

FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION FCC 97-214

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

In the Matter of)	
)	
Implementation of Section 9)	
of the Communications Act)	MD Docket No. 94-19
)	
Assessment and Collection)	
of Regulatory Fees for the)	
1994 Fiscal Year)	

Memorandum Opinion and Order

Adopted: June 16, 1997; Released: July 15, 1997

By the Commission:

1. Before the Commission for consideration is a Petition for Reconsideration and Clarification filed by Lee Enterprises, Incorporated (Lee) and a Response in support filed by the National Association of Broadcasters (NAB).

2. In Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5360-61, ¶ 82 (1994) (FY 94 Report and Order), the Commission noted that the fee schedule adopted by Congress made no distinction between the fees to be paid by fully operational television stations and those paid by satellite television station licensees. The Commission stated that it would not require satellite television licensees to pay a higher fee for a satellite station than a parent station or to pay a fee where the fee would "cause a diminishment of" the licensee's ability to continue to serve the public. On reconsideration, the Commission modified the standard for waiving or reducing satellite station regulatory fees. It recognized that satellite television stations generally serve rural or sparsely populated areas and that requiring the payment of separate fees for both full service and satellite stations could result in small market station licensees paying higher fees than larger market stations. Thus, the Commission stated that for those licensees that had timely filed petitions for reconsideration or for waiver or reduction of the regulatory fees for satellite stations, it would grant partial waivers and reduce the fees so each set of parent and satellite stations would pay a regulatory fee based on the total number of households served and would be assessed a single regulatory fee comparable to the fee assessed stations serving markets with the same number of television households. Implementation of Section 9 of the Communications Act, MM Docket 94- 19, FCC 95-257, ¶ 19, released June 22, 1995 (Reconsideration Order).

3. Lee now asks for clarification of the Reconsideration Order to permit it to request a reduction of its FY 1994 regulatory fees even though it had not requested a waiver or reduction in fees prior to the issuance of the Reconsideration Order. In view of the expanded grounds for reduction of the regulatory fee for satellite stations set forth in the Reconsideration Order, we shall grant the petition and authorize Lee and similarly situated licensees to file requests for reductions of the FY 1994 regulatory fees for their satellite stations.

4. ACCORDINGLY, IT IS ORDERED, That the Petition for Reconsideration and Clarification, filed July 24, 1995, by Lee Enterprises , Incorporated IS GRANTED.

5. IT IS FURTHER ORDERED, That licensees of both full service and satellite television stations MAY FILE petitions for reduction of their FY 1994 regulatory fees within 30 days from the date this Memorandum Opinion and Order, is published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary