



Federal Communications Commission  
Washington, DC 20554

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**DA 24-460**

**SMALL ENTITY COMPLIANCE GUIDE**

***Assessment and Collection of Regulatory Fees for Fiscal Year 2023; Review of the Commission's  
Assessment and Collection of Regulatory Fees, Report and Order  
(FY 2023 Regulatory Fees Report and Order)***

**FCC 23-66**

**MD Docket Nos. 23-159 and 22-301**

**Released August 10, 2023**

In accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)**

**Videophone: 1-844-4-FCC-ASL (1-844-432-2275)**

**Fax: 1-866-418-0232**

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## I. OBJECTIVES OF THE PROCEEDING

The *Review of the Commission's Assessment and Collection of Regulatory Fees, Assessment and Collection of Regulatory Fees for Fiscal Year 2023, Report and Order (FY 2023 Regulatory Fees Report and Order)*<sup>1</sup>, adopted and released on August 10, 2023, established a schedule of regulatory fees to collect \$390,192,000 for fiscal year (FY) 2023, pursuant to section 9 of the Communications Act of 1934,<sup>2</sup> as amended (Communications Act or Act) and by the Commission's FY 2023 Appropriation.<sup>3</sup> The schedule of regulatory fees for FY 2023 is listed in Appendix C of the *FY 2023 Regulatory Fees Report and Order*. The FY 2023 regulatory fees were due on September 20, 2023.

In the *FY 2023 Regulatory Fees Report and Order*, the Commission adopted the regulatory fee schedule to collect \$390,192,000 in congressionally required regulatory fees for FY 2023. The Commission also took the following actions:

- Adopted the Commission's proposal to reallocate 63 indirect Full Time Employees (FTEs) from the Office of Economics and Analytics, the Office of General Counsel and the Public Safety and Homeland Security Bureau as direct to a core bureau. Additionally, for consistency reasons raised in the record, the *FY 2023 Regulatory Fees Report and Order* also reallocated two direct FTEs from the Media Bureau to be considered as indirect FTEs because the work performed is similar to the Enforcement Bureau, which is indirect;
- Continued the Commission's current practice of treating the non-high cost Universal Service Fund FTEs as indirect and only recovers their costs from non-broadcaster fee payors. The number of FTEs in this non-high cost indirect category has been adjusted from 38 FTEs last year to 23.75 for FY 23, a downward decrease of 14.25 FTEs;
- Adopted the Commission's proposal regarding the calculation of television and radio broadcaster regulatory fees, including the modification of the existing grid by adding a new tier for AM and FM radio stations for populations of 25,000 or less;
- Continued to consider operations for on-orbit servicing (OOS) and rendezvous and proximity operations (RPO) on a mission-by-mission basis for regulatory fee purposes, and to apply the regulatory fee for "Space Stations" (Geostationary Orbit) to OOS and RPO spacecraft operating near the GSO arc, unless it is determined that the OOS or RPO spacecraft is operating as part of an existing GSO system, and therefore should not be assessed a separate regulatory fee;
- Declined to adopt a new fee category for Orbit Transfer Vehicles (OTV) that are a subset of OOS;
- Explained that the Commission will seek comment on proposals to reexamine the categories of regulatory fees for NGSO space station systems at the same time as other proposals that might arise as part of a more holistic review of the FTE burden of the Space Bureau in FY 2024;
- Continued two of the temporary measures that were implemented in FYs 2020 through 2022 to assist regulatory fee payors that were experiencing financial hardship related to the COVID-19

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<sup>1</sup> *Review of the Commission's Assessment and Collection of Regulatory Fees, Assessment and Collection of Regulatory Fees for Fiscal Year 2023, MD Docket Nos. 23-159 and 22-301, Report and Order (Aug. 10, 2023) (FY 2023 Regulatory Fees Report and Order)*.

<sup>2</sup> 47 U.S.C. §§ 159, 159a.

