



REGULATORY FEES FACT SHEET

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

September 6, 2017

PROCEDURES FOR FILING

WAIVERS, REDUCTIONS AND DEFERMENTS OF REGULATORY FEES

Each year, the Commission is required to collect regulatory fees. Licensees and regulatees are assessed fees as set forth in *Assessment and Collection of Regulatory Fees for Fiscal Year 2017, Report and Order and Further Notice of Proposed Rulemaking*, (released September 5, 2017) (“FY 2017 Regulatory Fees Report and Order and Further Notice”). The Commission also publishes industry-specific guidance in *Who Owes Fees & What Is My FY 2017 Fee*, which can be found on the Commission website at <http://www.fcc.gov/regfees>.

The Commission’s automated filing and payment system (“Fee Filer”) is available for filing and viewing of FY 2017 regulatory fees. While FY 2017 regulatory fees will not become effective until the rulemaking is published in the *Federal Register*, regulatees at their own discretion, may submit payments at any time before the effective due date of FY 2017 regulatory fees. **Regulatory fee payments MUST BE RECEIVED¹ by the Commission no later than 11:59 PM, Eastern Daylight Time, on September 26, 2017.**

Licensees are solely responsible for accurately accounting for all licenses and for properly paying regulatory fees before the deadline. Any data omission, erroneous or incomplete data submission, failure to correct data or payment deficiency may result in sanctions permitted under 47 U.S.C. 159(c) and 47 C.F.R. §§ 1.1164 & 1.1910, including, but not limited to, a mandatory 25% late payment penalty, dismissal of pending actions, and/or revocation of any authorization, and charges for collection. The 25% late payment penalty accrues automatically on any portion of the fee unpaid after the deadline. The Commission will invoke any lawful authority possessed under the Debt Collection Improvement Act of 1996 and the implementing rules to collect fees due or outstanding against licensees failing to meet their regulatory fee payment obligations. Thus, to avoid a 25% late-payment penalty, licensees must ensure that the Commission receives the full payment by the due date using one of the methods described in the *FY 2017 Payments and Procedures Public Notice*.

Under 47 U.S.C. 159(d) and 47 C.F.R. § 1.1166, the Commission may waive, reduce, or defer payment of a fee in specific instances, on a case-by-case basis, where good cause is shown and where waiver, reduction or deferral of the fee would promote the public interest. Licensees requesting a waiver or reduction must demonstrate both of those required elements, and licensee either must pay the full fee or submit with the request for waiver a separate petition to defer payment due to financial hardship that is fully supported by the required documentation of the financial hardship. If the licensee pays the fee, and the Commission grants the request, the Commission will refund the appropriate amount. The Commission will dismiss any request to waive or reduce a regulatory fee that does not include full payment or the required separate petition for deferral with supporting documentation, and under 47 U.S.C. 159(c) and 31 U.S.C. 3717, the Commission is

¹ The Commission has instituted a mandatory electronic payment policy, which means that licensees will no longer be able to make regulatory fee payments by check, money order, or cashier’s check. Only credit card, ACH, and wire transfer payments will be accepted. Please make sure that your electronic fee payment is made and the transaction is completed by the due date of FY 2017 regulatory fees.

required to impose the 25% penalty and other relevant charges. A request for waiver, reduction or deferral must be received before the fee due date. A request for a waiver or reduction in fees must be accompanied by a fee payment by the due date. If the licensee does not pay the fee, but includes a petition to defer payment, licensee must file both the request and separate petition to defer payment with the Commission's Secretary, along with the required supporting financial documentation. Submissions sent to other locations or directly to Commission staff may be dismissed. For example, a request sent by email to the Help Desk is improper, and it is not considered filed, and if the fee is unpaid, the unpaid fee amount is deemed delinquent, resulting in accrual of additional charges from the date of delinquency. Furthermore, the Commission will dismiss a waiver request filed by a delinquent debtor or a petition that does not have the required financial documentation. The Commission's website at <http://www.fcc.gov/encyclopedia/electronic-and-hard-copy-filing-address> provides the addresses for filing hardcopy documents. Requests for waiver of a regulatory fee should be clearly marked Attn: Office of the Managing Director, Regulatory Fee Waiver/Reduction Request, e.g.:

Marlene H. Dortch, Secretary
Federal Communications Commission
Attn: Office of the Managing Director, Regulatory Fee Waiver/Reduction Request
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

To be clear, the Commission has discretion to waive, reduce, or defer payment of its regulatory fees, but it may do so only upon a showing of good cause and a finding that the public interest will be served thereby. 47 U.S.C. 159(d); 47 C.F.R. § 1.1166. *See also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for Fiscal Year 1994*, 9 FCC Rcd 5333, 5344 (1994), *recon. denied*, 10 FCC Rcd 12759 ¶12 (1995). The Commission has narrowly interpreted its waiver authority to require a showing of compelling and extraordinary circumstances that outweigh the public interest in recouping the Commission's regulatory costs. 9 FCC Rcd at 5344 ¶ 29.

The Commission may grant fee relief based on asserted financial hardship, but only upon a documented showing that payment of the fee will adversely impact the licensee's ability to serve the public. 10 FCC Rcd at 12761-62 ¶ 13 (“[m]ere allegations or documentation of financial loss, standing alone,” does not suffice and “it [is] incumbent upon each regulatee to fully document its financial position and show that it lacks sufficient funds to pay the regulatory fee and to maintain its service to the public”). Thus, a request for a waiver based on financial hardship, must include supporting full financial documentation, and a submission for waiver without paying the full fee, must include a separate petition to defer payment supported by full proper financial documentation sufficient to demonstrate both good cause shown and that the deferral of payment would promote the public interest. Both the complete request for a waiver and the complete petition to defer payment must be received by the deadline, **September 26, 2017**. **Any request for waiver and deferral received after that date will be dismissed, payment of the fee will be delinquent, the statutory 25% penalty will accrue, and licensee will be responsible for paying the full amount of the fee, including the penalty, and charges of collection, interest and additional penalties will accrue from the date of delinquency as permitted under the law. Further, the licensee will be subject to sanctions (placed n red light) and debt collection procedures.**

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