Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2015	)	MD Docket No. 15-121
	)	
Amendment of Part 1 of the Commission's Rules	)	MD Docket No. 15-121
	)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2014	)	MD Docket No. 14-92

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

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SUMMARY

The Satellite Industry Association ("SIA") urges the Commission to continue its reform of the regulatory fee framework and take steps to align fees for satellite service licensees more closely with costs, as required by the statute.

As an initial matter, the satellite regulatory fees proposed in the Notice reflect significant increases that are excessive and unjustified. The Commission does not explain why the International Bureau as a whole is paying a higher proportion of regulatory fees this year than in the past or supply a rationale for its proposed reassignment of costs from international bearer circuits to satellite licensees. Furthermore, given the level of increases proposed in the Notice, the Commission should adopt a cap to mitigate the adverse impact of the year-to-year changes.

The Commission should also take immediate steps to assign direct and indirect costs in a manner that more accurately reflects benefits to the fee payer. SIA has shown that there are divisions of the Enforcement and Consumer and Governmental Affairs Bureaus and personnel in other offices outside the core licensing bureaus whose work is focused on a specific subset of Commission licensees and whose costs should be recovered from those licensees. Satellite licensees should not be forced to continue to pay for personnel who handle only slamming complaints, pole attachment disputes, or indecency matters – these costs should be assigned directly to the relevant industries' licensees.

Indirect costs must also be allocated more fairly. In particular, the Commission must terminate the preferential treatment accorded to WTB fee payers under the current methodology, which results in licensees regulated by other bureaus paying much more than their just share of costs. SIA urges the Commission to include FTEs funded by auctions in

determining the proportional assignment of indirect costs for regulatory fee purposes to correct this imbalance.

Lastly, the Commission should seek Congressional action to address two major defects in the current framework. Specifically, the Commission should pursue authority to offset application fee revenue against the costs recovered via regulatory fees and authority to refund regulatory fee collections in excess of the required amounts.

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The Satellite Industry Association ("SIA"), pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. § 1.415), hereby comments on the Notice of Proposed Rulemaking in the above-captioned proceeding (the "Notice").[1] SIA has participated actively at every stage of this proceeding because the level of regulatory fees for satellite network facilities is a significant cost input that affects the industry's ability to continue to offer cost-effective services to customers.[2] As discussed below, the fees for satellite services proposed in the Notice are excessive and unjustified. In order to conform the fee structure to the statutory requirements,

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[1] *Assessment and Collection of Regulatory Fees for Fiscal Year 2015, Amendment of Part 1 of the Commission's Rules, and Assessment and Collection of Regulatory Fees for Fiscal Year 2014*, Notice of Proposed Rulemaking, Report and Order, and Order, MD Docket Nos. 15-121 & 14-92, FCC 15-59 (rel. May 21, 2015).

[2] *See* Comments of the Satellite Industry Association, MD Docket Nos. 14.92, 13-140, & 12-201 (filed July 7, 2014) ("SIA 2014 Comments"); Comments of the Satellite Industry Association, MD Docket Nos. 13-140, 12-201, & 08-65 (filed June 19, 2013) ("SIA 2013 Comments"); Reply Comments of the Satellite Industry Association, MD Docket Nos. 13-140, 12-201, & 08-65 (filed June 26, 2013) ("SIA 2013 Reply Comments"); Comments of the Satellite Industry Association, MD Docket Nos. 12-201 & 08-65, filed Sept. 17, 2012 ("SIA 2012 Comments"); Reply Comments of the Satellite Industry Association, MD Docket Nos. 12-201 & 08-65, filed Oct. 23, 2012; Reply Comments of the Satellite Industry Association, MD Docket No. 08-65, RM-11312, filed Oct. 27, 2008 ("SIA 2008 Reply Comments").

SIA urges the Commission to take immediate steps to re-evaluate its allocation of direct and indirect FTEs[3] to more closely align regulatory fees with costs. In addition, the Commission should pursue necessary Congressional action to allow application fees to offset regulatory fees and to permit refunds of excess fee collections.