<sup>3</sup> Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Division E—Financial Services and General Government Appropriations Act, 2023 (FY 2023 Consolidated Appropriations Act). The total offsetting collection for FY 2023 has increased by \$8,242,000, or 2.16%, from the FY 2022 appropriated level.

pandemic to request waiver, reduction, deferral and/or installment payment of regulatory fees, and continued a third such measure in modified form;

- *Waivers, reductions and deferrals of regulatory fees (47 CFR § 1.1166)*. We declined to permit regulatory fee payors to prepay their regulatory fees in installments before the annual regulatory fee payment deadline, and amended section 1.1166 to reflect this change and delete certain language added to the rule in error in the FY 2023 NPRM.<sup>4</sup> We also restored the following text (bolded) that was inadvertently deleted from section 1.1166(a) in the FY 2023 NPRM: “All requests for waiver, reduction and deferral shall be acted upon by the Managing Director **with the concurrence of the General Counsel.**”
- *Collection in Installments (47 CFR § 1.1914(a))*. We also made two technical corrections to section 1.1914 to clarify the language of the rule. The third sentence of section 1.1914(a) was revised to read as follows: “Requests for installment payment of non-regulatory fee debt shall be filed electronically, by submission to the following email address: [installmentplanrequest@fcc.gov](mailto:installmentplanrequest@fcc.gov).” We made this change to differentiate installment payment requests for regulatory fees from other installment requests unrelated to regulatory fees. Finally, we revise the fourth sentence of section 1.1914(a) to more clearly state that requests for installment payment of regulatory fees may be combined with other regulatory fee relief requests that are filed pursuant to section 1.1166 of our rules.

The *FY 2023 Regulatory Fees Report and Order* maintained several approaches from the prior regulatory fee framework which minimized the significant economic impact for some small entities. Specifically, the FY 2023 regulatory fee framework maintained: (1) the methodology adopted using the population-based calculations for TV broadcasters that was initially adopted because it is a more fair methodology for smaller broadcasters; (2) the flexibility for regulatory payees to request a waiver, reduction, deferral and/or installment payments of their regulatory fees; and (3) the application of the Commission’s de minimis threshold rule adopted pursuant to section 9(e)(2) of the Act,<sup>5</sup> which exempts a regulatee from paying regulatory fees if the sum total of all of its annual regulatory fee liabilities is \$1,000 or less for the fiscal year. The de minimis threshold applies only to filers of annual regulatory fees and provides relief to small and other entities with lower annual regulatory fees. Regulatory fee categories that could benefit from the de minimis threshold include licensees of low power television, FM translators, small cable, paging, and cell phone companies, earth station licensees, and small land-line telephone companies.

The decisions that were made in the *FY 2023 Regulatory Fees Report and Order* permitted the Commission to collect 100% of its budget from regulatory fees.

## II. COMPLIANCE REQUIREMENTS

### A. *Annual Regulatory Fees for Wireless Radio Services (47 CFR § 1.1152)*

Section 1.1152 of the Commission’s rules is revised to reflect FY 2023 annual regulatory fee rate changes for the following wireless fee categories. The fees below are per year, but are paid upfront for the entire 10-year duration of the license. For example, the regulatory fee for a 10-year microwave license is \$250.

|  |                  |         |
|--|------------------|---------|
| Land Mobile (Exclusive, Above 470 MHz and 220 MHz Local) | 47 CFR, Part 90  | \$25.00 |
| Land Mobile (220 MHz Nationwide)                         | 47 CFR, Part 90  | \$25.00 |
| Microwave  | 47 CFR, Part 101 | \$25.00 |

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<sup>4</sup> *Review of the Commission’s Assessment and Collection of Regulatory Fees, Assessment and Collection of Regulatory Fees for Fiscal Year 2023*, Report and Order and Notice of Proposed Rulemaking, FCC 23-34, Appx. K (rel. May 15, 2023).

