

(b) Payments of standard regulatory fees, applicable to mass media, common carrier and cable services, shall be filed in full on an annual basis at a time announced by the Commission or the Managing Director, pursuant to delegated authority, and published in the Federal Register.

(1) Large regulatory fees, as annually defined by the Commission, may be submitted in installment payments.

(i) For Fiscal Year 1994, large regulatory fees may be submitted in two (2) equal installment payments at times announced by the Commission or the Managing Director, pursuant to delegated authority, and published in the Federal Register.

(ii) For Fiscal Year 1994, installment payments may be submitted for:

(A) VHF and UHF Commercial Television Stations with a fee requirement above \$12,000,

(B) Cable Television Systems whose community units' fee payments total more than \$18,500,

(C) Inter-Exchange Carriers with a fee requirement above \$500,000, and

(D) Local Exchange Carriers or Holding Companies with a fee requirement above \$700,000,

(E) Space Stations with a fee of \$65,000 or above.

(iii) Beginning in Fiscal Year 1995, payors of a large standard regulatory fee, as annually defined by the Commission, may submit their fee payments in four (4) equal installments at times to be announced by the Commission or by the Managing Director, pursuant to delegated authority and published in the Federal Register.

(c) Standard regulatory fee payments, as well as any installment payment, must be filed with a FCC Form 159, FCC Remittance Advice, and a FCC Form 159C, Remittance Advice Continuation Sheet, if additional space is needed. Failure to submit a copy of FCC Form 159 with a standard regulatory fee payment, or an installment payment, will result the return of the submission and a 25 percent penalty if the payment is resubmitted after the date the Commission establishes for the payment of standard regulatory fees and for any installment payment.

(1) Any late filed regulatory fee payment will be subject to the penalties set forth in section 1.1163.

(2) If one or more installment payments are untimely submitted or not submitted at all, the eligibility of the subject regulatee to submit installment payments may be cancelled and the regulatee required to pay its fee in a single annual payment.

16. Sec. 1.1157 is added to read as follows:

**§ 1.1157 Form of payment for regulatory .**

(a) Any regulatory fee payment must be submitted in the form of a check, bank draft or money order denominated in U.S. dollars and drawn on a United States financial institution and made payable to the Federal Communications Commission or by Visa or Mastercard credit cards only. The Commission discourages applicants from submitting cash payments and will not be responsible for cash sent through the mail. Personal or corporate checks dated more than six months prior to their submission to the Commission's lockbox bank and postdated checks will not be accepted and will be returned as deficient.

(1) Upon authorization from the Commission following a written request, electronic payment of a regulatory fee may be made as follows:

(i) The payor may instruct its bank to make payment of the regulatory fee directly to the Commission's lockbox bank, or

(ii) The payor may authorize the Commission to direct its lockbox bank to withdraw funds directly from the payor's bank account.

(iii) No electronic payment of a regulatory fee will be accepted unless

the payor has obtained the written authorization of the Commission to submit regulatory fees electronically. Procedures for electronic payment of regulatory fees will be announced by Public Notice. It is the responsibility of the payor to insure that any electronic payment is made in the manner required by the Commission. Failure to comply with the Commission's procedures for electronic fee payment will result in the return of the fee payment, and a penalty fee of 25 percent if the subsequent refiling of the fee payment is late. Failure to comply will also subject the payor to the penalties set forth in section 1.1163.

(2) Multiple payment instruments for a single regulatory fee are not permitted, except that the Commission will accept multiple money orders in payment of any fee where the fee exceeds the maximum amount for a money order established by the issuing entity and the use of multiple money orders is the only practicable means available for payment.

(3) Payment of multiple standard regulatory fees (including an installment payment) due on the same date, may be made with a single payment instrument and cover mass media, common carrier and cable service fee payments. Each regulatee is solely responsible for accurately accounting for and listing each license or authorization and the number of subscribers, access lines, or other relevant units on the accompanying FCC Form 159 and, if needed, FCC Form 159C and for making full payment for every regulatory fee listed on the accompanying form. Any omission or payment deficiency of a regulatory fee will result in a 25 percent penalty of the amount due and unpaid.

(4) Any regulatory fee payment (including a regulatory fee payment submitted with an application in the private radio service) made by credit card or money order must be submitted with a completed FCC Form 159. Failure to accurately enter the credit card number and date of expiration and the payor's signature in blocks number 22 and 23 of FCC Form 159 will result in rejection of the credit card payment.

17. Sec. 1.1158 is added to read as follows:

**§ 1.1158 Filing locations and receipts for regulatory fees.**

(a) Regulatory fee payments must be directed to the location and address set forth in sections 1.1152 through 1.1155 for the specific category of fee involved.

(1) Any regulatory fee required to be submitted with an application must be filed as a part of the application package accompanying the application. The Commission will not take responsibility for matching fees, forms and applications submitted at different times or locations.

(b) Petitions for reconsideration or applications for review of fee decisions submitted with a standard regulatory fee payment pursuant to Sections 1.1153 through 1.1155 of the rules are to be filed with the Commission's lockbox bank in the manner set forth in sections 1.1153 through 1.1155 for payment of the fee subject to the petition for reconsideration or the application for review. Petitions for reconsideration and applications for review that are submitted with no accompanying payment should be filed with the Secretary, Federal Communications Commission, Attention: Managing Director, Washington, D.C. 20554.

(c) Any request for exemption from a regulatory fee shall be filed with the Secretary, Federal Communications Commission, Attention: Managing Director, Washington, D.C. 20554, except that requests for exemption accompanied by a tentative fee payment shall be filed at the lockbox set forth for the appropriate service in sections 1.1152 through 1.1155.

(d) The Commission will furnish a receipt for a regulatory fee payment only upon request. In order to obtain a receipt for a regulatory fee

payment, the package must include an extra copy of the Form FCC 159 or, if a Form 159 is not required with the payment, a copy of the first page of the application or other filing submitted with the regulatory fee payment, submitted expressly for the purpose of serving as a receipt for the regulatory fee payment and application fee payment, if required. The document should be clearly marked "copy" and should be the top document in the package. The copy will be date stamped immediately and provided to the bearer of the submission, if hand delivered. For submissions by mail, the receipt copy will be provided through return mail if the filer has attached to the receipt copy a stamped self-addressed envelope of sufficient size to contain the receipt document.

