

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Fabrice Polynice, Harold Sido and Veronise Sido*, Notice of Apparent Liability for Forfeiture, File No. EB-FIELDSCR-15-00018596 and File No. EB-FIELDSCR-13-00012949.

Over the past 14 years, the FCC has taken enforcement action nearly 2,000 times against pirate radio operators. An estimated three-fourths of these cases can be attributed to five states: California, Florida, Massachusetts, New Jersey and New York. The case before us today, like many this agency has seen before, presents a set of facts that are overwhelmingly convincing when it comes to a show of liability. Mr. Fabrice Polynice, Mr. Harold Sido and Mrs. Veronise Sido, have been warned, cited and visited numerous times by multiple agents. One visit in 2012, even resulted in the seizure of equipment by the U.S. Marshals Service and in 2013, a \$25,000 forfeiture order was issued. This leaves me with little doubt that the three knowingly, repeatedly and willfully violated FCC rules by failing to cease operation of an unlicensed radio station.

I support taking a strong stand against pirate radio operators, including in this case where we have proposed the statutory maximum forfeiture of \$144,344. We target these operators not simply because they violate FCC rules, but because the unlicensed operation of a broadcast station could disrupt emergency communications and result in harmful interference to nearby licensed stations.

While there is absolutely no justification for pirate radio operation, the proliferation of these stations should spark the question: are there specific FCC policies that are incentivizing individuals to choose the route of operating an unlicensed broadcast radio station? I ask this question because many pirate radio stations broadcast content that is targeted to minority communities that are otherwise underrepresented by other forms of media. According to U.S. Census data, there are 213,000 foreign-born Haitians living in the Miami/Fort Lauderdale area. This represents nearly 4% of the metro area population yet, research by my staff found just a single FM station serving the Haitian community of the almost 60 FM stations in south Florida.

If these unlicensed operators were ever afforded the opportunity to transition to a licensed station, would they take it? Unfortunately, in most large media markets, that opportunity may never exist, both because of the lack of an available license and high financial hurdles. Among the policies this Commission should consider include finding ways to replicate and enhance the success of low-power FM (LPFM) stations; establishing a pilot incubator program; and when divestitures are required during merger transactions, we should urge the parties to strongly consider offers from women and minority business owners. Additionally, I continue to support the reinstatement of a tax certificate program focused on improving the state of broadcast ownership diversity.

But I will end my official statement the way in which I began: pirate radio stations are illegal. The FCC and other enforcement authorities have an obligation to ensure that unauthorized stations are taken and kept off the air. I thank the Enforcement Bureau staff, for their ongoing efforts to protect our airwaves, and hope that we can initiate a simultaneous conversation on how to create more opportunities for women and minorities to legally enter the broadcast space.