

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

In the Matter of)	
)	
Amendment of Part 1 of the)	MD Docket No. 19-40
Commission's Rules)	

ORDER

Adopted: February 20, 2019

Released: February 25, 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 1.1106 of our rules,¹ which sets forth the application fee for certain complaints delegated to the FCC's Enforcement Bureau (EB) and currently handled by its Market Disputes Resolution Division. The rule amendment reflects the closure of the mailing drop box (P.O. Box)² used for manual payment of filing fees for two types of EB complaints, Section 208 formal complaints and Section 224 pole attachment complaints.³ We discontinue the option of manual fee payments and instead require the use of an electronic payment for each complaint type.⁴ We also make conforming revisions to section 1.734 of the Commission's rules to account for the electronic fee payment requirements we adopt in this Order.⁵

¹ 47 CFR § 1.1106.

² Our rules and other Commission documents refer to a series of P.O. Boxes used for the collection of application processing and other fees as "lockboxes." These mail drop boxes are 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). Once a payment (or, occasionally, a manually-filed application or other document) is received, it is processed and recorded by the bank. Fees for this collection service are paid by the U.S. Treasury on behalf of the FCC.

³ A complainant must pay an application fee to file a Section 208 formal complaint or Section 224 pole attachment complaint, the amount of which is set forth in Section 1.1106. In addition, this rule establishes fees for several types of audit proceedings, Field Audits, Review of Attest Audits, and Agreed-Upon Procedures Engagements. The Commission is not currently performing any such proceedings and has not for several years. See 47 U.S.C. §§ 208, 224; 47 CFR § 1.1106. Should these audit proceedings be conducted in the future, associated fees should be paid through the Commission's Fee Filer Online System, which is accessible as described in para. 4, *infra*.

⁴ In 2014, the Commission adopted rules requiring that, with the exception of confidential material, complaints be submitted electronically via the agency's Electronic Comment Filing System (ECFS) rather than by hard copy filing. *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure Relating to the Filing of Formal Complaints Under Section 208 of the Communications Act and Pole Attachment Complaints Under Section 224 of the Communications Act*, GC Docket No. 10-44, Order, FCC 14-179, 29 FCC Rcd 14078 (2014). Thus, absent inclusion of confidential material, complaints should already be submitting copies of the complaints electronically, after they have paid the appropriate fee.

⁵ See 47 CFR §§ 1.49 (f)(1)(i), 1.734 (b) (identifying the electronic complaint filing fee remittance options for Section 208 and Section 224 complaints, respectively). See *Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, EB Docket No. 17-245, Report and Order, FCC 18- (continued....)

2. Section 1.1106 of the Commission's rules provides a schedule of application fees for complaints handled by EB.⁶ 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 979094 at U.S. Bank in St. Louis, Missouri.⁷ 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.⁸ We find that electronic payment of fees for complaints processed by EB will reduce 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.⁹

3. Accordingly, we are now closing P.O. Box 979094. With this Order, we amend our rules to reflect this change as indicated in the Appendix. We make these changes 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.¹⁰

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 979094. After that date, payments for any EB complaint 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> (Enforcement Bureau 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.¹¹ 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 1995.¹² 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 2002.¹³

(Continued from previous page) _____
96, 2018 WL 3495119 (F.C.C.) (2018) (wherein prior rules 1.735 and 1.1408 were consolidated and renumbered together as rule 1.734).

⁶ 47 CFR § 1.1106.

⁷ *Id.*

⁸ 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 CFR §§ 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 and petitions related to services provided by the Public Safety & Homeland Security Bureau and a lockbox used to submit fees and petitions related to services provided by the Wireline Competition 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).

⁹ 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 February 20, 2019); see also <https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf>.

¹⁰ 5 U.S.C. § 553(b)(A).

¹¹ 5 U.S.C. § 603(a).

¹² 44 U.S.C. §§ 3501-3520.

¹³ See 44 U.S.C. § 3506(c)(4).

The Commission will not send a copy of this Order 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.”¹⁴

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

¹⁴ 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”).

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. §§ 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 1403, 1404, 1451, and 1452.

2. Amend § 1.1106 as follows:

§ 1.1106 Schedule of charges for applications for enforcement services.

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.

* * * * *

3. Amend § 1.734 by revising paragraph (b) as follows:

§1.734 Fee remittance; electronic filing; copies; service; separate filings against multiple defendants.

(a) * * *

(b) The complainant shall remit separately the correct fee electronically, in accordance with part 1, subpart G (see §1.1106 of this chapter) and shall file an original copy of the complaint using the Commission’s Electronic Comment Filing System. If a complaint is addressed against multiple defendants, the complainant shall pay a separate fee for each additional defendant.

* * * * *