18. Sec. 1.1159 is added to read as follows:

**§1.1159 Refunds of regulatory fees.**

(a) Regulatory fees will be refunded, upon request, only in the following instances:

(1) When no regulatory fee is required or an excessive fee has been paid.

(i) In the case of an overpayment, the refund amount will be based on the applicants', permittees', or licensees' entire submission. All refunds will be issued to the payor named in Block Number 3 of the FCC Form 159.

(2) In the case of advance payment of regulatory fees, subject to Section 1.1152, a refund will be issued based on unexpired full years:

(i) When the Commission adopts new rules that nullify a license or other authorization, or a new law or treaty renders a license or other authorization useless,

(ii) When a licensee in the private radio service surrenders the license or other authorization subject to a fee payment to the Commission,

(iii) When the Commission declines to grant an application submitted with a regulatory fee payment.

(3) When a waiver is granted in accordance with section 1.1165 of this subpart.

(b) No pro-rata refund of an annual fee will be issued.

(c) No refunds will be issued based on unexpired partial years.

(d) No refunds will be processed without a written request from the applicant, permittee, licensee or agent.

19. Sec. 1.1160 is added to read as follows:

**§ 1.1160 Conditional license grants and delegated authorizations.**

(a) Grant of any application or an instrument of authorization or other filing, for which a regulatory fee is required to accompany the application or filing, will be conditioned upon final payment of the regulatory fee. Final payment shall mean receipt by the U.S. Treasury of funds cleared by the financial institution on which the check, bank draft, money order, credit card, wire or electronic payment is drawn.

(1) If, prior to a grant of an instrument of authorization, the Commission is notified that final payment of the regulatory fee has not been made, the application or filing:

(i) will be dismissed and returned;

(ii) shall lose its place in the processing line; and

(iii) will not be treated as timely filed if resubmitted after the relevant filing deadline.

(2) If, subsequent to a grant of an instrument of authorization or other filing, the Commission is notified that final payment has not been made, the Commission will:

(i) Automatically rescind that instrument of authorization for failure to meet the condition imposed by this subsection;

(ii) Notify the grantee of this action; and

(iii) Treat as late filed any application resubmitted after the original deadline for filing the application.

(3) Upon receipt of a notification of rescission of the authorization, the grantee will immediately cease operations initiated pursuant to the authorization.

(b) In those instances where the Commission has granted a request for deferred payment of a regulatory fee, further processing of the application or filing or the grant of authority shall be conditioned upon final payment of the regulatory fee and any required penalties for late payment prescribed by the deferral decision. Failure to comply with the terms of the deferral decision shall result in the automatic dismissal of the submission or rescission of the Commission authorization. Further, the Commission shall:

(1) Notify the grantee that the authorization has been rescinded;

(i) Upon such notification, the grantee will immediately cease operations

initiated pursuant to the authorization.

(2) Treat as late filed any application resubmitted after the original deadline for filing the application.

(c) Where the procedures described above would not provide a meaningful incentive to pay a regulatory fee that is due or would not be a meaningful sanction for failure to pay such a fee, the Commission may, in its discretion, whether the regulatory fee is required to be paid with an application for an instrument of authorization or otherwise, withhold processing and/or grant of any application or filing made by a person or organization who has failed to make full payment of any regulatory fee due.

(1) Before taking such action, the staff will make a written request for the fee, together with any penalties that may be rendered under this subpart. Such request shall inform the regulatee that failure to pay may result in the Commission withholding action on any application or request filed by the applicant. The staff shall also inform the regulatee of the procedures for seeking Commission review of the staff's fee determination.

(2) If, after final determination that the fee is due, payment is not made in a timely manner, the staff may terminate processing and/or withhold any grant or petition requested by the person or organization subject to the fee payment requirement, until the matter is resolved.

20. Sec. 1.1161 is added to read as follows:

**§ 1.1161 General exemptions from regulatory fees.**

No regulatory fee established in §§ 1.1152 through 1.1155 of this subpart, unless otherwise qualified herein, shall be required for:

(a) Applicants, permittees or licensees in the Amateur Radio Service, except that any person requesting a vanity call-sign, following the effective date of these rules, shall be subject to the payment of a regulatory fee, as prescribed in § 1.1152 of this Subpart.

(b) Applicants, permittees, or licensees who qualify as government entities. For purposes of this exemption, a government entity is defined as any state, possession, city, county, town, village, municipal corporation, or similar political organization or subpart thereof controlled by publicly elected or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.

(c) Applicants, permittees or licensees who qualify as nonprofit entities. For purposes of this exemption, a nonprofit entity is defined as an organization possessing nonprofit, tax exempt status under section 501 of the Internal Revenue Code, 26 U.S.C. § 501.

(d) Applicants, permittees or licensees in the Special Emergency Radio and Public Safety Radio services.

(e) Applicants, permittees or licensees of noncommercial educational broadcast stations in the FM or TV services, as well as AM applicants, permittees or licensees operating in accordance with Sec. 73.503 of the rules.

(f) Applicants, permittees, or licensees qualifying under Sec. 1.1161(e) requesting Commission authorization in any other mass media radio service (except the international broadcast (HF) service), private radio service, or common carrier communications service requiring payment of a regulatory fee, if the service is used in conjunction with their noncommercial educational broadcast station on a noncommercial educational basis.

(g) Other applicants, permittees or licensees providing, or proposing to provide, a noncommercial educational or instructional service, but not qualifying under Sec. 1.1161(e), may be exempt from regulatory fees, or be entitled to a refund, in the following circumstances:

(1) The applicant, permittee or licensee is an organization that, like the Public Broadcasting Service or National Public Radio, receives funding directly or indirectly through the Public Broadcasting Fund, 47 U.S.C. 396(k), distributed by the Corporation for Public Broadcasting, where the authorization requested will be used in conjunction with the organization on a noncommercial educational basis;

(2) An applicant, permittee or licensee of a translator or low power television station operating proposing a noncommercial educational service who, after grant, provides proof that it has received funding for the construction of the station through the National Telecommunications and Information Administration (NTIA) or other showings as required by the Commission; or

(3) An applicant, permittee, or licensee provided a fee refund under Sec. 1.1159 and operating as a noncommercial education station, is exempt from fees for broadcast auxiliary stations (Subparts D, E, and F of Part 74) or stations in the private radio or common carrier services where such authorization is to be used in conjunction with the noncommercial educational translator or low power station.

