



PUBLIC NOTICE

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PROCEDURES FOR FILING REQUESTS FOR WAIVER, REDUCTION, DEFERRAL AND INSTALLMENT PAYMENT OF FISCAL YEAR 2023 REGULATORY FEES

On August 10, 2023, the Federal Communications Commission (Commission or FCC) released *Assessment and Collection of Regulatory Fees for Fiscal Year 2023; Review of the Commission's Assessment and Collection of Regulatory Fees*, Report and Order, FCC 23-66 (*FY 2023 Regulatory Fees Report and Order*). This document is available for viewing at <http://www.fcc.gov/regfees>. **Regulatory fee payments must be received by the Commission no later than 11:59 PM, Eastern Daylight Time, on September 20, 2023.**¹ While FY 2023 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 FY 2023 regulatory fees due date.

Except as otherwise explained in this Public Notice and in the *FY 2023 Regulatory Fees Report and Order*, regulatory fees that are not paid in full by September 20, 2023 will be assessed a 25% late payment penalty, and the unpaid regulatory fee and the 25% late payment penalty will accrue interest until paid in full.² Further, the Commission may pursue all available remedies to collect unpaid regulatory fee debt, including placing delinquent debtors on “red light”, dismissing delinquent debtors’ pending applications and request for benefits³ and referring the delinquent debt to the United States Treasury for further collection.⁴

The Commission has extended to FY 2023 the temporary COVID-19 relief measures it adopted for FY

¹ The Commission has instituted a mandatory electronic payment policy, which means that licensees will not 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 complete by the due date for FY 2023 regulatory fees.

² 47 U.S.C. § 159a(c); 31 USC § 3717; 47 CFR §§ 1.1164 and 1.1940.

³ Under the Commission’s “red light” rule, the Commission will not act on any application or request for benefit filed by a party that owes delinquent debt to the Commission. The delinquent debtor must pay its debt in full or make payment arrangements satisfactory to the Commission. Failure to do so will result in dismissal of the debtor’s filing. 47 CFR §§ 1.1164 and 1.1910.

⁴ 31 U.S.C. § 3701, *et seq.*; 47 CFR §1.1901, *et. seq.*

2020-2022.⁵ While the Commission’s authority to provide relief is limited,⁶ the Commission is using its existing authority to offer assistance to regulatees that are still recovering from the economic impact of the pandemic, by streamlining and easing its processes for requesting and obtaining waiver, reduction, deferral and installment payment relief for FY 2023 regulatory fees, as it did for FY 2020--2022 regulatory fees. Importantly, the Commission’s standard for granting a waiver request remains the same. The Commission may waive, reduce or defer payment of a regulatory fee in a specific instance if a regulatee demonstrates good cause for the relief sought and that waiver, reduction or deferral of the fee promotes the public interest. Fee relief may be granted, but only to those regulatees “unambiguously articulating ‘extraordinary circumstances’ outweighing the public interest in recouping the cost of the Commission’s regulatory services.”⁷

Waiver, reduction and deferral on financial hardship grounds.

A request for waiver or reduction of a FY 2023 regulatory fee⁸ based on financial hardship must be filed on or before September 20, 2023 and accompanied by either (i) full payment of the FY 2023 regulatory fee or (ii) a request to defer payment. Parties filing such requests based on financial hardship must make a good faith effort to submit with their requests financial documentation sufficient to demonstrate financial hardship.⁹ A party seeking relief under section 1.1166 from payment of its FY 2023 regulatory fees based on financial hardship may file a single request for all forms of relief sought.¹⁰ Parties are directed to file their requests electronically by emailing their requests, together with all supporting financial documents, to the following email address: regfeerelief@fcc.gov.

Parties filing requests to waive, reduce and/or defer payment of FY 2023 regulatory fees based on financial hardship grounds must make a good faith effort to submit all financial documents necessary to show financial hardship with their requests. Parties filing waiver, reduction and/or deferral requests have one opportunity after filing their requests to submit supplemental financial documents, provided that the supplemental documents must be submitted on or before January 31, 2024. Supplemental documents submitted after January 31, 2024 will not be considered.¹¹ In order to prove financial hardship sufficient to justify a waiver, a regulatee must show that it lacks sufficient funds to pay its FY 2023 regulatory fee

⁵ The Commission codified certain of these temporary measures in sections 1.1166 and 1.1914 of its regulations. *Review of Assessment and Collection of Regulatory Fees; Assessment and Collection of Regulatory Fees for Fiscal Year 2023*, MD Docket Nos. 23-159 and 23-301, Report and Order and Notice of Proposed Rulemaking, 2023 WL 3579239, at *6 and 5197492, at *41 (2023) (*FY 2023 Regulatory Fees Report and Order*). However, because the revised rules will not become effective until the Office of Management and Budget approves the revisions under the Paperwork Reduction Act, the Commission continues the revisions under section 1.1166 and 1.1914 as temporary measures until the revised rules become effective.

⁶ The Commission must collect \$390,192,000 in FY 2023 regulatory fees and it must fairly and proportionately allocate the burden of those fees among regulatees. It cannot exempt groups of regulatees, other than those expressly exempt in the statute. Similarly, it cannot waive, reduce or defer fees or the 25% late payment penalty, except on a case-by-case basis, where extraordinary circumstances are shown. *FY 2023 Regulatory Fees Report and Order*, at *1 and *40.

