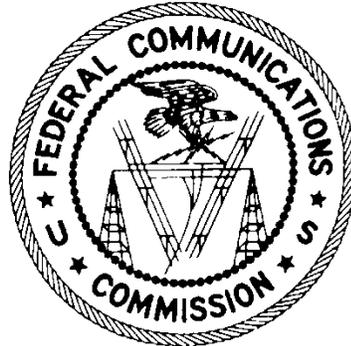


# FEDERAL COMMUNICATIONS COMMISSION



## ENFORCEMENT BUREAU FEE FILING GUIDE

### SECTION 8 FEES

#### APPLICATION PROCESSING FEES

- **Formal Complaints**
- **Pole Attachment Complaints**

This is an unofficial compilation of the radio services and requests for FCC actions that are subject to fees. The public should consult the Commission's Rules as set out in Title 47 of the Code of Federal Regulations (CFR) for application filing requirements. Further information on fees may be obtained at Part I, Subpart G of the CFR or in the Commission's official decision implementing the Congressional Schedule of Charges. This decision is published in the FCC Record or may be purchased from the Commission's current copy contractor.

*Effective September 4, 2018*

## INTRODUCTION

The authority of the Federal Communications Commission to impose and collect fees and associated charges is contained in Title III, Section 3001, of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101-39), Section 8, revising 47 U.S.C. § 158, which directs the Commission to prescribe charges for certain types of services it provides to communications entities over which it has jurisdiction.

The FCC's Enforcement Bureau is primarily responsible for enforcement of most of the provisions of the Communications Act as well as enforcement of the Commission's rules, orders and authorizations. Among other things, the Enforcement Bureau adjudicates formal Section 208 and Data Roaming Complaints, as well as Section 224 Pole Attachment Complaints. In order to properly file one of these complaints, a filer must pay an Application Processing Fee.

This Fee Filing Guide is considered a reference guide to identify and describe application processing fee requirements for the Enforcement Bureau. It is meant to be a handy reference for the services and requests for FCC actions for which the Enforcement Bureau has responsibility that are subject to an FCC Application Processing Fee. The guide consists of two parts, Parts A and B, as well as a breakdown of the types of applications, form numbers, fee amounts, payment type codes, and the mailing address for each service provided. It also contains a copy of FCC Form 159, FCC Remittance Advice Form, and instructions on its use.

Part A provides instructions on how to pay an Application Processing Fee and identifies other processing services available to the requestor. Always read Part A before attempting to complete any of the forms required with your submission. Part B provides specific information pertaining to Enforcement Bureau Section 8, Application Processing Fees.

If further information is required that cannot be answered in this guide, please consult the Commission's Rules as set forth in Title 47, Part 1, Subpart G, Section 1.1101 of the Code of Federal Regulations (CFR). Additional copies of this guide may be obtained by calling (202) 418-FORM. All fees are subject to modification as required by Congress.

## PART A

### IMPORTANT NOTICE FOR APPLICANTS/LICENSEES WHO SUBMIT FEEABLE FILINGS

Effective December 3, 2001, the use of the FCC Registration Number (FRN) became mandatory. Failure to register or include an FRN on your Remittance Advice Form (FCC Form 159) will result in your application being returned as unprocessable. If you do not yet have an FRN, you can obtain one through the FCC website listed below, or by filling out the registration form (Form 160) and submitting the registration form along with your payment and FCC Form 159. Unless the payer and the applicant are the same person or entity, a separate FRN number must be used for the payer FRN and the applicant FRN. If you are acting as an agent for an entity, and the remittance (i.e., check or credit card) carries your name as an official designated to pay on behalf of the entity, you must include the entity's name both as payer and applicant in order to use the same FRN. Failure to follow these instructions will result in your application being returned as unprocessable. **Please note that transactions with the FCC require the use of the FCC FRN. Therefore, please have the FRN available when contacting or submitting documents to the FCC.**

Ways to obtain an FCC Form 159:

- Go to <http://www.fcc.gov/formpage.html>.
- Call the FCC's Form Distribution Center at 1-800-418-FORM [3676].
- Pick up the form at the Commission in Room TW-B200.
- Call CORES Helpdesk at 1-877-480-3201.

If you are registered in the Wireless Telecommunications Bureau's Universal Licensing System (ULS) and your registration includes all the information needed to issue a Registration Number, you have already been pre-registered. You may want to check CORES to determine if you are still registered, or if you have forgotten your registration number.

Ways to obtain an FCC Registration Number (FRN):

- Go to [www.fcc.gov](http://www.fcc.gov), click on Quick Links at the bottom right side of the page, and scroll down to *FCC Registration Number (FRN)* (the CORES Registration link) <https://apps.fcc.gov/coresWeb/publicHome.do>
- File FCC Form 160 (CORES Registration). You may obtain the form at <http://www.fcc.gov/formpage.html> or by calling the FCC's CORES Helpdesk at 1-877-480-3201. You may also pick up the form in Commission Room TW-B200. Mailing instructions are on the form.