(h) An applicant, permittee or licensee that is the licensee of an instructional television fixed station (Sec. 74.901 et seq.) is exempt from regulatory fees where the authorization requested will be used by the

applicant in conjunction with the provision of the instructional service

(i) Applications filed in the private radio service for the sole purpose of modifying an existing authorization (or a pending application for authorization). However, if the applicant also requests a renewal or reinstatement of its license or other authorization for which the submission of a regulatory fee is required, the appropriate regulatory fee for such additional request must accompany the application.

21. Sec. 1.1162 is added to read as follows:

**§ 1.1162 Adjustments to regulatory fees.**

(a) For Fiscal Year 1994, the amounts assessed for regulatory fees are set forth in sections 1.1152 through 1.1155.

(b) For Fiscal Year 1995 and thereafter, the Schedule of Regulatory Fees, contained in sections 1.1152 through 1.1155, may be adjusted annually by the Commission pursuant to section 9 of the Communications Act, 47 U.S.C. § 159. Adjustments to the fees established for any category of regulatory fee payment shall include of projected cost increases or decreases of the in volume of licensees or units upon which the regulatory fee is calculated.

(c) The fees assessed shall

(1) be derived by determining the full-time equivalent number of employees performing enforcement activities, policy and rulemaking activities, user information services, and international activities within the Private Radio Bureau, Mass Media Bureau, Common Carrier Bureau, Cable Services Bureau and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities, including such factors as service coverage area, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest,

(2) be established at amounts that will result in collection, during each fiscal year, of an amount that can reasonably be expected to equal the amount appropriated for such fiscal year for the performance of the activities described above,

(d) The Commission shall by rule amend the Schedule of Regulatory Fees by proportionate increases or decreases that reflect, in accordance with paragraph(c)(2), above, changes in the amount appropriated for the performance of the activities described in section (c)(1), above, for such fiscal year. Such proportionate increases or decreases shall be adjusted to reflect unexpected increases or decreases in the number of licensees or units subject to payment of such fees and result in collection of an aggregate amount of fees that will approximately equal the amount appropriated for the subject regulatory activities.

(e) The Commission shall, by rule, amend the Schedule of Regulatory Fees if the Commission determines that the Schedule requires amendment to comply with the requirements of (c)(1), above. In making such amendments, the Commission shall add, delete or reclassify services in the Schedule to reflect additional deletions or changes in the nature of its services as a consequence of Commission rulemaking proceedings or changes in law.

(f) In making adjustments to regulatory fees, the Commission will round such fees to the nearest \$5.00 in the case of fees under \$1,000.00, or to the nearest \$25.00 in the case of fees of \$1,000.00 or more.

22. Sec. 1.1163 is added to read as follows:

**§ 1.1163 Penalties for late or insufficient regulatory fee payments.**

Any late payment or insufficient payment of a regulatory fee, not

excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee or installment payment which was not paid in a timely manner. A timely fee payment or installment payment is one received at the Commission's lockbox bank by the due date specified by the Commission or by the Managing Director. A payment will also be considered late filed if the payment instrument (check, money order, bank draft or credit card) is uncollectible.

(a) The Commission may, in its discretion, following one or more late filed installment payments, require a regulatee to pay the entire balance of its regulatory fee by a date certain, in addition to assessing a 25 percent penalty.

(b) In cases where a fee payment fails due to error by the payor's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing.

(c) If a regulatory fee is not paid in a timely manner, the regulatee will be notified of its deficiency. This notice will automatically assess a 25 percent penalty, subject the delinquent payor's pending applications to dismissal, and may require a delinquent payor to show cause why its existing instruments of authorization should not be subject to rescission.

(d) Where a regulatee's new, renewal or reinstatement application is required to be filed with a regulatory fee (as is the case with private radio services), the application will be dismissed if the regulatory fee is not included with the application package. In the case of a renewal or reinstatement application, the application may not be refiled unless the appropriate regulatory fee plus the 25 percent penalty charge accompanies the refiled application.

(1) If the application that must be accompanied by a regulatory fee is a mutually exclusive application with a filing deadline, or any other application that must be filed by a date certain, the application will be dismissed if not accompanied by the proper regulatory fee and will be treated as late filed if resubmitted after the original date for filing the application.

(e) Any pending or subsequently filed application submitted by a party will be dismissed if that party is determined to be delinquent in paying a standard regulatory fee or an installment payment. The application may be resubmitted only if accompanied by the required regulatory fee and by any assessed penalty payment.

(f) In instances where the Commission may revoke an existing instrument of authorization for failure to file a regulatory fee, the Commission will provide prior notice to the regulatee of such action and shall allow the licensee no less than 60 days to either pay the fee or show cause why the payment assessed is inapplicable or should otherwise be waived or deferred.

(1) An adjudicatory hearing will not be designated unless the response by the regulatee to the Order to Show Cause presents a substantial and material question of fact.

(2) Disposition of the proceeding shall be based upon written evidence only and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the respondent regulatee.

(3) Unless the regulatee substantially prevails in the hearing, the Commission may assess costs for the conduct of the proceeding against the respondent regulatee. See 47 U.S.C. § 402(b)(5).

(4) Any regulatee failing to submit a regulatory fee, following notice to the regulatee of failure to submit the required fee, is subject to collection of the fee, including interest thereon, any associated penalties, and the full cost of collection to the Federal government pursuant to section 3720A of the Internal Revenue Code, 31 U.S.C. § 3717, and to the provisions of the Debt Collection Act, 31 U.S.C. § 3717. See 47 C.F.R. § 1.1901-1.1952.

(i) The debt collection processes described above may proceed concurrently with any other sanction in this subsection.

23. Sec. 1.1164 is added to read as follows:

**§ 1.1164 Payment by cashier's check for regulatory fees.**

(a) Payment by cashier's check may be required when a person or organization makes payment, on one or more occasions, with a payment instrument on which the Commission does not receive final payment and such error is not excused by bank error.

24. Sec. 1.1165 is added to read as follows:

**§ 1.1165 Waivers, reductions and deferrals of regulatory fees.**

(a) The fees established by sections 1.1152 through 1.1155 of this subpart may be waived, reduced or deferred in specific instances, on a case-by-case basis, where good cause is shown and where waiver, reduction or deferral of the fee would promote the public interest. Requests for waivers, reductions or deferrals of regulatory fees for entire categories of payors will not be considered.