I. THE NOTICE DOES NOT ADEQUATELY EXPLAIN OR JUSTIFY THE SIGNIFICANT PROPOSED INCREASES IN SATELLITE FEES

With no specific discussion, the Notice proposes to substantially raise the fees for each category of satellite services: geostationary space station fees would go up by over 9.33%, earth station fees would be over 15.25% higher, and non-geostationary space station fees would see a whopping 32.65% increase. SIA recognizes that shifting of costs within the International Bureau categories led to a portion of this growth, but it is also clear that the International Bureau as a whole is paying a higher percentage of regulatory fees, and the Notice does not provide any reason for this increase. Furthermore, the Notice does not explain how the fee costs shifted to satellite services from the international bearer circuit fee categories are being allocated or supply a basis for those allocation decisions. Finally, the Notice does not justify the failure to consider a cap on increases in order to prevent the disruption caused by such substantial year-to-year growth in satellite regulatory fees.

A. The Notice Presents No Rationale for Increasing the Share of Regulatory Fees Charged to International Bureau Categories

Following the Commission's overhaul of the regulatory fee structure in 2013, the Commission determined appropriate proportional assignments for each of the core licensing bureaus using current FTE data. For International Bureau ("IB") regulatees, this percentage was

[3] An FTE represents a "Full Time Equivalent" or "Full Time Employee" – a measure of the work performed annually by a person working a 40-hour workweek for a year. Notice at 3, ¶ 4 & n.15.

calculated to be 6.13% for FY 2013, although because of a cap imposed on increases to other fee categories, the actual assessment that year for the International Bureau was 6.91%.[4] In FY 2014, the IB percentage calculated by the Commission was similar – representing 6.14% of the total on an uncapped basis, and 6.13% on a capped basis.[5] This resulted in collection of $20.83 million from IB regulatory fee payers in 2014.

Although the total amount to be collected in FY 2015 regulatory fees is unchanged from last year, the Notice proposes to collect a larger amount from IB fee categories. Paragraph 7 of the Notice states that IB regulatees are responsible for $21.3 million, accounting for 6.28% of the total FTE allocation.[6] Nowhere does the Commission describe the reason for this jump in IB's stated proportion of costs from 6.13% in FY 2014 to 6.28% in FY 2015. The Commission has stated its intention to update FTE numbers annually,[7] which could account for the change, but it is unclear whether the Commission in fact performed an update with respect to the IB FTE calculations.

Specifically, the number of IB FTEs assessable for regulatory fees purposes is listed by the Commission as 28, which is unchanged from past years.[8] Yet SIA is aware of

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[4] *Assessment and Collection of Regulatory Fees for Fiscal Year 2014*, Notice of Proposed Rulemaking, Second Further Notice of Proposed Rulemaking, and Order, MD Docket Nos. 14-92, 13-140, & 12-201, 29 FCC Rcd 6417, 6424 Table 1 (2014) ("FY 2014 NPRM").

[5] *See id.*

[6] Notice at 4, ¶ 7. The proportions in paragraph 7 appear to be based on the FTE data set forth in footnote 16.

[7] *Assessment and Collection of Regulatory Fees for Fiscal Year 2014*, Report and Order and Further Notice of Proposed Rulemaking, MD Docket Nos. 14-92, 13-140, & 12-201, 28 FCC Rcd 10767, 10774 (2014) ("FY 2014 Order").

[8] *See* Notice at 3 n.16; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2013*, Report and Order, MD Docket No. 13-140, 28 FCC Rcd 12351, 12356 (2013) ("FY 2013 Order") (the "appropriate number representing the direct FTEs actually engaged in the regulation and oversight of International Bureau licensees is 28").

