FCC Declines Leniency for Massachusetts Radio Pirate

He and two others face $20,000 fines that have now been affirmed

By Paul Mclane ·



An image from the Facebook page of 87.9 The Test, posted in 2023

The Federal Communications Commission has now affirmed penalties of $20,000 in three separate cases of alleged pirate radio activity.

In one of the cases, the person involved acknowledged responsibility to the FCC, said he'd disposed of the equipment and asked for leniency. But he was denied.

Shane Kelly is being fined for running a station called "The Test" on 87.9 in Hyannis, Mass., in June of 2023.

The FCC issued the notice of liability in this case in April 2024, along with a half-dozen others, all in Massachusetts.

Kelly responded to the NAL. He did not dispute the facts, acknowledged having been the operator, said he'd disposed of the equipment and promised not to do it again. He asked for dismissal or leniency but the FCC declined. (You can read the details of the case in the NAL for Shane Kelly here.)

In the other two cases the people accused have not replied to the NALs.

Henderson Lennox Elcock is fined for operating a station on 106.3 MHz in Brooklyn, N.Y., called "Wild FM" in January of 2025.

And Etzer Toussaint is fined for operating "Radio Telemodel" or "Radio Tele Model" on 88.9 MHz in January 2025 in Spring Valley, a suburb of New York City.

The FCC said neither responded to its notices. Those two were among four in the New York City area that received NALs around the same time in January.

As in all such cases, the commission cannot pursue collection of the fines further. If a fine is unpaid, the commission can turn the matter over to the Justice Department.

We don't know whether DOJ has collected any pirate radio fines in recent years; the commission has issued a few much larger fines but it not announced any notable collections.