(1) Requests for waivers, reductions or deferrals will be acted upon by the Managing Director with the concurrence of the General Counsel. If the request for waiver, reduction or deferral is accompanied by a fee payment, the request must be submitted to the Commission's lockbox bank at the address for the appropriate service set forth in §1.1152 through 1.1155 of this subpart. If no fee payment is submitted and the matter is within the scope of the fee rules, the request should be filed with the Commission's Secretary and clearly marked to the attention of the Managing Director.

(2) Deferrals of fees will be granted for a period of six months following the date that the fee is initially due.

(3) Petitions for waiver of a regulatory fee must be accompanied by the required fee and FCC Form 159. Submitted fees will be returned if a waiver is granted. Waiver requests that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship.

(4) Petitions for reduction of a fee must be accompanied by the full fee payment less the amount of the requested reduction and FCC Form 159. Petitions for reduction accompanied by a fee payment must be addressed to the Federal Communications Commission, Post Office Box 358835, Pittsburgh, Pennsylvania, 15251-5835.

25. Sec 1.1166 is added to read as follows:

**§ 1.1166 Error claims related to regulatory fees.**

(a) Challenges to determinations of an insufficient regulatory fee payment should be made in writing. Challenges submitted with a fee payment must be submitted to the same location as the original fee payment, marked "Attention: Fee Supervisor". Challenges not accompanied by a fee payment should be filed with the Commission's Secretary and clearly marked to the attention of the Managing Director.

(b) The filing of a petition for reconsideration or an application for review of a fee determination will not toll the requirement that full and proper payment of the underlying fee payment be submitted, as required by the Commission's action, or delegated action, on a request for waiver, reduction or deferment. Petitions for reconsideration and applications for review submitted with a fee payment must be submitted to the same location as the original fee payment. Petitions for reconsideration and

applications for review not accompanied by a fee payment should be filed with the Commission's Secretary and clearly marked to the attention of the Managing Director.

- (1) Failure to submit the fee by the date required will result in the assessment of a 25 percent penalty.
- (2) If the fee payment should fail while the Commission is considering the matter, the petition for reconsideration or application for review will be dismissed.

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## Appendix B

### Guidelines for Regulatory Fee Categories

1. The guidelines below provide an explanation of regulatory fee categories established by the Schedule of Regulatory Fees in section 9(g) of the Communications Act. 47 U.S.C. § 159(g). Where regulatory fee categories need interpretation or clarification, we have relied on the legislative history of Section 9, our own experience in establishing and regulating the various services subject to a fee requirement and the comments of the parties in our proceeding to adopt fees for Fiscal Year 1994 and establish rules to implement the regulatory fee program. The categories and amounts set out in the schedule might, by the next fiscal year and in subsequent fiscal years, be amended, adjusted, or modified to reflect changes in the Commission's appropriations, our costs of providing the regulatory services to be recovered by the fee program, and additions, reductions and changes in the services subject to the fee requirement. See 47 U.S.C. §159(b)(2), (3).

#### 1. Private Radio Bureau

2. The two levels of statutory fees for Private Radio services, exclusive use service and shared use services, were established on the basis that those licensees who generally receive a higher quality communications channel, due to exclusive or lightly shared frequency assignments, will pay a higher fee than those who share marginal quality channels. House Report at 17. In addition, because of the relatively small annual fee amounts in the Private Radio Services, applicants for new licenses and reinstatements and for renewal of their current licenses will be required to pay a regulatory fee covering an entire license term, with only a percentage of all licensees paying a regulatory fee in any one year.

3. Applications for modification or assignment of an existing authorization do not require payment of a regulatory fee. The expiration date of these authorizations will not reflect a new license term when either modifications or assignments are processed. In an effort to reduce public confusion, the Commission has provided separate post office box addresses for these actions.

#### a. Exclusive Use Services

4. Land Mobile. Regulatees covered under this category include those authorized under Part 90 of the Commission's Rules to provide limited access private radio service that allows high quality voice or digital communications between vehicles or to fixed stations to further the business activities of the licensee. These services, using the 220-222 MHz band and

frequencies at 470 MHz and above, may be offered on a private carrier basis in the Specialized Mobile Radio Services (SMRS). These land mobile licensees are subject to a regulatory fee of \$16 per license per year. They will pay either a \$80 or \$160 regulatory fee (depending whether their license term is 5 or 10 years).<sup>1</sup>

5. Microwave. Private microwave systems, authorized under part 94 of the Commission's Rules, provide telecommunications services between fixed points and are often used to relay data and to control railroad, pipeline and utility equipment. Microwave licensees are required to pay the total regulatory fee for the entire term of their license when filing their initial or renewal application. The annual fee is \$16 for a total of \$80 to be filed with the application.

6. Interactive Video Data Service (IVDS). IVDS is a two-way point-to-multi-point radio service which provides information about products and services, and allows subscribers to respond through their television sets. IVDS is offered on a private carrier basis and is authorized under Part 95, Subpart F of the Commission's Rules. IVDS licensees will be assessed a regulatory fee of \$80 per license to cover each five year license term (\$16 per year).

**b. Shared Use Services and Other Authorizations**

7. The specific categories of shared-use services listed below are not on the statutory schedule but were listed in the House Report. As discussed above, we propose that emergency and public safety services would be exempted from regulatory fees.

8. Aviation (Aircraft and Ground Stations). The aircraft radio service provides communications between aircraft or from aircraft to ground stations and includes frequencies used to communicate with air traffic control facilities. See generally 47 C.F.R. Part 87. Aviation aircraft transceiver stations are subject to a regulatory fee of \$7 per year per station (the total fee of \$70 per station for ten year license term is to be paid at the time a renewal or new application is filed). Aviation ground stations provide communications to aircraft for weather or landing information, or for logistical support to aircraft operations. These stations are subject to a regulatory fee of \$7 per year per license (the total fee of \$35 per license for five year license term is to be paid at the time a renewal or new application is filed).

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<sup>1</sup> Some of these services may be reclassified when the Commission implements the recent amendments to section 332 governing the provision of mobile radio services. See n. 11.

