the Commission new enforcement authority to assess forfeitures against any person who permits the operation of pirate radio broadcasting, such as the property owners whose property is used for pirate radio broadcasting.²⁰

¹² See *226 Mt. Hope Place*, Notice of Unlicensed Operation (New York Field Office, Oct. 2, 2018) (on file EB-FIELDNER-18-00026578).

¹³ See La Mia Radio, <https://lamiaradio.com> (last visited July 10, 2023).

¹⁴ See 47 CFR § 15.239.

¹⁵ See *id.*

¹⁶ See La Mia Radio, <https://lamiaradio.com> (last visited July 10, 2023).

¹⁷ See *id.*

¹⁸ 47 U.S.C. § 511(h).

¹⁹ *Id.* § 511(a)-(b).

8. On March 3, 2020, Agents again identified the unauthorized La Mia Radio signal transmitting in excess of part 15 power limits from an antenna at the Mt. Hope site on frequency 105.7 MHz. They took photographs of the equipment and made audio recordings of the broadcast. Shortly thereafter, COVID-19 travel restrictions prevented further onsite inspections.

9. On May 3, 2022, after COVID-19-related travel restrictions had been lifted, an Agent returned to the Mt. Hope site and verified a rooftop antenna was transmitting the La Mia Radio signal on 105.7 MHz in excess of part 15 power limits.²¹ The Agent measured the signal power and made audio recordings identifying the Station as La Mia Radio and supplying a phone number for would-be callers. The Agent also photographed the equipment and determined that it was the same part 15 non-compliant antenna used to broadcast the signal since February 11, 2019.²²

10. On June 23, 2022, an Agent from the New York Office again used direction-finding techniques to confirm that La Mia Radio continued to transmit on 105.7 MHz from the Mt. Hope site. The Agent measured the Station's signal strength and determined that the La Mia Radio signal was in excess of part 15 limits.²³ The Agents took additional photographs of the antenna used to broadcast the signal and determined that it was the same part 15 non-compliant antenna used to broadcast the signal since February 11, 2019.²⁴ Commission records reflect no authorization for any FM broadcast station to operate at or near the Mt. Hope site on any frequency.

11. On September 24, 2022 and February 21, 2023, Agents from the New York Office again used direction-finding techniques to confirm that La Mia Radio continued to transmit from the Mt. Hope site. The Agents measured the Station's signal strength and determined that the transmission on 105.7 MHz exceeded the limits for operation under part 15 of the Commission's rules.²⁵ The Agents took additional photographs of the antenna used to broadcast the signal and determined that it was the same part 15 non-compliant antenna used to broadcast the signal since February 11, 2019.²⁶

12. Publicly available information confirms that Peralta is the owner/director of La Mia Radio. For example, multiple newspaper articles identify Johnny Peralta as the owner of La Mia Radio.²⁷ La Mia Radio's social media accounts also identify Johnny Peralta as the Station's director.²⁸ Moreover,

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²⁰ See 47 U.S.C. § 511(a) ("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.") (emphasis added).

²¹ See La Mia Radio, <https://lamiaradio.com> (last visited July 10, 2023).

²² See 47 CFR § 15.239.

²³ See La Mia Radio, <https://lamiaradio.com> (last visited July 10, 2023).

²⁴ See 47 CFR § 15.239.

²⁵ See La Mia Radio, <https://lamiaradio.com> (last visited July 10, 2023).

²⁶ See 47 CFR § 15.239.