⁷ *FY 2023 Regulatory Fees Report and Order*, at *40.

⁸ Requests to waive, reduce and/or defer payment of regulatory fees may include requests to waive, reduce and/or defer payment of the 25% penalty and accrued interest. 47 U.S.C. § 159a(d); 47 CFR 1.1166.

⁹ Waiver requests based on financial hardship filed after the September 20, 2023 deadline will not be dismissed for late filing. However, all regulatory fees that are not paid in full or for which a request to waive and defer is not filed by the September 20, 2023 deadline will be automatically assessed a 25% late payment penalty and may accrue interest under 47 U.S.C. § 159a(c); 47 CFR § 1.1164.

¹⁰ *FY 2023 Regulatory Fees Report and Order*, at *40.

¹¹ *Id.* at *39.

in full while maintaining service to the public.¹² Among the documents that a regulatee may wish to include to prove financial hardship sufficient to justify a waiver are: tax returns, a balance sheet and profit and lost statement (audited if possible), cashflow projections for the next twelve months, a list of officers and highest paid individual employees with each person's compensation. Regulatees should also include documents demonstrating that their financial difficulties are due to the continuing effects of the pandemic,, such as banking and investment account records, credit card statements, monthly statements of cash receipts and disbursements, accounting ledgers and journals, and loan (including secured and unsecured loans, lines of credit, etc.) documents, including balances owed. For individual regulatees, such documents might include wage statements, documents disclosing non-wage income, such as rental income; real estate valuations and mortgage documents; bank, credit card and loan statements; account numbers and balances for all cash accounts and investments; monthly income and expense summaries. Commission staff will inform and work with regulatees that have filed financial hardship waiver requests if additional documents are needed to render a decision on their waiver requests.

The Commission waives the “red light” under section 1.1910 of the Commission’s rules¹³ to the extent necessary to permit a regulatee that owes debt to the Commission to request a waiver or reduction of its FY 2023 regulatory fees on financial hardship grounds.¹⁴ However, the Commission will not grant a financial hardship waiver request without satisfactory resolution of all outstanding debt owed by the regulatee to the Commission. Depending upon the severity of a regulatee’s financial circumstances, satisfactory resolution of debt may include full payment, payment of a reduced amount, curing defaults under existing installment payment agreements and/or payment via an installment payment agreement.

Waiver or reduction of fees on other grounds.

Requests for waiver or reduction of FY 2023 regulatory fees on any grounds other than financial hardship may be combined in a single filing and must be filed by September 20, 2023. Parties are directed to file their requests electronically by emailing their requests, together with all supporting documents, to the following email address: regfeerelief@fcc.gov.¹⁵ Parties filing waiver or reduction requests have one opportunity after filing their requests to submit supplemental documents to support their requests, provided that the supplemental documents must be submitted on or before January 31, 2024. Supplemental documents submitted after January 31, 2024 will not be considered.¹⁶ A request filed on grounds other than financial hardship that is filed by a party on “red light” under section 1.1910 of the Commission’s rules will be dismissed.¹⁷

Installment payment of FY 2023 regulatory fee debt.

A regulatee that is financially unable to pay its FY 2023 regulatory fee debt in full before the September 20, 2023 payment deadline may request an installment payment plan electronically, by sending its request, together with supporting financial documentation to regfeerelief@fcc.gov. The request may be combined in a single filing with a waiver and deferral request made on financial hardship grounds.¹⁸ The supporting financial documentation submitted with an installment payment request must show that the

¹² *Id.* at *40.

¹³ 47 CFR §1.1910.

¹⁴ *FY 2023 Regulatory Fees Report and Order*, at *39.

¹⁵ *Id.* at *127.

¹⁶ *Id.* at *125.

¹⁷ 47 CFR §1.1164; 47 CFR §1.1910.

¹⁸ *FY 2023 Regulatory Fees Report and Order*, at *40.

regulatee cannot pay its FY 2023 fees in full by September 20, 2023.¹⁹ Commission staff will inform and work with regulatees that have filed installment payment requests if additional documents are needed to render a decision on the installment payment requests.

The Commission also waives the “red light” under section 1.1910 of its rules²⁰ to the extent necessary to permit a party that owes debt to the Commission to request installment payment relief. However, the Commission will not grant an installment payment request without satisfactory resolution of all outstanding debt owed to the Commission by the party requesting the relief.²¹ Depending upon the severity of a regulatee’s financial circumstances, satisfactory resolution of a regulatee’s debt may include full payment, payment of a reduced amount, curing defaults under existing installment payment agreement and/or an installment payment agreement for the delinquent debt. If an installment payment request for FY 2023 regulatory fee debt is granted, the Commission will ease the payment terms it typically requires for installment payment agreements, including reducing the interest rate it typically charges to a nominal rate of interest and waiving the 10% down payment.²²

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¹⁹ 47 CFR § 1.1914.

²⁰ 47 CFR §1.1910.

²¹ *FY 2023 Regulatory Fees Report and Order*, at *39.

²² *Id.*