9. Marine (Coast and Ship Stations). Marine coast stations are land-based stations in the maritime services, authorized under Part 80 of our rules, which provide communications services to ships and other watercraft in coastal and inland waterways. Coast stations are subject to a \$35 regulatory fee for each license, covering the five year license term (\$7 per year). Marine ship stations, also authorized under Part 80, provide telecommunications between watercraft or between watercraft and shore-based stations. Shipboard radio installations are required by domestic and international law for large passenger or cargo vessels. Radio equipment may be voluntarily installed on smaller vessels, such as recreational boats. Ship stations are assessed a \$70 regulatory fee per station, covering the ten year license term (\$7 per year) and is to be paid at the same time a license renewal application or new application is filed.

10. General Mobile Radio Service (GMRS). GMRS, authorized under Part 95 of the Rules, is a land mobile radio service that provides personal and limited business communications between vehicles or to fixed stations for short-range, two-way communications. Each GMRS license is subject to a \$35 regulatory fee, which covers the five year license term (\$7 per year) and is to be paid at the same time a license renewal application or new application is filed.

11. Other Land Mobile. Licensees in the land mobile services not covered in the exclusive use category provide one or two way communications between vehicles, persons or to fixed stations on a shared basis. These services, authorized under Part 90 of the Rules, include radiolocation services, private carrier paging, industrial radio services and land transportation radio services. Regulatory fees will be assessed on a per license basis with the \$35 fee covering the five year license term (\$7 per year) and is to be paid at the same time a license renewal application or new application is filed.

#### **c. Amateur Vanity Call-Signs**

12. If Part 97 of the Rules is amended by the Commission to authorize the use of vanity call-signs, amateur radio operators would be able to request a specific call-sign. See Notice of Proposed Rule Making in PR Docket No. 93-305, 9 FCC Rcd 105 (1993). Each amateur licensee with a vanity call-sign will be assessed a regulatory fee of \$7 per year. The total fee of \$70 will cover the ten year license term during which the call sign will be in use. The first 10-year fee must be paid at the time a request for a vanity call-sign(s) is made. If a requested vanity call-sign is not available or otherwise cannot be issued to the requestor, the regulatory fee will be refunded since amateurs are expressly exempt under the statute from regulatory fees, unless they have received their vanity call-sign.

## 2. Mass Media Bureau

13. The regulatory fees for Mass Media services generally apply to broadcast licensees and permittees and to other regulatees.<sup>2</sup> We have exempted noncommercial educational broadcasters from regulatory fees.

### a. AM Radio Stations

14. Class A. Class A AM radio stations are unlimited time stations operating on a clear channel and designed to render primary and secondary service over an extended service area and at relatively long distances from their transmitters. Class A stations' primary service areas are protected from objectionable interference from other stations on the same and adjacent channels, with secondary service areas protected from interference from other stations on the same channel. The operating power shall not be less than 10 kW nor more than 50 kW. For FY 1994, each licensee of a Class A AM station will be assessed a \$900 annual regulatory fee.<sup>3</sup>

15. Class B. Class B AM radio stations are unlimited time stations rendering service only over a primary service area. These stations are authorized to operate with a minimum power of 0.25 kW (or, if less than 0.25 kW, an equivalent RMS antenna field of at least 141 mV/m at 1 km) and a maximum power of 50 kW (or 10 kW for stations that are authorized to operate in the 1605-1705 kHz band). For FY 1994, each licensee of a Class B AM station will be assessed a \$500 annual regulatory fee.

16. Class C. Class C AM radio stations operate on local channels

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<sup>2</sup> We note that some Mass Media services, such as the direct broadcast satellite service ("DBS"), the Instructional Television Fixed Service ("ITFS"), and FM translators and boosters were not specifically listed in the statutory schedule. We believe that ITFS was excluded because of its general educational noncommercial status. We also believe that the omission of DBS and FM translators and boosters was inadvertent and that Congress did not intend to exempt all DBS permittees and licensees and licensees of FM translators and boosters from regulatory fees as these services result in the Commission incurring costs for necessary regulatory functions. Since these services are not on the statutory schedule, we have not assessed fees for these services during the 1994 fiscal year. However, pursuant to our authority in section 9(b)(3) to modify the schedule, we intend to add regulatory fee categories for DBS licenses and for FM translators and boosters to be assessed and collected during the 1995 fiscal year.

Regulatees are to pay the fee to which their facility is subject on the date the fee is due.

and are designed to render service only over a primary service area that may be reduced as a consequence of interference. These stations are authorized to operate at not less than 0.25 kW, nor more than 1 kW. Class C stations that were previously licensed to operate with 0.1 kW may continue to do so under our rules. For FY 1994, each licensee of a Class C AM station will be assessed a \$200 annual regulatory fee.

17. Class D. Class D AM radio stations operate either daytime, limited time or unlimited time with nighttime power less than 0.25 kW and an equivalent RMS antenna field of less than 141 mV/m at one km. Class D stations operate with daytime powers not less than 0.25 kW nor more than 50 kW. Nighttime operations of Class D stations are not afforded protection and must protect all Class A and Class B operations during nighttime hours. For FY 1994, each licensee of a Class D AM station will be assessed a \$250 annual regulatory fee.

18. AM Construction Permits. For FY 1994, persons holding a construction permit for a any class of a new AM station are subject to a \$100 annual regulatory fee for each outstanding permit. Upon issuance of an operating license to cover the construction permit, this fee is no longer applicable. Instead, licensees will pay a regulatory fee amount based upon the designated class of the licensed station, as described above, as of the date the regulatory fee payment is due.

#### **b. FM Radio Stations**

19. Licensed Stations. FM radio stations must meet the location, power and antenna height requirements for stations designated as Classes C, C1, C2, or B, as set forth in sections 73.205, 73.210 and 73.211 of the Commission's Rules. For FY 1994, each commercial licensee of a Class C, C1, C2 or B FM station will be assessed a \$900 annual regulatory fee per license. FM radio stations meeting the location, power and antenna height requirements for stations designated as Classes A, B1, or C3, as set forth in the Commission's rules, have a smaller coverage area. Thus, for FY 1994, each commercial licensee for a Class A, B1, or C3 FM station will be assessed a \$600 annual regulatory fee per license.

20. FM Construction Permits. Persons holding a construction permit for a any class of a new FM station, except Class D, are subject to a \$500 annual regulatory fee per outstanding permit in FY 1994. Upon issuance of an operating license to cover the construction permit, this fee is no longer applicable. Instead, licensees will pay a regulatory fee based upon the designated class of the licensed station, as described above, as of the date the regulatory fee payment is determined.