²⁷ Diario Digital Dominicano, *Radio entrepreneur Jhonny Peralta celebrates birthday* (July 18, 2022), <https://diariodigitaldominicano.com/nueva-york-empresario-radial-jhonny-peralta-celebra-cumpleanos/> (identifying Peralta as the Station owner); Diario Digital Dominicano, *Radiodifusores de origen dominicano unen esfuerzos para destacar espíritu de la diáspora* (Dec. 20, 2021), <https://diariodigitaldominicano.com/radiodifusores-de-origen-dominicano-radicados-en-nueva-york-unen-esfuerzos-para-destacar-el-espiritu-de-la-diaspora/> (identifying Peralta as the Station owner); Notisdóm, «*La Mia Radio*» *celebra en grande fiesta navideña a sus empleados* (Dec. 19, 2021), <https://notisdóm.com/la-mia-radio-celebra-en-grande-fiesta-navidena-a-sus-empleados/> (identifying Peralta as the "owner and director" of La Mia Radio).

²⁸ Instagram, *La Mia Radio August 2021 birthday greeting to Johnny Peralta* (July 8, 2021), (<https://www.instagram.com/p/CRESEcdhBBv/>); La Mia Radio (lamiaradio2), Facebook,

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internet service provider Dominican Internet Group lists a “Johnny Peralta” of La Mia Radio as a client since 2016.²⁹ The investigation also determined that Peralta is the identified subscriber (i.e., owner) of all phone numbers associated with the Station as listed on social media platforms and the La Mia Radio website.³⁰

13. Additional investigative work by the Agents revealed that, as of June 20, 2023, La Mia Radio was continuing to advertise on its web site seven ongoing programs broadcast on 105.7 MHz: (1) “Musicalizando Ymas” is broadcast Monday through Friday; (2) “Preludio Musical” is broadcast every Saturday and Sunday; (3) “Ultra Sabado” is broadcast every Saturday; (4) “Hablemos Claro New York” is broadcast every Friday; (5) “La Hora Espiritual” is broadcast every Wednesday; (6) “En Bachata Urbanos Y Algo Mas...” is broadcast every Thursday and Sunday; (7) “K-Rollo Con El Pollo” is broadcast Monday through Friday.³¹ Thus, according to the illegal Station’s own advertising, pirate radio broadcasting occurred at least 97 times between November 16, 2022 and February 21, 2023 (in addition to the violation on February 21, 2023). Moreover, as previously discussed, Agents determined that the same part 15 non-compliant antenna was used by Peralta to broadcast before and after this period.³²

III. DISCUSSION

14. We find that Peralta apparently willfully and knowingly violated section 511 of the Act³³ by operating a pirate radio station on 105.7 MHz from November 16, 2022 to February 21, 2023. Agents observed Peralta’s Station, La Mia Radio, operating at the Mt. Hope site on 105.7 MHz both prior to and at the end of that timespan.³⁴ Agents performed field strength measurements and determined that these transmissions exceeded the limits for operation under part 15 of the Commission’s rules.³⁵ In addition, Peralta advertised the availability of La Mia Radio programming being broadcast on 105.7 MHz for the 14 weeks between November 16, 2022 and February 21, 2023, evidencing at least 97 additional apparent violations.³⁶ Agents determined that the antenna used to broadcast La Mia Radio from the Mt. Hope site prior to and during the subject period was not compliant with the part 15 requirements.³⁷ Therefore, all transmissions from the Mt. Hope site during this period failed to comply with part 15 of the Commission’s rules.³⁸ Commission records indicate no authorization for any FM broadcast station to operate at or near the Mt. Hope site at any time relevant to the violations discussed in this NAL.

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<https://www.facebook.com/lamiaradio2/posts/pfbid02AQYcQRvNRc2VoQrDdwRLZMKT8ewSFJcN6sBm8LyhYdan5xe521rMtt3qoZ3KkmEil> (identifying Peralta as the Station director).

²⁹ See Dominican Internet Group, *Customer List*, <https://dominicaninternet.com/client-details/379>, (last visited May 15, 2023) (listing Peralta/La Mia Radio as a customer since May 4, 2016).

³⁰ See La Mia Radio, <http://lamiaradio.com> (last visited July 10, 2023).

³¹ See *id.*

³² See 47 CFR § 15.239.