If you are unable to register electronically, you can still submit your application for a Registration Number (FCC Form 160) directly to U.S. Bank (along with your filing documents and payment) or fax the FRN registration form to the CORES Helpdesk at (202) 418-7869 for some filing procedures. U.S. Bank will register you and you will receive a confirmation letter from the FCC through the U.S. Postal Service mail.

## DEBT COLLECTION IMPROVEMENT ACT

**In accordance with the Debt Collection Improvement Act (DCIA), the Commission will begin withholding action on applications and other requests for benefits upon discovery that the entity applying for or seeking benefits is delinquent in its non-tax debts owed to the Commission, and will dismiss such applications or requests if the delinquent debt is not resolved. Our application fee rules have been amended to state that we will withhold action on applications or other requests if payment of the delinquent debt is not made or satisfactory arrangements for payment are not made. Those rule amendments are effective October 1, 2004.**

## REMINDER REGARDING LOCKBOX CLOSURES

During the past few years, the Commission has been reducing its use of P.O. Boxes for the collection of fees and has encouraged the use of electronic payment systems for all application and regulatory fees.<sup>1</sup> The electronic payment of fees for applications, tariffs, and petitions increases the agency's financial efficiency by reducing expenditures, including the annual fee for utilizing the bank's services and the cost of processing each transaction manually, with very little or no inconvenience to the regulatees, applicants, and the public.<sup>2</sup> As part of this process, the Commission has closed Lockbox 979092 (used to submit fees and petitions related to services provided by the Public Safety & Homeland Security Bureau) and Lockbox 979091 (used to submit fees and petitions related to services provided by the Wireline Competition Bureau).<sup>3</sup> Additional closings will occur in the coming months and it is expected that the P.O. Box 979094 for the receipt of the Enforcement Bureau's formal complaint and pole attachment complaint application fees will be one such closure. As these Lockboxes are closed, filers will be required to submit payments electronically in accordance with the procedures set forth on the Commission's web site, <https://www.fcc.gov/licensingdatabases/fees>. Payments can be made through the Fee Filer Online System (Fee Filer), accessible at <https://www.fcc.gov/licensing-databases/fees/fee-filer>, although we caution filers that the agency may transition to other secure payment systems in the future, after appropriate public notice and guidance. To file applications, tariffs, and petitions, parties should utilize, as applicable, the Commission's Electronic Tariff Filing System for tariffs, which can be found at <https://apps.fcc.gov/etfs/etfsHome.action>, or the Electronic Comment Filing System (ECFS), which can be found at <http://apps.fcc.gov/ecfs/upload/display>. Petitions filed in hard copy format should be submitted according to the procedures set forth on the web page of the Commission's Office of the Secretary, <https://www.fcc.gov/seretary>.

## REMITTANCE ADVICE - FCC FORM 159

The Remittance Advice, FCC Form 159, must accompany payment to the Federal Communications Commission for Regulatory Fees, Application Processing Fees, Fines, Forfeitures, Freedom of Information Act (FOIA) billings or any

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<sup>1</sup> The Commission previously revised its payment rules to encourage electronic payment of application processing fees and require electronic payment of regulatory fees. 47 C.F.R. §§ 1.1112 (application fees) and 1.1158 (regulatory fees). These rules became effective November 30, 2015. 80 FR 66816 (Oct. 30, 2015).

<sup>2</sup> See Treasury Financial Manual, Bulletin No. 2017-12, "Agency No-Cash or No-Check Policies," released on September 18, 2017 (explaining the circumstances under which agencies may decide not to accept payments made in cash or by check), available at <https://tfm.fiscal.treasury.gov/v1/bull/17-12.pdf>; see also <https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf>.

<sup>3</sup> *Amendment of Part 1 of the Commission's Rules*, Order, MD Docket No. 17-123, 32 FCC Rcd 4203 (2017) (modifying Section 1.1109 of the Commission's rules to delete reference to P.O. Box 979092 at U.S. Bank in St. Louis, Missouri); *Amendment of Parts 0, 1, 51, and 61 of the Commission's Rules*, Order, MD Docket No. 17-357, 32 FCC Rcd 10565 (2017) (modifying Section 1.1105 of the Commission's rules to delete reference to P.O. Box 979091 at U.S. Bank in St. Louis, Missouri).

other debt due to the FCC. The information on this form is collected and stored in a database to ensure credit of full payment of monies due, to expedite any refunds due, and to service public inquiries. Please refer to Part B/C of this guide for specific form requirements. Reproduced forms are acceptable. FCC Form 159C is a remittance advice continuation sheet that must be used when paying for more than two call signs in a single filing or when paying for multiple applicants in a single filing. Each call sign and/or applicant must be listed separately on the FCC Form 159/FCC Form 159C.