#### **c. Television Stations**

21. VHF and UHF Commercial Licenses. Commercial VHF and UHF television licensees, including licensees of satellite stations, will be assessed a regulatory fee amount based on the ranking of the station's market. Specifically, for FY 1994 these annual regulatory fees are as follows:

VHF Commercial	
Markets 1 through 10	\$18,000.00
Markets 11 through 25	\$16,000.00
Markets 26 through 50	\$12,000.00
Markets 51 through 100	\$8,000.00
Remaining Markets	\$5,000.00

UHF Commercial	
Markets 1 through 10	\$14,400.00
Markets 11 through 25	\$12,800.00
Markets 26 through 50	\$9,600.00
Markets 51 through 100	\$6,400.00
Remaining Markets	\$4,000.00

Stations authorized as "satellite" television stations pursuant to note 5 of Section 73.3555 of the Commission's Rules (47 C.F.R. § 73.3555 note 5) will be assessed a fee on the same basis as other full power stations in the same market.

23. Television licensees subject to a regulatory fee above \$12,000 will be automatically eligible to make two equal installment payments.

24. We have decided to rely upon the latest Arbitron market data to determine a television station's market ranking for purposes of assessing regulatory fees. These rankings may be found in the Television and Cable Factbook published by Warren Publishing. Changes in market rankings may affect regulatory fee amounts for the following fiscal year.

25. Television Construction Permits. For FY 1994, persons holding a construction permit for a new VHF television station, in any size market, are subject to a \$4,000 annual regulatory fee per outstanding permit. UHF construction permits for stations in any size market will be assessed a \$3,200 annual regulatory fee. Upon issuance of an operating license to cover the construction permit, this construction permit fee is no longer applicable. Instead, licensees will pay a regulatory fee amount based upon the licensed station's market ranking, as described above.

**d. Low Power TV, TV Translator, and TV Booster Stations**

26. Under Part 74 of the Commission's Rules, low power UHF and VHF TV stations operate with a transmitter power output limited to 0.01kw for a UHF facility and, generally, 1kw for a VHF facility, and may retransmit the programs and signals of a full-

power TV broadcast station, originate programming, and/or operate as a subscription service. TV translator stations are authorized to retransmit the programs and signals of TV broadcast stations without significantly altering the characteristic of the original signal other than its frequency and amplitude, for the purpose of providing TV reception to the general public.

27. TV booster stations are operated by the licensee of a full service TV broadcast station to retransmit the programs and signals of the licensee's station by amplifying and reradiating such signals, without significantly altering the characteristics of the original signal other than its amplitude. For FY 1994, licensees of these secondary television broadcast stations will be assessed a \$135 annual regulatory fee per license.

**e. Broadcast Auxiliary Stations**

28. Licensees of remote pickup stations, aural broadcast auxiliary stations, television broadcast auxiliary stations, and low power auxiliary stations, authorized under Part 74 of the Commission's Rules, will be assessed a \$25 per license annual regulatory fee for FY 1994. These auxiliary stations are associated with a particular television or radio broadcast station. Hence, those licensees will be required to pay the required regulatory fees for each auxiliary license they hold. Individual users under 47 C.F.R. Subpart D, F and H will similarly have to pay the required regulatory fee for each auxiliary license they hold.

**f. International (HF) Broadcast Stations**

29. International broadcast stations are licensed to operate on frequencies in the 5,950 khz to 26,100 khz band to provide service to the general public in foreign countries. For FY 1994, each international broadcast licensee will be assessed an annual regulatory fee of \$200 per license.

**3. Cable Services Bureau**

**a. Cable Antenna Relay Service**

30. Cable television antenna relay service ("CARS") stations are used to transmit television and related audio signals, signals of AM and FM broadcast stations and cablecasting from the point of reception to a terminal point from where the signals are distributed to the public by cable television systems. See 47 C.F.R. Part 78. For FY 1994, each CARS licensee will be assessed an annual regulatory fee of \$220 per license.

**b. Cable Television Systems**

31. For FY 1994, each cable television system, as that term is

defined in section 76.5 of our rules, will be assessed an annual regulatory fee of \$.37 per subscriber.<sup>4</sup>

31. We will allow installment payments for these regulatory fees if the annual fee of a cable television system or a group of commonly owned systems aggregating their regulatory fees exceeds \$18,500.

#### 4. Common Carrier Bureau

32. Most common carrier regulatory fees are based on the size of a regulatee's communication operation as determined by number of stations, subscribers, access lines, or antennas.

##### a. Mobile Services

33. Cellular and Public Mobile Licensees. Under Part 22 of our rules, common carriers are authorized to offer land-based or air-to-ground mobile telephone or paging services to the public. In addition to cellular telephone service, these services include those using radio to provide telephone services at fixed locations, such as Basic Exchange Telecommunications Radio Services, Rural Radio and Offshore Radio. For FY 1994, each common carrier license authorized under Part 22 will be assessed an annual regulatory fee of \$.06 per subscriber.

34. Personal Communications Services. Licensed personal communications services ("PCS") will consist of a wide variety of commercial or private mobile communications services, including advanced paging, microcellular telephone communications, portable facsimile and other video and data transmission services. See generally, First Report and Order, Gen. Docket No. 90-314 and ET Docket No. 92-100, 8 FCC Rcd 7162 (1993) (narrowband PCS); Second Report and Order, Gen. Docket No. 90-314, 8 FCC Rcd 7700 (1993) (broadband PCS). The statutory Schedule of Regulatory Fees enacted in the 1993 Budget Act established an annual fee of \$60 per 1000 subscribers for PCS licensees. At the same time, the 1993 Budget Act recognized that PCS licenses have not yet been issued. In particular, Congress directed the Commission to conclude its PCS rulemaking proceedings (Gen. Docket No. 90-314 and ET Docket No. 92-100) by February 6, 1994, and to commence the PCS licensing process by May 7, 1994.<sup>5</sup> In addition, our new PCS service rules provide licensees five years to meet minimum

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<sup>4</sup> The term "subscriber" is defined in section 76.5 of the Commission's Rules. 47 C.F.R. § 76.5.