Satellite Division personnel who retired or transferred that were not replaced on a one-for-one basis. Furthermore, the Commission has continued to streamline its satellite rules, reducing the staff resources required to oversee the satellite industry.[9] Thus, SIA questions whether 28 remains the correct number of IB FTEs to be used for regulatory fee purposes. In any case, without more information from the Commission regarding its analysis, SIA and other parties have no way of knowing how the Commission arrived at the FTE numbers it used to develop the proposals in the Notice and no opportunity to meaningfully comment on them.

Moreover, the Notice is internally inconsistent regarding the amount to be collected: the actual projected revenue from IB fee categories is higher than even the increased amounts set forth in paragraph 7. Specifically, instead of $21.3 million, the Commission's estimate of regulatory fee collections from IB payers is almost $21.5 million, or 6.31% of the total.[10] The Notice provides no explanation for why its projected collections for IB fees diverge from the amounts found earlier in the document.

The Commission has been criticized for the lack of transparency in its regulatory fee assessment[11] and has stated its intent to address those concerns by providing a more robust explanation of the basis for its fee decisions.[12] The current Notice fails to make good on that

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[9] *See, e.g., Comprehensive Review of Licensing and Operating Rules for Satellite Services,* Further Notice of Proposed Rulemaking, IB Docket No. 12-267, FCC 14-142 (rel. Sept. 30, 2014); *see also* SIA 2014 Comments at 8-9.

[10] Notice at 27, Appendix B.

[11] U.S. Government Accountability Office, *Federal Communications Commission, Regulatory Fee Process Needs to Be Updated*, GAO-12-686 (August 2012) ("GAO Report"), Highlights Section (noting that the "limited nature of the information" the Commission has published on the regulatory fee process "has made it difficult for industry and other stakeholders to understand and provide input on fee assessments").

[12] *See* FY 2013 Order, 28 FCC Rcd at 12355 (Commission is making FTE allocation "more transparent").

commitment and does not provide a valid justification for the proposed increase in IB regulatory fees.

B. The Notice Does Not Justify the Proposed Reallocation of Costs within the International Bureau

The Notice is similarly opaque regarding the reallocation of costs within the International Bureau. SIA has repeatedly emphasized that any reassignment of costs from the international bearer circuit ("IBC") category to satellite service categories should be implemented only as part of a comprehensive review of the appropriate fee proportions within IB and based on a fully developed factual record.[13] In the FY 2014 fees proceeding, the Commission decided to make a 5% shift of costs from IBC categories, but because it determined that earth station fees were disproportionately low, it allocated the bulk of that amount to earth station licensees, increasing their fees by 7.5%.[14]

In contrast, the current Notice proposes another 5% shift of costs from IBCs but does not explain how this amount will be allocated among categories of satellite licensees.[15] As discussed above, the rates proposed for each of the three satellite categories this year reflect increases significantly above the 7.5% level imposed last year on earth stations. Thus, although the Notice separately inquires whether earth station fees should be further raised to limit the burden on space stations,[16] the current proposals reflect large-scale, across-the-board increases for all three satellite fee categories.

The Commission cannot impose such significant fee increases haphazardly, without producing or analyzing the underlying cost data. SIA has previously suggested that

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[13] *See* SIA 2014 Comments at 6; SIA 2013 Reply Comments at 5.

[14] FY 2014 Order, 28 FCC Rcd at 10772-73.

[15] Notice at 5-6, ¶ 12.

[16] *Id.* at 7, ¶ 14.

earth station fees are disproportionately low,[17] and we suspect that continues to be the case today, particularly with respect to blanket-licensed earth stations.[18] However, SIA does not have access to information regarding FTE deployments within the International Bureau that would be necessary to meaningfully analyze fee allocations among IB fee categories. Because the statute requires the Commission to base fees on underlying costs, it cannot justify the proposed cost increases for the satellite fee categories without performing the comprehensive fact-based analysis that SIA has previously requested.

