

FCC Enforcement Monitor

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HEADLINES

Pillsbury's communications lawyers have published the FCC Enforcement Monitor monthly since 1999 to inform our clients of notable FCC enforcement actions against FCC license holders and others. This month's issue includes:

- *FCC Warns New York Property Owners Over Pirate Radio Broadcasts*
- *New Jersey AM Radio Station Cited for Tower, Power, and EAS Violations*
- *FCC Targets Covered List Entity Over Equipment Authorization Violations*

FCC Issues Notices to Three NY Property Owners Over Pirate Radio Activities on Their Premises

The FCC's Enforcement Bureau issued Notices of Illegal Pirate Radio Broadcasting (Notices) to three property owners in New York following investigations into unlicensed FM broadcasts. The Enforcement Bureau's New York field office initiated the investigations after receiving complaints about unauthorized radio operations. In each instance, agents used direction-finding techniques to confirm that the transmissions were emanating from the identified properties.

FCC records indicated that no license had been issued for a broadcast station to operate at those locations and frequencies, and the Enforcement Bureau determined that the signals were too powerful to qualify for any exemptions applicable to extremely low-powered devices.

Under Section 511 of the Communications Act, the FCC may impose significant fines not only on the pirate operators, but also on property owners who permit such activity on their premises. The Notices warn that property owners can face fines of up to \$2,453,218 if the FCC determines that they continue to allow unauthorized transmissions to occur on their properties.

The Notices direct the property owners to respond within ten business days providing evidence that the unauthorized broadcasts have ceased. They also request that the property owners identify the individual(s) responsible for the pirate radio operations.

The Enforcement Bureau added that even if the property owners do not respond, the FCC may determine that it has sufficient knowledge of the pirate radio activity to support enforcement actions that could result in "significant financial penalties."

FCC Pursues New Jersey AM Station for Tower, Power and EAS Violations

The FCC's Enforcement Bureau issued a Notice of Violation (NOV) to the owner of a New Jersey AM radio station with several Pennsylvania transmission towers for multiple rule violations. The NOV states that agents from the FCC's New York field office inspected the station and its associated towers on two occasions in May and August 2025 and identified numerous rule violations.

According to the NOV, the agents found that the towers lacked lighting required by their Antenna Structure Registrations (ASR). Section 17.23 of the FCC's Rules requires that towers be painted and lighted in accordance with their registration. The structures' ASRs required a red beacon at the top level and two side marker lights at the one-third and two-thirds levels. While each structure displayed a red beacon at the top, none of the required side marker lights were operational.

The NOV noted that the tower lighting was inoperative and not repaired promptly as required. Section 17.48(a) of the FCC's Rules requires that lighting outages be reported to the Federal Aviation Administration (FAA) so that the FAA can issue a Notice to Airmen (NOTAM) warning of the danger. If the lighting outage cannot be repaired during the period the NOTAM is in effect, the tower owner must again notify the FAA and provide a return-to-service date so that a further NOTAM can be issued. This process must be repeated until the tower lighting is repaired. During the initial May 2025 inspection, station management acknowledged that some lighting was not operational and that NOTAMs had been filed. However, the owner failed to renew those NOTAMs after they expired. During a subsequent inspection in August 2025, FCC field agents observed that the lighting remained unrepaired, with some towers exhibiting extinguished obstruction lighting in violation of Sections 17.6 and 17.56 of the FCC's Rules.

Agents additionally observed that dense vegetation blocked access to the base of the towers in violation of Section 73.49 of the FCC's Rules. Finally, the NOV asserts that the station was operating at substantially less than its authorized power without prior FCC approval to do so in violation of Section 73.1560(a)(1) and did not maintain operational Emergency Alert System equipment as required by Section 11.35.

The NOV requires that the owner submit a written response to the FCC within 20 days fully explaining each violation and all relevant surrounding facts and circumstances, including the specific actions taken to correct any violations and prevent a recurrence. The owner must also submit a timeline for completing any corrective actions needed to remedy the violations and support its response with an affidavit or declaration from an authorized officer of the company with personal knowledge of the facts. While the NOV does not itself impose a fine, the FCC may take additional enforcement action after reviewing the station owner's response.

FCC Expands Scrutiny of Chinese Supplier Through Equipment Authorization Enforcement

The FCC's Enforcement Bureau issued a NOV to a foreign manufacturer of radiofrequency ("RF") equipment and its U.S. subsidiary following an investigation into the marketing of RF devices in the United States. The NOV stems from the Bureau's review of test reports submitted by the manufacturer in response to a Letter of Inquiry. The Bureau's review found that multiple devices were marketed by the manufacturer based upon a Supplier's Declaration of Conformity (SDoC) that lacked valid supporting data from test reports. Specifically, the FCC determined that certain devices exceeded applicable radiated emission limits or were tested under incorrect parameters, calling into question whether the equipment was properly authorized prior to marketing.

The NOV requests additional information and directs the company to submit within 10 days a written response fully explaining why it issued a Supplier's Declaration of Conformity for the identified devices despite test reports indicating noncompliance with the FCC's rules. The NOV also requires the company to describe the steps it is taking to address the violations and to provide a timeline for completing those steps. It must also provide updated information regarding the marketing of the affected devices. The response must be supported by an affidavit or declaration from an authorized officer of the company with personal knowledge of the facts.

This action reflects the FCC's broader national security-focused efforts targeting communications equipment and services produced by foreign entities identified as posing potential risks, particularly Chinese equipment manufacturers. The company at issue has previously been included on the FCC's "Covered List" of communications equipment manufacturers deemed to pose a risk to U.S. national security and its products are subject to restrictions under the Secure Equipment Act.

The NOV also comes amid ongoing litigation between the manufacturer and the FCC over the company's inclusion on the Commission's Covered List. In 2022, the company and a second Chinese company sued to challenge the FCC's decision to include them on the Covered List, thereby limiting their ability to market and sell equipment in the United States. In 2024, the U.S. Court of Appeals for the D.C. Circuit largely upheld the FCC's authority to prohibit the authorization of equipment from entities on the Covered List, while remanding a narrow issue relating to the definition of "critical infrastructure." More recently, the company filed a new Petition for Review with the D.C. Circuit in December 2025 challenging the FCC's latest order tightening its equipment authorization rules. The company argued that the FCC exceeded its statutory authority by proposing a process which prevents reliance on previously approved equipment authorizations for equipment later added to the Covered List, effectively banning its continued importation and sale in the U.S. The FCC responded in April 2026, defending its authority under the Communications Act and the Secure Equipment Act and arguing that the court challenge is premature and without merit.

As discussed in our recent [Mind the Gap](#) article, the FCC has begun exploring whether to extend these national security restrictions to equipment authorized before 2022 that was added to the Covered List in 2024 or earlier, signaling a potential shift from a purely forward-looking framework to one that also addresses legacy equipment authorizations.