³³ 47 U.S.C. § 511.

³⁴ Agent observations occurred on September 24, 2022 and February 21, 2023. See *supra* para. 11.

³⁵ 47 CFR §§ 15.209(a), 15.239(b); see also 47 U.S.C. § 511(h) (stating that pirate radio broadcasting “does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations”).

³⁶ See *supra* para. 13.

³⁷ See 47 CFR § 15.239.

³⁸ *Id.*; see also 47 U.S.C. § 511(h) (stating that pirate radio broadcasting “does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations”).

15. Considering the totality of the circumstances and facts before us, including the multiple violations documented on each day of the week, the numerous apparent violations during the PIRATE Act investigation, including weekday and weekend programming as advertised, the part 15 non-compliant antenna used to transmit the La Mia Radio signal, and the abundant evidence showing that Peralta owned and operated La Mia Radio,³⁹ we find that Peralta operated a pirate radio station and apparently willfully and knowingly did or caused pirate radio broadcasting on each day from November 16, 2022 to February 21, 2023, resulting in a minimum of 98 days of apparent violations. Accordingly, the Commission finds that Peralta's actions—conservatively, on a total of 98 days⁴⁰—constituted pirate radio broadcasting in apparent violation of section 511 of the Act.⁴¹

A. Proposed Forfeiture

16. 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.”⁴² In exercising our forfeiture authority, we consider the “nature, circumstances, extent and gravity of the violations 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.”⁴³ We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.⁴⁴

17. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.⁴⁵ 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 \$115,802 for each day during which the offense occurs, but not more than \$2,316,034 in total.⁴⁶

18. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.⁴⁷ Accordingly, as explained in two recent notices of apparent liability for forfeiture under the PIRATE Act, we impose a base forfeiture of \$20,000⁴⁸ (twice the pre-PIRATE Act base forfeiture

³⁹ See *supra* para. 11.

⁴⁰ We note that advertising for weekly programming is still active on the La Mia Radio website, indicating continued operation past the February 21, 2023 observation. See La Mia Radio, <http://lamiaradio.com/> (last visited October 23, 2023)

⁴¹ 47 U.S.C. § 511(a), (h).

⁴² *Id.* § 511(a).

⁴³ *Call Identification Trust Anchor*, 18 Fed Reg 40096, 40116 (June 21, 2023) (amending 47 CFR § 1.80 by redesignating paragraphs (b)(9) through (11) as paragraphs (b)(10) through (12)) (to be codified at 47 CFR § 1.80 (b)(11)).

⁴⁴ *Id.*

⁴⁵ 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

⁴⁶ 47 U.S.C. § 511(a)-(b); see 47 CFR § 1.80(b)(6); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at *5; see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at 783 (setting January 15, 2023, as the effective date for the increases).

⁴⁷ 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.”).

⁴⁸ The Commission first used this base forfeiture amount in two prior Notices of Apparent Liability for Forfeiture. See *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture 2023 WL 2560017, at *5 (Mar. 15, 2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture 2023 WL 2560016, at *4 (Mar. 15, 2023).

level) for each of the 98 days that Peralta apparently willfully and knowingly violated section 511 of the Act, for a total proposed base forfeiture of \$1,960,000.⁴⁹

19. Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,⁵⁰ we conclude that a significant upward adjustment is warranted based on Peralta's history of prior violations of the Act discovered by Commission Agents from 2018 to 2022.⁵¹ Based on the severity of the facts underlying these factors, we propose the maximum penalty of \$115,802⁵² for each day of the 98 days during which Peralta operated his unauthorized Station in 2022 and 2023 for a total penalty of \$11,348,596. In applying the applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture. We find none. Finally, we reduce the proposed penalty from \$11,348,596 to \$2,316,034 based on the statutory limits imposed by section 511(a) of the Act.⁵³ After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*, Peralta is apparently liable for a proposed total monetary forfeiture of \$2,316,034.⁵⁴

IV. CONCLUSION

20. We have determined that Johnny Peralta apparently willfully and knowingly did or caused pirate radio broadcasting in violation of section 511 of the Act. As such, Johnny Peralta is apparently liable for a forfeiture of \$2,316,034.