<sup>5</sup> 47 U.S.C. § 159(e)(2).

|   |                  |             |
|---|------------------|-------------|
| Land Mobile (Shared Use, Below 470 MHz – Except 220 MHz)        | 47 CFR, Part 90  | \$10.00     |
| Rural Radio   | 47 CFR, Part 22  | \$10.00     |
| Marine Coast  | 47 CFR, Part 80  | \$40.00     |
| Aviation Ground   | 47 CFR, Part 87  | \$20.00     |
| Marine Ship   | 47 CFR, Part 80  | \$15.00     |
| Aviation Aircraft   | 47 CFR, Part 87  | \$10.00     |
| CMRS Cellular/Mobile Services (parts, 20, 22, 24, 27, 80, & 90) | 47 CFR           | \$0.16/unit |
| CMRS Messaging Services (parts 20, 22, 24, & 90)                | 47 CFR           | \$0.08/unit |
| Broadband Radio Services (part 27)                              | 47 CFR, Part 27  | \$700.00    |
| Local Multipoint Distribution Service (part 101)                | 47 CFR, Part 101 | \$700.00    |

**B. Annual Regulatory Fees for Mass Media Services (47 CFR § 1.1153)**

Section 1.1153 of the Commission’s rules was revised to reflect FY 2023 annual regulatory fee rate changes for the following mass media categories. These fee rates are listed in Appendix C and Appendix G of the *FY 2023 Regulatory Fees Report and Order*. Because radio station fees are a flat fee based on the type of license (e.g. AM/FM, Class of Service), the radio station table below identifies the different fees for all radio stations. (Continued on next page)

AM and FM Radio Station Fee Categories for all Levels of Population 47 CFR, part 73

| <b>FY 2023 RADIO STATION REGULATORY FEES</b> |                   |                   |                   |                   |                                  |   |
|--|-------------------|-------------------|-------------------|-------------------|----------------------------------|---|
| <b>Population Served</b>                     | <b>AM Class A</b> | <b>AM Class B</b> | <b>AM Class C</b> | <b>AM Class D</b> | <b>FM Classes A, B1 &amp; C3</b> | <b>FM Classes B, C, C0, C1 &amp; C2</b> |
| <b>&lt;=10,000</b>                           | \$595             | \$430             | \$370             | \$410             | \$650                            | \$745                                   |
| <b>10,001 - 25,000</b>                       | \$990             | \$715             | \$620             | \$680             | \$1,085                          | \$1,240                                 |
| <b>25,001 – 75,000</b>                       | \$1,485           | \$1,075           | \$930             | \$1,020           | \$1,630                          | \$1,860                                 |
| <b>75,001 – 150,000</b>                      | \$2,230           | \$1,610           | \$1,395           | \$1,530           | \$2,440                          | \$2,790                                 |
| <b>150,001 – 500,000</b>                     | \$3,345           | \$2,415           | \$2,095           | \$2,300           | \$3,665                          | \$4,190                                 |
| <b>500,001 – 1,200,000</b>                   | \$5,010           | \$3,620           | \$3,135           | \$3,440           | \$5,490                          | \$6,275                                 |
| <b>1,200,001 – 3,000,000</b>                 | \$7,525           | \$5,435           | \$4,710           | \$5,170           | \$8,245                          | \$9,425                                 |
| <b>3,000,001 – 6,000,000</b>                 | \$11,275          | \$8,145           | \$7,060           | \$7,745           | \$12,360                         | \$14,125                                |
| <b>&gt;6,000,000</b>                         | \$16,920          | \$12,220          | \$10,595          | \$11,620          | \$18,545                         | \$21,190                                |

Television stations, on the other hand, have a fee based on their individual population reach of the signal. As a result, as Appendix G in our *FY 2023 Regulatory Fees Report and Order* illustrates, there are 57 pages of call signs with individual fee amounts for each call sign. Therefore, as a practical matter, entities subject to these rules should refer to Appendix G in the *FY 2023 Regulatory Fees Report and Order*.

|  |                 |                  |
|--|-----------------|------------------|
| Low Power TV, Class A TV, TV/FM Translators & Boosters | 47 CFR, part 74 | \$260.00         |
| UHF and VHF Television Stations for all DMA Markets    | 47 CFR, part 73 | See <i>Order</i> |

