

2011 FCC Annual Regulatory Fees Due by Sept. 14, 2011

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All Federal Communications Commission (FCC) licensees and permittees, including radio and television broadcasters, must pay their FCC annual regulatory fees for fiscal year 2011 by Sept. 14, 2011.

Licensees and permittees are responsible for paying the FCC annual regulatory fees required for the authorizations they hold in a timely fashion, or they will face additional penalties and the possibility of delays in the processing of pending applications. Payment must be received by the FCC by 11:59 p.m. ET on Sept. 14, 2011, in order to avoid an automatic 25 percent late fee.

Consistent with the procedures adopted last year, all licensees are required to process the annual regulatory fees online via the FCC's Fee Filer website. In order to access the Fee Filer website and remit the regulatory fee payment, licensees must have a valid FCC Registration Number (FRN) and related password. Payment may be made by credit card or debit card, by check or money order, or by wire transfer. If a licensee prefers to remit payment by check, money order, or wire transfer, rather than paying electronically on-line, the licensee must first use the FCC's electronic Fee Filer system to create a Form 159-E voucher generated by the Fee Filer system. That Form 159-E voucher must then accompany the submission of payment by check or money order (which must be sent to the FCC's receiving bank in St. Louis, MO) or by wire transfer (which must be wired to the Federal Reserve Bank in New York, NY).

The FCC's Fee Filer website is now ready to accept the payment of the 2011 fees, and licensees should access the website to review the fees that have been assessed for that particular licensee. While the list of stations and authorizations reflected in the database should be similar to the list from last year, licensees should review carefully the information and ensure that all authorizations held by the licensee are included, such as earth stations, boosters, and broadcast auxiliaries. In particular, new facilities acquired during the year, including newly authorized broadcast auxiliaries, may not appear on the list and may need to be added. Please note, the FCC will not be mailing a bill or a reminder to licensees this year, so it is the responsibility of each licensee to determine the extent of its regulatory fee obligation and to remit payment in advance of the deadline.

More information regarding the annual regulatory fees, including instructions for submitting the fees, is available from the Regulatory Fees page of the FCC's website. In addition, with regard to broadcast radio and television stations, the FCC has made available a "look-up" database to allow licensees of broadcast stations to confirm the amount owed for each particular station. That look-up database is now available at: <http://www.fccfees.com/>.

Although the regulatory fee covers the fiscal year Oct. 1, 2010, to Sept. 30, 2011, the responsibility for paying the annual fees falls to the current licensee. Thus, even if you just acquired a facility, it is your responsibility to pay the 2011 regulatory fee for that facility. One further note with respect to broadcast stations, fees are based on the status of the station as of Oct. 1, 2010. So stations that have upgraded and received a license for new facilities since Oct. 1, 2010, will pay for the facility as it was licensed on Oct. 1, 2010. Similarly, new stations that were constructed and licensed after Oct. 1, 2010, pay only the fee for the construction permit that was in place as of Oct. 1, 2010.

Under the Commission's rules, licensees may seek a waiver, reduction, or deferral of the regulatory fees, which the FCC will review on a case-by-case basis. A petition for waiver of a regulatory fee either must be accompanied by the required fee or be accompanied by a petition specifically requesting that the payment be deferred due to financial hardship and providing supporting documentation. Any parties seeking a waiver, reduction, or deferral must make such filings in advance of the Sept. 14, 2011 deadline.

In recent years, the FCC has aggressively enforced the regulatory fee filing requirement. A payment that is even one day late automatically incurs a 25 percent penalty. Furthermore, if the fees and penalties remain unpaid after receipt of a late notice from the FCC, applications pending for the licensee may be delayed or dismissed until the fees and penalties have been paid in full. Failure to timely remit the annual regulatory fees has delayed the processing of innumerable applications in the last few years, and is something licensees should avoid. Licensees should be sure to submit their fees on time, make certain the payments are accurate, and retain copies of all correspondence, electronic confirmations, and proof of payment when submitting the fees.

For assistance with the 2011 FCC annual regulatory fees, please contact any of the attorneys in Davis Wright Tremaine's Broadcast Practice Group.

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