<sup>5</sup> Section 6002(d)(2), 1993 Budget Act. See Second Report and Order in Docket 93-252, FCC-94-31, adopted February 3, 1994.

construction requirements.<sup>6</sup> Accordingly, since it is unlikely that any PCS licensee will have a significant number of subscribers in the immediate future, no regulatory fees will be collected from PCS licensees during the 1994 fiscal year. We intend to begin assessing and collecting regulatory fees for PCS in the 1995 fiscal year.

**b. Space Stations**

35. Space Stations in Geosynchronous Orbit. Domestic and international satellites, positioned in orbit to remain approximately fixed relative to the earth, are authorized to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. For FY 1994, entities authorized to operate these space stations in accordance with section 25.120(d), will be assessed an annual regulatory fee of \$65,000 for each operational station in geosynchronous orbit on the date for calculating fees. 47 C.F.R. 25 § 120(d). Payment may be made in two installments.

36. Space Stations in Low-Earth Orbit. Domestic and international non-geostationary satellites, positioned in a low-earth orbit ("LEO"), may be authorized to transmit to satellites and fixed or mobile earth stations. These services include the new non-voice, non-geostationary mobile-satellite service, see Report and Order, CC Docket No. 92-76, 8 FCC Rcd 8450 (1993). Entities authorized to operate LEO systems will be assessed an annual regulatory fee of \$90,000 for each such system. For purposes of assessing regulatory fees, a LEO operator is required to submit its annual regulatory fees in the fiscal year in which it commences operating its first satellite, pursuant to section 25.120(d), even though all the space stations specified in its application or instrument of authorization have not become operational. 47 C.F.R. § 120(d). While it appears unlikely that a LEO system will be operational by the date for calculating fees for the 1994 fiscal year,<sup>7</sup> should a LEO system be operational on the date for calculating fees during that period, we will require payment of a regulatory fee for such operational systems. The entire annual fee amount will be required. Payment may be made in two installments.

**c. Public Fixed Radio Services**

37. Domestic Public Fixed Services. Licensees in the Domestic

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<sup>6</sup> See First Report and Order, at ¶ 37; Second Report and Order, at ¶ 134 (petitions for reconsideration pending).

<sup>7</sup> See Report and Order, at ¶ 18 (a permittee must begin construction of its first two satellites of its system within one year of grant of its construction permit).

Public Fixed Services are authorized to use microwave frequencies for video and data distribution communications within the United States. These services, authorized under Part 21 of the Rules, include the Point-to-Point Microwave Radio Service, Local Television Transmission Radio Service, Multipoint Distribution Service (single-channel and multichannel) and Digital Electronic Message Service. For FY 1994, these licensees will be assessed an annual regulatory fee of \$55 per call sign.

38. International Public Fixed Service. Licensees in the International Public Fixed Service are authorized as common carriers to provide radio communications between the United States and a foreign point via microwave, HF, troposcatter systems (other than satellites and satellite earth stations). This does not include service between the United States and Mexico and the United States and Canada using frequencies above 72 MHz. See 47 C.F.R. Part 23. For FY 1994, these licensees will be assessed an annual regulatory fee of \$110 per call-sign.

#### **d. Earth Stations**

39. VSAT and Equivalent C-Band Antennas. Earth station systems comprising very small aperture terminals make up authorized networks operating in the 12 and 14 GHz bands and provide a variety of communications services to other stations in the network. Each system, authorized pursuant to blanket licensing procedures in Part 25 of the Rules, consists of a network of technically-identical small fixed-satellite earth stations which often includes a larger hub station. For FY 1994, entities holding VSAT authorizations will be assessed an annual regulatory fee of \$.06 per antenna. Entities with less than 100 antennas will be subject to a minimum \$6 fee.

40. Mobile Satellite Earth Stations. Under Part 25 of the Rules, mobile satellite service providers operate under blanket licenses for mobile antennas (transceivers), which are smaller than one meter and provide voice or data communications, including position location information, for mobile platforms such as cars, buses or trucks. For FY 1994, licensees will be assessed an annual regulatory fee of \$.06 per antenna. Entities with fewer than 100 antennas will be subject to a minimum \$6 fee.

41. Earth Station Antennas Less Than 9 Meters. Persons authorized or registered under Part 25 to operate fixed-satellite earth station antennas that are less than 9 meters in diameter are private and public carriers that provide telephone, television, data, and other forms of communications. This category includes antennas used to transmit and receive, transmit only, or receive only. Also included in this category are telemetry, tracking and control (TT&C) earth stations. For FY 1994, we will assess an annual regulatory fee of \$.06 per antenna. Entities with less than 100 antennas will be subject to

a minimum \$6 fee.

**42. Earth Station Antennas 9 Meters or Greater.** This category covers fixed-satellite earth station antennas authorized under Part 25 that are equal to or greater than 9 meters in diameter. These earth stations are operated by private carriers and common carriers to provide telephone, television, data, and other forms of communications. Included in this category are telemetry, tracking, and control (TT&C) earth stations equal to or greater than 9 meters in diameter. For FY 1994, persons authorized to operate transmit/receive and transmit-only antennas will be assessed an annual regulatory fee of \$85 per meter; receive-only antennas will be assessed a regulatory fee of \$55 per meter. All measurements will be to the tenth of a meter.

**e. Interexchange and Local Exchange Carriers**

43. For FY 1994, interexchange carriers (long distance telephone companies) ("IXCs") will be assessed an annual regulatory fee of \$.06 per presubscribed line. Similarly, local exchange carriers (local telephone operating companies) ("LECs") will be assessed an annual regulatory fee of \$.06 per access line. A holding company may combine the fee payments of its operating companies and pay their fees for a particular service in a single combined payment or by installments, if the aggregate of their fees in a single service qualifies the holding company to make installment payments. For IXCs we have identified regulatory fee payment amounts greater than \$500,000 as large. For LECs, we have identified \$700,000 as a large amount. Thus, we will to permit IXCs whose annual regulatory fee exceed \$500,000 and LECs whose fee payments exceed \$700,000 to make installment payments.

**f. Competitive Access Providers**

44. Competitive access providers ("CAPs") are companies, other than the traditional local telephone companies, that provide interstate access services to long distance carriers and other companies. For FY 1994, each CAP will be assessed an annual regulatory fee of \$.06 per subscriber.