**C. Annual Regulatory Fees for Common Carrier Services (47 CFR § 1.1154)**

Section 1.1154 of the Commission’s rules is revised to reflect FY 2023 annual regulatory fee rate changes for the following common carrier services:

|                  |   |                                 |
|------------------|---|---------------------------------|
| Radio Facilities | Microwave (Domestic Public Fixed)               | \$25.00 (per year for 10 years) |
| Carriers         | Interstate Telecommunications Service Providers | \$.00540 per revenue dollar     |
|                  | Toll Free Number Fee (47 CFR Sect. 52.101 (f))  | \$.13 per Toll Free Number      |

**D. Annual Regulatory Fees for Cable Television Services (47 CFR § 1.1155)**

Section 1.1155 of the Commission’s rules was revised to reflect FY 2023 annual regulatory fee rate changes for the following cable television services:

|  |                       |
|--|-----------------------|
| Cable Television Relay Services (CARS) (47 CFR, part 78)   | \$1,720 per license   |
| Cable Television System, including IPTV (47 CFR, part 76) and Direct Broadcast Satellite (DBS) (Section 602 (13) of the Act) | \$1.23 per subscriber |

**E. Annual Regulatory Fees for International Services (47 CFR § 1.1156)**

Section 1.1156 of the Commission’s rules was revised to reflect FY 2023 annual regulatory fee rate changes for the following international services:

|  |                       |
|--|-----------------------|
| Space Stations (Geostationary Orbit) (47 CFR, part 25)<br>(also includes DBS Service (47 CFR, part 100)) | \$117,580             |
| Space Stations (Non-Geostationary Orbit/Other) (47 CFR, part 25)   | \$347,755             |
| Space Stations (Non-Geostationary Orbit/Less Complex) (47 CFR, part 25)                                  | \$130,405             |
| Space Stations (Non-Geostationary Orbit/Small Satellite) (47 CFR, part 25)                               | \$12,215              |
| Earth Stations (47 CFR, part 25)   | \$575                 |
| International Terrestrial and Satellite Bearer Circuits  | \$26 per Gbps circuit |
| Submarine Cable Systems  |                       |

### FY 2023 International Bearer Circuits - Submarine Cable Systems

| Submarine Cable Systems<br>(capacity as of December 31, 2022) | Fee Ratio   | FY 2023 Regulatory Fees |
|---|-------------|-------------------------|
| Less than 50 Gbps   | .0625 Units | \$7,680                 |
| 50 Gbps or greater, but less than 250 Gbps                    | .125 Units  | \$15,355                |
| 250 Gbps or greater, but less than 1,500 Gbps                 | .25 Units   | \$30,705                |
| 1,500 Gbps or greater, but less than 3,500 Gbps               | .5 Units    | \$61,410                |
| 3,500 Gbps or greater, but less than 6,500 Gbps               | 1.0 Unit    | \$122,815               |
| 6,500 Gbps or greater   | 2.0 Units   | \$245,630               |

### III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *FY 2023 Regulatory Fees Report and Order* did not create any new recordkeeping or reporting requirements.

### IV. IMPLEMENTATION DATE

The rules in the *FY 2023 Regulatory Fees Report and Order* and its section 9 regulatory fees assessment requirements became effective September 15, 2023, except for 47 CFR 1.1166, which became effective October 16, 2023, and 47 CFR § 1.1914, which requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This rule shall become effective 30 days after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

### V. INTERNET LINKS

A copy of the *FY 2023 Regulatory Fees Report and Order* is available at: <https://www.fcc.gov/document/fy-2023-regulatory-fees-report-and-order>

A copy of the Federal Register Summary of the *FY 2023 Regulatory Fees Report and Order* is available at: <https://www.govinfo.gov/content/pkg/FR-2023-09-15/pdf/2023-19107.pdf>.

Regulatory Fee Fact Sheets and their respective websites are available at <http://www.fcc.gov/regfees> to help licensees with their regulatory fee obligations.