C. A Cap Should Be Imposed on Satellite Category Fee Increases

Despite the magnitude of the increases proposed for space and earth station regulatory fees, the Notice does not seek comment on whether a cap would be appropriate.[19] The failure to consider a cap is particularly unfair to satellite regulatory fee payers given the history of the Commission's fee actions. Specifically, in its FY 2013 decision, the Commission applied a 7.5% cap on fee increases that had the effect of limiting fee reductions for categories of licensees that had been overpaying fees. As a result of that cap, International Bureau fee payers were required to pay 6.91% of the total regulatory fee assessment, instead of 6.13%.[20] Thus, in 2013, satellite service licensees were required to pay materially more than their fair share of the total regulatory fee burden due to application of the cap. Yet now when these satellite licensees could benefit from application of a cap, no such relief is proposed.

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[17] *See, e.g.,* SIA 2014 Comments at 5-6.

[18] *See id.* (recommending that the Commission consider revising the structure for earth station fees to implement lower fees for stand-alone facilities and higher fees for VSAT networks and other blanket licenses, as discussed in the FY 2014 Notice).

[19] *See* Notice at 18-19, ¶ 38.

[20] *See* FY 2014 NPRM, 29 FCC Rcd at 6424, Table 1.

As SIA has previously emphasized, particularly because the satellite licensee fees are so high, phasing in fee changes over time is necessary to give space station operators an opportunity to modify their rate structures to offset higher fee costs.[21] Satellite capacity is typically sold under long-term agreements, meaning that satellite operators are not able to immediately adjust rates to cover a large increase in applicable fees.[22] Accordingly, to ameliorate the adverse effects on the satellite industry and maintain consistency with respect to the application of large increases, the Commission should adopt a cap on the proposed increases in FY 2015 satellite category regulatory fees.

II. THE COMMISSION SHOULD IMMEDIATELY REASSIGN CERTAIN NON-CORE-LICENSING BUREAU FTES

SIA has consistently advocated for reform of the Commission's assignment of FTEs for staff outside the core licensing bureaus, noting that the practice of spreading the costs of those FTEs proportionately among all licensees violates the statutory framework.[23] SIA has demonstrated that there are personnel outside the core licensing bureaus whose work pertains only to a subset of licensees, and the statute requires that these FTEs be assigned as direct costs for regulatory fee purposes.

In particular, SIA has repeatedly shown that employees of the Enforcement Bureau ("EB") and the Consumer & Governmental Affairs Bureau ("CGB") rarely address matters involving International Bureau ("IB") licensees, and indeed many divisions within these bureaus have expressly limited responsibilities that benefit defined subsets of non-IB regulatory

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[21] SIA 2014 Comments at 9; SIA 2012 Comments at 23-25.

[22] *Id*. at 24.

[23] *See, e.g.*, SIA 2014 Comments at 2-5; SIA 2013 Comments at 9-11; SIA 2012 Comments at 16-19; SIA 2008 Reply Comments at 7-9.

fee payers.[24] For example, the work of the EB's Market Disputes Resolution Division is limited to complaints against common carriers and pole attachment disputes, and the EB's Telecommunications Consumers Division focuses on protecting consumers from fraudulent, misleading and other harmful practices involving telecommunications, such as slamming, cramming and mobile bill shock.[25] Moreover, a number of EB personnel focus on matters involving obscenity, indecency and profanity matters.[26]

In the FY 2014 Notice, the Commission stated that it had performed an "examination into the work done by" EB and CGB personnel that confirmed SIA's contentions.[27] In particular, the FY 2014 Notice found that the "Enforcement Bureau as a whole . . . is primarily focused on enforcement activity in the wireline, wireless, and broadcast or media industries, and only occasionally addresses Act and rule violations by International Bureau licensees."[28] For example, the Commission observed that the 114 FTEs at that time in the Enforcement Bureau's regional and field offices "devote nearly all of their work (with the exception of one FTE) to media/broadcast and wireless enforcement."[29] Similarly, "only a very small number" of the complaints handled by the CGB "dealt with issues handled by the International Bureau."[30] Accordingly, the Commission sought comment on reallocating these

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[24] SIA 2013 Comments at 10; SIA 2012 Comments at 16-19.

