

A Change of Pace? Pirate Radio Actions Signal A Possible Shift to Accelerated Issuance of Forfeiture Orders

February 24, 2017

On Thursday, February 23, 2017, the Federal Communications Commission (FCC) issued a [pair of forfeiture](#) orders against pirate radio operators. Each was subject to a \$25,000 fine for allegedly continually operating unlicensed radio stations in violation of Section 301 of the Communications Act.

Pirate radio is not a topic that generally engenders coverage on this blog, and the orders themselves appear to be rather routine applications of existing law. However, one aspect of the orders stood out to those of us who watch FCC enforcement closely: The FCC issued these forfeiture orders with striking speed. The stations were subject to Notices of Apparent Liability (NALs) on December 8, 2016. Under FCC procedures, the target of the NAL is ordinarily given 30 days to respond, which would have made a filing due on or around January 7, 2017. The Bureau converted these to forfeiture orders a mere six weeks after the due date for a response.

Although the fact that neither operator filed a response to the NALs admittedly made the FCC's job easier, the Commission still advanced with unusual speed. For example, in a [similar proceeding](#) (with no NAL response) resolved in June of 2015, it took the FCC nearly 13 months for the agency to close out the matter.

Chairman Pai previously criticized the pace of EB's enforcement process, and has [called on the FCC](#) to require any forfeiture order to be issued within one year of the issuance of an NAL. Perhaps the swift turnaround on the pirate radio enforcement actions signals a broader shift in the pace of FCC enforcement resolution.