



REGULATORY FEES FACT SHEET

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

September 18, 2019

PROCEDURES FOR FILING REQUESTS FOR WAIVER, REDUCTION AND DEFERRAL OF REGULATORY FEES

Each year, the Commission is required to collect regulatory fees. In FY 2019, regulatees are assessed fees as set forth in *Assessment and Collection of Regulatory Fees for Fiscal Year 2019*, Report and Order and Further Notice of Proposed Rulemaking (“FY 2019 Regulatory Fees Report and Order”). The Commission has also published industry-specific guidance in numerous Fact Sheets. The *FY 2019 Regulatory Fees Report and Order* and the industry-specific Fact Sheets can be viewed on the Commission website at <http://www.fcc.gov/regfees>.

The Commission’s automated filing and payment system (“Fee Filer”) is available for viewing and payment of FY 2019 regulatory fees. While FY 2019 regulatory fees will not become effective until the rulemaking is published in the Federal Register, regulatees may submit payments at any time before the effective due date of FY 2019 regulatory fees. FY 2019 regulatory fees must be paid by credit card, Visa or MasterCard debit card, ACH, or wire transfer.¹ **Regulatory fee payments MUST BE RECEIVED by the Commission no later than 11:59 PM, Eastern Daylight Time, on September 24, 2019 (the "Due Date").**

The Commission will impose a 25 percent late payment penalty on any regulatory fee or portion thereof that is not paid by the Due Date; in addition, unpaid regulatory fee debt accrues interest until the debt is paid in full.² The Commission will pursue all available remedies to collect unpaid regulatory fee debt, including placing regulatees with unpaid regulatory fee debt on the Commission’s “red light” and dismissing delinquent regulatees’ pending applications and actions, revoking delinquent regulatees’ authorizations and licenses, offsetting unpaid regulatory fee debt against monies owed by the Commission, and referring unpaid regulatory fee debt to the United States Department of Treasury for further collection.³

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.”⁴ The Commission also recognizes that in certain extraordinary and compelling

¹The Commission will not accept payment of FY 2019 regulatory fees by check, money order, or cashier’s check. See *Payment Methods and Procedures For Fiscal Year 2019 Regulatory Fees*, Public Notice, DA 19-1881 (OMD Sept 5, 2019), released on September 5, 2019 and available for viewing on the Commission’s website.

² 47 U.S.C. §159A(c) and 47 C.F.R. §§1.1164 and 1.1910. The 25 percent late payment penalty will be imposed automatically on any fee or portion of a fee that is not paid by the Due Date.

³ 31 U.S.C. §3701, *et seq.*, 31 C.F.R. § 900, *et seq.* and 47 C.F.R. §1.1901, *et seq.*

⁴ *Assessment and Collection of Regulatory Fees for Fiscal Year 2019*, Report and Order and Further Notice of Proposed Rulemaking at para. 50, MD Docket No. 19-105 (August 27, 2019) (*FY 2019 Regulatory Fee Report and Order*), quoting *Implementation of Section 9 of the Communications Act; Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, 9 FCC Rcd 5333, 5344, para 29 (1994), *recon. denied*, 10 FCC Rcd 12759 ¶12 (1995).

circumstances, fee relief based on financial hardship may be warranted, but only if a regulatee seeking fee relief demonstrates financial hardship and that payment of the fee will adversely impact the licensee's ability to serve the public. In order to obtain fee relief based on financial hardship, a regulatee must conclusively prove its case. Mere assertions of financial hardship are insufficient; instead, a regulatee asserting financial hardship must provide all such documentation as is necessary to demonstrate its financial position and that it lacks sufficient funds to pay its regulatory fee and maintain service to the public.⁵

A request for waiver, reduction and deferral must be filed with the Commission on or before the Due Date. The request must be accompanied by: 1) payment in full of the FY 2019 regulatory fees;⁶ or 2) if the regulatee requesting fee relief is asserting financial hardship, a separate and simultaneously filed request to defer payment of the fee, accompanied by all such documents and information that the regulatee determines is necessary to prove its case.⁷

The Commission will dismiss any request to waive or reduce payment of a regulatory fee: 1) that does not include full payment or that is not accompanied by a separate and simultaneously filed petition for deferral of the fees with supporting documentation; 2) if the regulatee seeking relief is delinquent in payment of any other debt owed to the Commission; 3) if the request is not filed by the Due Date; or 4) if the request is not filed properly in accordance with the Commission's rules.⁸ Upon dismissal for any of the foregoing reasons, the Commission will assess the 25 percent late payment penalty, and interest on the FY 2019 regulatory fee debt will begin and continue to accrue until payment in full. If a regulatee elects to pay its FY 2019 regulatory fee with its request and the Commission grants the request, the Commission will refund the appropriate fee amount to the regulatee.

Requests for waiver, reduction or deferral of a regulatory fee should be clearly marked Attn: Office of the Managing Director, Regulatory Fee Waiver/Reduction Request, and addressed and sent to : Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-B204, Washington, D.C. 20554. Submissions not marked to the attention of the Office of Managing Director or 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 is not considered filed, and if the fee is unpaid, the unpaid fee is deemed immediately delinquent, resulting in immediate assessment of the 25 percent late payment penalty and accrual of interest from the date of delinquency. The Commission's website at <http://www.fcc.gov/encyclopedia/electronic-and-hard-copy-filing-address> provides additional details for filing hardcopy documents.

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⁵ *Id.*

⁶ As we have noted, payment of regulatory fees must be made through the Commission's Fee Filer system.

⁷ *FY 2019 Regulatory Fee Report and Order* at para. 50.

⁸ *See e.g.*, 47 C.F.R. §§1.1164, 1.1166 and 1.1910.