

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 1 of the) MD Docket No. 19-334
Commission's Rules)

ORDER

Adopted: November 7, 2019

Released: November 8, 2019

By the Commission:

1. In this Order, we reduce expenditures by the Federal Communications Commission (FCC or Commission) and modernize Commission procedures by amending section 1.1103 of our rules, which sets forth the application fees for services administered by the FCC's Office of Engineering and Technology (OET). The rule amendment reflects the closure of the lockbox (P.O. Box) used for manual payment of filing fees for four types of OET services: experimental radio services; assignment of grantee codes; advance approval of subscription TV systems; and certification of equipment approval services. We discontinue the option of manual fee payments and instead require the use of an electronic payment for each service listed above.

2. Section 1.1103 of the Commission's rules provides a schedule of application fees for services handled by OET. The rule also directs filers that do not utilize the Commission's on-line filing and fee payment systems to send manual payments to P.O. Box 979095 at U.S. Bank in St. Louis, Missouri. In recent years, there have been a decreasing number of lockbox filers, and it now is rare that the Commission receives a lockbox payment. Since 2015, the Commission has reduced its reliance on lockboxes, instead encouraging the use of electronic payment systems for application and regulatory fees and closing certain lockboxes. We find that electronic payment of fees for the services processed by

1 47 CFR § 1.1103.

2 Our rules and other Commission documents refer to a P.O. Box used for the collection of fees as a "lockbox." The FCC collects application processing fees using a series of P.O. Boxes located at U.S. Bank in St. Louis, Missouri. See 47 CFR §§ 1.1101-1.1109 (setting forth the fee schedule for each type of application remittable to the Commission along with the correct lockbox).

3 We note that, among these four types of services, OET has not required or processed applications for advance approval of subscription TV systems for many years. In addition, since restructuring the certification process in 2014, the Commission no longer accepts fees associated with the certification of equipment approval services, as they are now evaluated by outside authorized entities. See Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment and Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies, Report and Order, ET Docket No. 13-44, FCC 14-208 (2014). Should fees for these two services ever be collected in the future, they would have to be paid through the Commission's Fee Filer Online System, which is accessible as described in para. 4, infra.

4 47 CFR § 1.1103.

5 Id.

6 In 2015, the Commission revised its payment rules to encourage electronic payment of application processing fees and to require electronic payment of regulatory fees. 47 C.F.R. §§ 1.1112 (application fees) and 1.1158 (regulatory fees). See 80 FR 66816 (Oct. 30, 2015). More recently, the Commission has closed a lockbox used to submit fees

(continued...)

OET reduces the agency's expenditures (including eliminating the annual fee for the bank's services) and the cost of manually processing each transaction, with little or no inconvenience to the Commission's regulatees, applicants, and the public.⁷

3. Accordingly, we are now closing P.O. Box 979095. With this Order, we amend our rules to reflect this change as indicated in the Appendix. We make this change without notice and comment because they are rules of agency organization, procedure, or practice exempt from the general notice-and-comment requirements of the Administrative Procedure Act.⁸

4. *Implementation.* As a temporary transition measure, for 90 days after publication of this order in the Federal Register, U.S. Bank will continue to process payments to P.O. Box 979095. After that date, payments for these OET services must be made in accordance with the procedures set forth on the Commission's website, <https://www.fcc.gov/licensing-databases/fees/application-processing-fees> (Office of Engineering and Technology Fee Filing Guide). For now, such payments will be made through the Fee Filer Online System (Fee Filer), accessible at <https://www.fcc.gov/licensing-databases/fees/fee-filer>. As we assess and implement U.S. Treasury initiatives toward an all-electronic payment system, we may transition to other secure payment systems with appropriate public notice and guidance.

5. Regulatory Flexibility Act, Paperwork Reduction Act, and Congressional Review Act. Section 603 of the Regulatory Flexibility Act, as amended, requires a regulatory flexibility analysis in notice and comment rulemaking proceedings.⁹ As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required. This document does not contain any new proposed information collection(s) subject to the Paperwork Reduction Act of 1995.¹⁰ In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002.¹¹ The Commission will not send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not "substantially affect the rights or obligations of non-agency parties."¹²

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and petitions related to services provided by the Public Safety & Homeland Security Bureau, a lockbox used to submit fees and petitions related to services provided by the Wireline Competition Bureau, and a lockbox used to submit fees for certain complaint proceedings delegated to the Enforcement Bureau. *Amendment of Part 1 of the Commission's Rules*, Order, MD Docket No. 17-123, 32 FCC Rcd 4203 (2017); *Amendment of Parts 0, 1, 51, and 61 of the Commission's Rules*, Order, MD Docket No. 17-357, 32 FCC Rcd 10565 (2017); *Amendment of Part 1 of the Commission's Rules*, Order, MD Docket No. 19-40, 2019 WL 937041 (F.C.C.), 84 FR 8617 (2019).

⁷ *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> (last visited September 13, 2019); *see also* <https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf>.

⁸ 5 U.S.C. § 553(b)(A).

⁹ 5 U.S.C. § 603(a).

¹⁰ 44 U.S.C. §§ 3501-3520.

¹¹ *See* 44 U.S.C. § 3506(c)(4).

¹² 5 U.S.C. § 804(3)(C) (rules subject to the Congressional Review Act do not include "any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties").

6. ACCORDINGLY, IT IS ORDERED, that pursuant to Sections 4(i), 4(j), 158, 208, and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 158, 208, and 224, this ORDER is hereby ADOPTED and the rules set forth in the Appendix are hereby AMENDED effective 30 days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Final Rules

Title 47 of the Code of Federal Regulations, Part 1, is amended as follows:

PART 1 — PRACTICE AND PROCEDURE

1. The authority citation for part 1 is revised to read as follows:

AUTHORITY: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

2. Amend § 1.1103 as follows:

§ 1.1103 Schedule of charges for assignment of grantee code, experimental radio services (or service).

Remit payment for these services electronically using the Commission’s electronic payment system in accordance with the procedures set forth on the Commission’s web site, www.fcc.gov/licensing-databases/fees.

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