### **METHOD OF PAYMENT (DO NOT SEND CASH)**

Payment of Application Processing Fees may be made by check, bank draft, money order, credit card, or wire transfer. If paying by check, bank draft, money order, or wire transfer, your remittance must be denominated in U.S. dollars, drawn on a U.S. financial institution and made payable to "FCC." No postdated, altered or third party checks will be accepted. No checks will be accepted for processing if older than six months. The Commission will accept Visa, MasterCard, American Express, and Discover credit cards. **Online credit card payments are accepted by the FCC's Fee Filer system. <https://apps.fcc.gov/FeeFiler/login.cfm>. Upon entering the FCC's Fee Filer system, you will be guided through the payment process and payment verification, and a Form 159 will be automatically generated. Online credit card payment is an available option when filing certain electronic application submissions such as Formal Complaint and Pole Attachment complaints. If you choose this method of combined filing/payment, do not send an FCC Form 159 to U.S. Bank.**

If paying by wire, applicants located in foreign countries should contact their local bank to determine what U.S. financial institution their bank is affiliated with that will allow a transfer of funds. Please keep in mind that there may be an additional transfer fee added from your bank for this service. If an additional cost is required by your bank, and you have not included additional funds to cover this cost, it will be taken out of the funds that will be transferred. This will result in your remaining transfer amount being insufficient to cover the fee for the filing. Please check with your bank prior to completing this transaction to determine their policy. For further instructions in making payment by wire see <http://www.fcc.gov/fees/wiretran.html>.

Payment of fees, fines, and other debts may also be made by electronic payment. This is designed specifically for larger corporations capable of CPU/CPU communication. Under this method, the payer bank wires funds directly to the Commission's lockbox bank. As with cash payments, the funds must be wired from a U.S. financial institution. To obtain more information about electronic payment and how it works, please contact the Revenue and Receivables Operations Group at (202) 418-1995. For further information on making payment by electronic transfer see our website at <http://www.fcc.gov/encyclopedia/wire-transfer>.

### **NONFEEABLE APPLICATIONS**

All nonfeeable applications filed in Washington, DC must be filed directly with the Secretary's Office, Room TW-B204, 445 12<sup>th</sup> Street, SW, Washington, DC 20554 and should be captioned Attention: Enforcement Bureau.

### **FEE EXEMPT APPLICATIONS**

Please check the appropriate block on your application, **and if you have not previously done so**, provide the proper documentation, as required, to certify that your application is fee exempt. 47 CFR, Part 1, Section 1.1114 of the Commission's rules explains who qualifies as fee exempt.

## MANAGING DIRECTOR DECISIONS

Requests for waivers, fee determinations, reconsiderations, applications for review, deferments, and specific refund requests are referred directly to the Office of the Managing Director. Each request is forwarded to the Office of General Counsel for review and legal determination. 47

CFR, Part 1, Sections 1.1113 & 1.1117 govern the Commission's policies in these instances. The requester will receive written notification of the Managing Director's decision. These decisions are published monthly and are placed in FCC Docket 86-285. All such requests must be submitted in writing to:

Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 1-A625  
Washington, DC 20554

## WAIVERS, FEE DETERMINATIONS, AND DEFERRALS PROCESS

The required filing fee must be paid for the service requested using the normal process. All requests for waivers and fee determinations are filed directly with the Managing Director in Washington, DC. If the Commission grants the waiver request or the fee determination results in a lower fee, a refund will be issued. Deferrals of fees are also filed in Washington, DC, and have a limit of up to six months with good cause. Deferrals of fees are considered when the inability to pay the required fee is due to a financial hardship, e.g., bankruptcy, and must be accompanied by supporting documentation.

## REFUND PROCESS

The appropriate Bureau/Office handles routine refund requests. When a Bureau/Office determines that a refund is warranted, it is forwarded to the Office of the Managing Director, Revenue and Receivables Operations Group for processing. The Revenue and Receivables Operations Group (RROG) handles all approved refund requests. Once the refund request is approved, the refund process usually takes 7-10 business days. Once a request has been reviewed and processed by RROG, it is forwarded to the U.S. Treasury in San Francisco, California where a check is issued to the payer of the remittance. For further information on return or refund of charges, refer to 47 CFR, Part 1, Section 1.1113 of the Commission's Rules.

## MAILING INSTRUCTIONS

Parties hand-delivering applications or filings may receive dated receipt copies of the application or filing from the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed, stamped envelope. Only one piece of paper per application will be stamped for receipt purposes. A "stamp and receipt" copy must be placed on top of the original package and clearly identified as a return copy.