**g. International Bearer Circuits**

45. The Schedule of Regulatory Fees provides that the fee for international bearer circuits is to be computed "per 100 active 64 KB circuits or equivalent." The fee is to be paid by the facilities-based common carrier activating the circuit in any transmission facility for the provision of service to an end user or resale carrier. Private submarine cable operators also are to pay fees for circuits sold on an indefeasible right of use (IRU) basis or leased in their private submarine cables to any customer of the private cable operator. The fee is based upon active 64

KB circuits, or equivalent circuits. Under this formulation, 64 KB circuits or their equivalent will be assessed a fee. Equivalent circuits include the 64 KB circuit of larger bit stream circuits. For example, the 64 KB circuit equivalent of a 2.048 MB circuit is 30 64 KB circuits. Analog circuits such as 3 and 4 KHz circuits used for international service are also included as equivalent 64 KB circuits. However, circuits derived from 64 KB circuits by the use of digital circuit multiplication systems are not equivalent 64 KB circuits. Such circuits are not subject to fees. Only the 64 KB circuit from which they have been derived will be subject to payment of a fee. For analog television channels we will assess fees as follows:

Analog Television Channel Size in MHz	No. of Equivalent 64 KB Circuits
36	630
24	288
18	240

## Appendix C

Formal Comments<sup>1</sup> were filed by:

### Government Agencies

United States Coast Guard  
Small Business Administration

### Private Radio Parties

Association of American Railroads  
Association of Public-Safety Communications Officials-  
International, Inc.  
American Radio Relay League, Incorporated  
Dennis C. Brown and Robert H. Schwaninger  
Forest Industries Telecommunications  
Industrial Telecommunications Association, Inc.  
National Association of Business and Educational Radio,  
Inc.  
State of Nevada, Division of Wildlife  
National Marine Electronics Association  
National Marine Manufacturers  
Personal Communications Industry Association  
Personal Radio Steering Group, Inc.  
Radio Technical Commission for Maritime Services  
Ram Mobile Data USA  
Utilities Telecommunications Council

### Mass Media Parties

Association of America's Public Television Stations  
Carnegie-Mellon Student Government Corporation  
De La Hunt Broadcasting Corporation  
Fireweed Communications Corp.  
KBS License, L.P.  
National Association of Broadcasters  
New Jersey Broadcasters Association  
Society of Broadcast Engineers  
Joint Filing by Named State Broadcasters Associations

### Cable Services Parties

Joint Filing by Blade Communications, Inc., Cablevision  
Industries Corp, Crown Media, Inc., Multivision Cable TV  
Corp., Parcable, Inc., Providence Journal Company, Sammons  
Communications, Inc., and Star Cable Associates  
Cable Services, Inc.  
Cable Telecommunications Association  
Continental Cablevision, Inc.  
Leonard Communications

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<sup>1</sup> Numerous informal comments were also filed. Although the informal commenters have not been listed, full consideration has been given to their filings.

Nationwide Communications, Inc.  
National Cable Television Association  
Pepper & Corrazzini  
Small Cable Business Association

Common Carrier Parties

Allnet Communications Services, Inc.  
American Telephone and Telegraph Company  
Ameritech  
AMSC Subsidiary Corporation  
Bell Atlantic  
BellSouth Telecommunications, Inc.  
Claircom Communications Group  
Cellular Communications of Puerto Rico  
Cellular Telecommunications Industry Association  
Comsat General Corporation  
GE American Communications, Inc.  
GTE Service Corporation  
In-Flight Phone Corporation  
MCI Telecommunications Corporation  
National Exchange Carriers Association, Inc.  
National Telephone Cooperative Association  
NYNEX Corporation  
Orbital Communications Corporation  
PanAmSat, L.P.  
Puerto Rico Telephone Company  
Southwestern Bell Corporation  
Sprint Corporation

Formal Reply Comments were filed by:

Ameritech  
GTE Service Corporation  
McCaw Cellular Communications, Inc.  
MCI Telecommunications Corporation  
National Telephone Cooperative Association  
Puerto Rico Telephone Company  
RAM Mobile Data USA  
Southwestern Bell Corporation  
Sprint Corporation  
STARSYS Global Positioning, Inc.  
Wireless Cable Association International, Inc.  
Wiltel, Inc.  
Young & Jatlow

**Separate Statement of Commissioner James H. Quello**

**Implementation of Section 9 of the Communications Act  
Assessment and Collection of Regulatory Fees  
for the 1994 Fiscal Year**

I am writing separately to express my concern with two issues in this item: the regulatory fee that will be assessed for television satellite stations, and the fee for marine radios. In both instances, the fees set forth in this item are excessive in light of the facilities involved. Yet I am told that Congress has spoken, and that, as a legal matter, our hands are tied with respect to fees imposed for fiscal year 1994. However, I will be looking very carefully next year, when the Commission has some discretion to modify fees, at making cuts that are fair and logical.

With respect to television satellite stations, in this item we indicate that the fee should be no greater than the fee for the parent station, and that we will entertain petitions along these lines. We also establish a waiver standard for situations in which the payment of a fee for a satellite station (or stations) would cause a diminishment of a licensee's ability to continue to serve the public. Nonetheless, I am concerned about the implementation of a significant fee against satellite stations owned by small broadcasters in rural areas to provide coverage to members of the public that typically have access to fewer over-the-air signals. While in some respects this agency may treat satellites as full service stations, I find it significant that we do not count satellite stations for purposes of determining compliance with the multiple ownership rules. Moreover, a satellite station is allowed to carry as much as 95% of the parent station's programming. Finally, as a practical matter, these satellites frequently operate effectively as translator stations. Thus, to impose the same fee for satellites as for full-service commercial stations seems anomalous.

I am also concerned about the possible adverse effects of raising our regulatory fees for marine radios used by recreational boaters. The problem is that the fees for the license term for these radios will exceed not only the cost of the average marine radio - thus discouraging recreational boaters from even buying them - but also the amount of the forfeiture the FCC would likely impose for a first-time offense for use of a marine radio without a license. Human nature being what it is, I cannot help but agree with the Coast Guard and other marine experts who fear that under these circumstances a substantial number of boaters may choose either to forego installing a radio or getting a license.

One of the principal objectives of the Communications Act is to promote public safety through the use of radio, and the statute does allow us to waive a fee requirement for "narrow" and "compelling" circumstances. To me, the possibility that marine safety could be compromised by literal compliance with the statute would constitute such a "narrow" or "compelling" circumstance.

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