V. ORDERING CLAUSES

21. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Communications Act of 1934, as amended, 47 U.S.C. § 511, and section 1.80 of the Commission's rules, 47 CFR § 1.80, Johnny Peralta is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of two million three hundred sixteen thousand and thirty-four dollars (\$2,316,034) for willful and knowing violation of section 511 of the Act.⁵⁵

22. **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, Johnny Peralta **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a

⁴⁹ See 47 U.S.C. § 511.

⁵⁰ See *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 Rcd 17087, 17101, para. 27 (1997) (Forfeiture Policy Statement), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(10).

⁵¹ See *supra* paras. 3-9.

⁵² 47 U.S.C. § 511(a); see 47 CFR § 1.80(b)(6); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at *5; see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at 783 (setting January 15, 2023, as the effective date for the increases).

⁵³ 47 U.S.C. § 511(a). Section 511(a) limits the maximum forfeiture for pirate radio broadcasting to \$2,000,000, which has subsequently been adjusted for inflation to \$2,316,034. See 47 CFR § 1.80(b)(6); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at *5; see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at 783 (setting January 15, 2023, as the effective date for the increases).

⁵⁴ 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.

⁵⁵ 47 U.S.C. § 511.

written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 25.

23. In order for Johnny Peralta to pay the proposed forfeiture, he shall notify the Office of the Field Director at 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/core/userLogin.do>. Upon payment, Peralta shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at 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/core/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:⁵⁶

- 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 159⁵⁷ or printed CORES form⁵⁸ 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 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).⁵⁹ 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/core/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.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/core/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

⁵⁶ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁵⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁵⁸ 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/core/userLogin.do>.

⁵⁹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

24. 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. 20554.⁶⁰ 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.

25. 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(f)(3) of the Commission's rules.⁶¹ 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.

26. 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. 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 CFR § 1.80(b)(10) support that result.

27. **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 Johnny Peralta at 2832 Marion Ave., Apt. 3, Bronx, New York 10458-3003.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁶⁰ See 47 CFR § 1.1914.

⁶¹ *Id.* §§ 1.16, 1.80(f)(3).

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Johnny Peralta, Bronx, New York*, Notice of Apparent Liability for Forfeiture, File No.: EB-FIELDNER-18-00026578 (November 15, 2023)

At the Federal Communications Commission we are stewards of the public airwaves. To ensure that this essential resource is broadly available, we have rules that govern its use. And for those who fail to follow the rules, there are consequences.

In the PIRATE Act, Congress upped the ante. It increased the penalties for those who transmit unauthorized signals over the FM and AM radio bands because they can compromise public trust in this service and jeopardize the broadcasting of emergency alerts. This means higher fines and more regular enforcement sweeps in our largest radio markets.

Here we propose fines against three unauthorized radio operators in New York that are the direct result of an enforcement sweep taken pursuant to this new law. They add up to more than \$6,412,000 in penalties. They also demonstrate that the agency's field agents are taking their broadcast enforcement duties under the PIRATE Act and that we are taking our responsibility as stewards of the public airwaves seriously.

I want to thank Representative Velazquez, Representative Rice, Representative Bilirakis, Senator Peters, and Senator Daines for their work on the PIRATE Act. I also want to thank the Field Regional Management and Agents of our New York Field Office for their work on these investigations. In addition, I want to share my appreciation for other staff at the agency responsible for these actions, including Reggie Breshears, Loyaan Egal, Robert Keller, Jeremy Marcus, David Marks, Ryan McDonald, and Michael Rhodes from the Enforcement Bureau; and William Dever and David Konczal from the Office of General Counsel.