When delivering feeable applications by hand or by courier, use the following address: Federal Communications Commission, c/o U.S. Bank – Enforcement Bureau, Federal Communications Commission, Government Lockbox # 979094, 1005 Convention Plaza, St. Louis, MO 63101 (Attention: FCC Government Lockbox). **This address is for hand or courier delivery only. DO NOT use it for mailing applications.** Use the following address for US Mail deliveries: Federal Communications Commission, c/o U.S. Bank – Government Lockbox # 979094, St. Louis, MO

63101 (Attention: FCC Government Lockbox). **Enclose the application package in an inner envelope marked with Lockbox # 979094.**

## QUESTIONS

If you have questions regarding your application and/or fee, you may call toll free the FCC's Consumer Center at 1-888-CALLFCC (1-888-225-5322). For information on CORES call the CORES Administrator at 1-877-480-3201.

## PART B: SECTION 8 FEES

### DEFINITIONS OF ENFORCEMENT BUREAU SERVICES

The Enforcement Bureau is primarily responsible for enforcement of most of the provisions of the Communications Act as well as enforcement of the Commission's rules, orders and authorizations. Among other things, the Enforcement Bureau is responsible for the adjudication of complaints against common carriers by other carriers involving competition and other market-related issues. In addition, the Enforcement Bureau is responsible for resolution of complaints and enforcement involving public safety and technical issues such as equipment requirements and unauthorized construction and operation. The Enforcement Bureau also conducts investigations and inspections in response to complaints and in support of the Commission's operations.

#### Formal Complaints

A Formal Complaint is a formal allegation that a common carrier has failed to comply with the Communications Act. Formal Complaints are filed pursuant to section 208 of the Communications Act, 47 U.S.C. § 208. The Commission's procedures regarding the filing, review, and resolution of such complaints are set forth in sections 1.720–1.740 of the Commission's rules, 47 C.F.R. §§ 1.720–1.740. In addition, these procedural rules govern data roaming complaints. *See* 47 C.F.R. § 20.12(e)(2).

#### Pole Attachment Complaints

A Pole Attachment Complaint is a complaint filed by a cable television system operator, a cable television system association, a utility, an association of utilities, a telecommunications carrier or an association of telecommunications carriers alleging that it has been denied non-discriminatory access to a utility pole, duct, conduit, or right-of-way and/or that a rate, term or condition for the attachment is not just and reasonable.<sup>1</sup> The Commission's procedures regarding the filing, review, and resolution of such complaints are set forth in Sections 1.1401–1.1414 of the Commission's rules, 47 C.F.R. §§ 1.1401–1.1414.

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<sup>1</sup> *See* 47 C.F.R. § 1.1402 (d). The term *complaint* means a filing by a cable television system operator, a cable television system association, a utility, an association of utilities, a telecommunications carrier, or an association of telecommunications carriers alleging that it has been denied access to a utility pole, duct, conduit, or right-of-way in violation of this subpart and/or that a rate, term, or condition for a pole attachment is not just and reasonable. It also means a filing by an incumbent local exchange carrier (as defined in 47 U.S.C. 251(h)) or an association of incumbent local exchange carriers alleging that a rate, term, or condition for a pole attachment is not just and reasonable.

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**Mailing Address**

**Federal Communications Commission  
Enforcement Bureau  
P.O. Box 979094  
ST. Louis, MO 63197-9000**

**III. SECTION 8 FEE SCHEDULE AND FILING GUIDE**

A. Common Carrier Formal Complaints<sup>4</sup>

<b>TYPE OF APPLICATION</b>	<b>FORM NO.</b>	<b>FEE AMOUNT</b>	<b>FEE CODE</b>	<b>Notes</b>
1. Formal Complaint	Form 159	\$235.00	CIZ	Applies to Section 208, <sup>5</sup> and Data Roaming formal complaints

B. Common Carrier Accounting and Audits

1. Field Audit <sup>6</sup>	N/A	\$121,845.00	BMA	Carriers will be billed, and provided payment instructions
2. Review of <sup>7</sup> Attest Audit	N/A	\$66,510.00	BLA	Carriers will be billed, and provided payment instructions
3. Development and Review of Agreed upon- Procedures Engagement <sup>8</sup>	Written Request and Form 159	\$66,510.00	BLA	

C. Pole Attachment Complaints

1. Pole Attachment Complaint	Written Request and Form 159	\$295.00	TPC	
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<sup>4</sup> See Wireline Competition Bureau *Fee Filing Guide* for all other Common Carrier fees.

<sup>5</sup> If a Section 208 or Data Roaming formal complaint is filed against multiple defendants, the complainant(s) must pay a separate Application Processing Fee for each defendant in accordance with § 1.734 of the Commission's rules, 47 C.F.R. § 1.734.

<sup>6</sup> EB is not conducting these audits at this time.

<sup>7</sup> EB is not conducting these audits at this time.

<sup>8</sup> EB is not conducting these audits at this time.