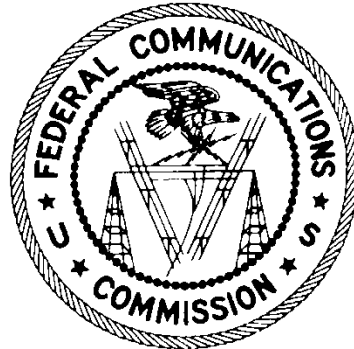


FEDERAL COMMUNICATIONS COMMISSION



ENFORCEMENT BUREAU FEE FILING GUIDE

SECTION 8 FEES

APPLICATION PROCESSING FEES

- **Formal Complaints**
- **Pole Attachment Complaints**
- **CALEA Petitions**

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 March 2, 2023

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) is mandatory. 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 160) and submitting the registration form to the FCC. **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 electronically to the FCC.**

Ways to obtain an FCC Registration Number (FRN):

- Go to www.fcc.gov/cores and click Register link.
- Calling the FCC's CORES Helpdesk at 1-877-480-3201, Option 1.

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.

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.¹ 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.² As part of this process, the Commission has closed Lockbox 979095 (used to submit fees and petitions related to services provided by the Office of Engineering and Technology). 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

¹ 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).

² 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://fm.fiscal.treasury.gov/v1/bull/17-12.pdf>; see also <https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf>.

transition to other secure payment systems in the future, after appropriate public notice and guidance.

METHOD OF PAYMENT (DO NOT SEND CASH)

Payment of fees by check or money order are no longer accepted. If paying by credit card and ACH, they must be made using the FCC Fee Filer Online payment system. The Commission accepts Visa, MasterCard, American Express, and Discover credit cards. No other credit cards are acceptable. The credit card limitation is \$24,999.99 for charges with a federal agency, per U.S. Treasury Announcement, A-2014-04 (7/2014). Any amount greater will be rejected. If paying by ACH, the payor must select “Payor from Bank Account”. **Note: Payors are strongly encouraged to contact their financial institutions to confirm that the correct Routing Number for this method of payment being used. In addition, payors should verify with their bank that their account has authorization to accept transactions**

Payments of fees by Wire Transfer. If paying by wire, it must be made to ABA Number 021030004, Receiving Bank TREAS/NYC and Account Number 27000001. When completing Form 159, please provide Payor Name, Payor FRN, Call Sign/Other Id applicants and Total Fees. A completed Form 159 must be faxed to FCC at 202-418-2843 or emailed RROGWireFaxes@fcc.gov on the same business day that wire transfer is submitted. Applicant 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. For further instructions in making payments by wire, please see our website at <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

A wire transfer is a transaction that is initiated through a bank, authorizing the bank to wire funds from an account to the U.S. Treasury, New York, New York. All payments made by wire transfer (payable to the Federal Communications Commission) must be supported by faxing the “Wire Transfer Instructions” from Fee Filer to the Federal Communications Commission at (202) 418-2843 at least one hour before initiating the wire transfer (but on the same business day) so as not to delay crediting their account. These Wire Transfer Instructions contain valuable information (e.g. FRN, Voucher Number, Payer Name, and the Amount of the Wire) that will help to post the payment more quickly and avoid delays. Please note that most wire transfers initiated after 6:00 p.m. (ET) will be credited the next business day, and wires initiated outside of the United States may take additional time. Fee payors should discuss arrangements (including bank closing schedules, and bank wire transaction fees for which the Commission is not responsible) with their bankers several days before they plan to make the wire transfer to allow sufficient time for the transfer to be initiated and completed before the deadline, especially if the wire transfer is an international one.

Complete instructions for making wire payments are posted at <https://www.fcc.gov/licensing-databases/fees/wire-transfer>. When initiating the wire transfer, please provide the bank with the following information to complete the transfer:

ABA Routing Number: 021030004 Receiving Bank:
TREAS NYC

33 Liberty St.
New York, NY 10045

BNF: FCC/ACCT-27000001

OBI Field: (Skip one space between each information item) \”Application Fee”

PAYER FRN (Exactly as on remittance instrument) PAYER NAME
(Exactly as on remittance instrument)
Phone: (Daytime Phone #, exactly as on remittance instrument)
VOUCHER NUMBER (Exactly as on remittance (Form 159-E) instrument)

Please note: The bank performing the wire transfer (or the bank draft) may charge a service fee, which is separate from the fees required for the FCC filing. Do not deduct the bank's service fee from the fees due to the FCC.

FEE EXEMPT APPLICATIONS

Please check the appropriate block on your electronic 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 1.1116 of the Commission's rules explains who qualifies as fee exempt.

REQUESTS FOR WAIVER, FEE DETERMINATION, AND DEFERRAL, PETITIONS FOR RECONSIDERATION AND APPLICATIONS FOR REVIEW

Waiver, deferral and fee determination requests, and petitions for reconsideration and applications for review of fee decisions must be filed in accordance with 47 CFR, Part 1, Sections 1.1113 and 1.1119, and will be acted upon by the Managing Director with the concurrence of the General Counsel.. Each such pleading must be filed as a separate pleading. Requests to defer for financial hardship reasons must include supporting documentation. Each requestor will receive written notification of the Commission's decision on its request, and all such decisions will be published periodically and placed in FCC Docket [General Docket 86-285].

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 1.1115 of the Commission's Rules.

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, Option 1.

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.¹ 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.

¹ *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.

ENFORCEMENT BUREAU

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

TYPE OF APPLICATION	FORM NO.	FEE AMOUNT	FEE CODE	Notes
Formal Complaint	Form 159	\$605.00	CIZ	Applies to Section 208, ³ and Data Roaming formal complaints
Pole Attachment Complaint	Written Request and Form 159	\$605.00	TPC	
Petitions Regarding Law Enforcement Assistance Capability under CALEA	Correspondence & Form 159	\$7,750	CLEA	

³ 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.