

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

In the Matter of	)	
	)	
Amendment of Part 1 of the	)	MD Docket No. 20-58
Commission's Rules	)	

**ORDER**

**Adopted: February 26, 2020**

**Released: February 28, 2020**

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 1.80(h) of our rules,<sup>1</sup> which sets forth the mailing address for parties to pay forfeiture penalties imposed by the Commission. The rule amendments reflect (1) the closure of P.O. Box 979088 (*i.e.*, lockbox),<sup>2</sup> (2) the discontinuance of manual fee payments for forfeiture penalties, and (3) conforming edits to provide a cross reference to our electronic payment procedures.

2. Section 1.80 of the Commission's rules provides a description of forfeiture proceedings carried out by the Commission, including the situations under which forfeiture penalties may be assessed. Subsection (h) directs parties to pay forfeitures via check or money order sent to the Commission at P.O. Box 979088 at U.S. Bank in St. Louis, Missouri.<sup>3</sup> Since 2015, the Commission has reduced its reliance on lockboxes, instead encouraging the use of electronic payment and closing certain lockboxes.<sup>4</sup> We find that electronic payment of forfeiture penalties 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.<sup>5</sup>

3. Accordingly, we are now closing P.O. Box 979088. 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.<sup>6</sup>

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<sup>1</sup> 47 C.F.R. § 1.80(h).

<sup>2</sup> Our rules and other Commission documents refer to a series of P.O. Boxes used for the collection of fees as "lockboxes." These P.O. Boxes are located at U.S. Bank in St. Louis, Missouri. Once a payment is received, it is processed and recorded by the bank.

<sup>3</sup> 47 C.F.R. § 1.80(h).

<sup>4</sup> See, e.g., *Amendment of Part 1 of the Commission's Rules*, MD Docket No. 19-40, 2019 WL 937041 (F.C.C.), 84 FR 8617 (2019) (providing the history of the ongoing transition to electronic payments at the FCC).

<sup>5</sup> See Treasury Financial Manual, Bulletin No. 2020-04, "Agency No-Cash or No-Check Policies," released on November 4, 2019 (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/20-04.pdf> (last visited December 16, 2019); see also <https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf>.

<sup>6</sup> 5 U.S.C. § 553(b)(A).

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 979088. After that date, forfeiture penalty payments must be made in accordance with the procedures set forth on the Commission's website, [www.fcc.gov/licensing-databases/fees](http://www.fcc.gov/licensing-databases/fees). 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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."<sup>10</sup>

6. ACCORDINGLY, IT IS ORDERED, that pursuant to Sections 4(i), 4(j), 226, and 227 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 226, and 227, 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

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<sup>7</sup> 5 U.S.C. § 603(a).

<sup>8</sup> 44 U.S.C. §§ 3501-3520.

<sup>9</sup> See 44 U.S.C. § 3506(c)(4).

<sup>10</sup> 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 remains as follows:

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

2. Amend § 1.80 as follows:

§ 1.80 Forfeiture proceedings.

\* \* \*

(h) Payment. The forfeiture should be paid 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](http://www.fcc.gov/licensing-databases/fees).

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