[25] SIA 2013 Comments at 10; SIA 2012 Comments at 16-19.

[26] SIA 2013 Comments at 10.

[27] FY 2014 Notice, 29 FCC Rcd at 6425-26, ¶ 24.

[28] *Id*. (footnotes omitted).

[29] *Id*. at 6425 n.46 (noting that "investigations done by the regional and field offices were almost evenly split between wireless and broadcast-related cases").

[30] *Id*. at 6425, ¶ 24.

EB and CGB FTEs directly to operators regulated by the Media Bureau ("MB"), Wireline Competition Bureau ("WCB"), and Wireless Telecommunications Bureau ("WTB").[31]

Not surprisingly, licensees in the non-IB fee categories that benefit from the current misallocation of costs opposed reassignment,[32] but these parties failed to dispute the fundamental facts demonstrated by the Commission's analysis. Nevertheless, the Commission concluded in the FY 2014 Order that because EB and CGB personnel "devote a small portion of their time" to IB licensee issues, the record did not support reallocating those bureaus' FTEs "at this time."[33] However, the Commission committed to conducting "a more in-depth, fact-based examination of the work of the FTEs in these bureaus and offices and the regulatees benefited by their work" and to incorporating that analysis into future regulatory fee proposals.[34] The current Notice seeks comment on regulatory fee reform measures, citing an SIA *ex parte* letter that once again highlighted the issue of reallocation of EB and CGB personnel.[35]

SIA urges the Commission to take immediate action to address the current unfair assignment of EB and CGB FTEs by implementing a reallocation as part of the FY 2015 process. The observations by the Commission and commenters during last year's proceeding that personnel of these two bureaus do some IB-related work do not justify the Commission's decision to do nothing at all to address the existing misallocations – SIA has never argued that satellite regulatory fee payers should not have to pay for *any* EB and CGB FTEs. Instead, SIA has emphasized that the Commission is obligated to assign FTEs directly whenever it is feasible,

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[31] *Id.*, ¶ 25.

[32] *See* FY 2014 Order, 28 FCC Rcd at 10780 n.104 (*citing* comments of AT&T, CTIA, NAB, and USTelecom).

[33] *Id.*, 28 FCC Rcd at 10780, ¶ 31.

[34] *Id.* at 10780, ¶ 32.

[35] Notice at ¶ 14 & n.43.

including to IB categories. For example, the FY 2014 Order noted that there is one employee in the EB regional and field offices assigned to manage satellite interference issues.[36] By all means, that single FTE should be assigned directly to the satellite fee categories. However, the remainder of the FTEs in the regional and field offices should be reassigned and split evenly between MB and WTB fee payers, consistent with the undisputed Commission findings regarding the work performed by those personnel.[37] In addition, the FTEs associated with other EB divisions such as the Market Disputes Resolution Division and the Telecommunications Consumers Division and EB staff with indecency enforcement duties can be assigned directly to the groups of licensees regulated by those personnel.

Similarly, the Commission has sufficient facts before it to determine an appropriate reallocation of CGB FTEs. The FY 2014 Notice reports that a review of informal complaints addressed by CGB found that approximately 1% of the total were filed against satellite operators, and even these did not relate to matters handled by the International Bureau. If the Commission determines it is justified, it can assign 1% of the CGB FTEs to IB fee categories, but the remainder of the FTEs should be allocated directly to MB, WCB, and WTB licensees in proportion to the CGB workload related to each of those bureaus. At a minimum, even if the Commission decides it cannot make reallocation decisions for all CGB FTEs, it is at least obligated to identify and reassign subsets of CGB FTEs whose work is limited to wireline, wireless, or media issues. Once the proportional allocation of EB and CGB FTEs among the licensing bureaus has been established based on this workload analysis, it can be revisited in the future when the Commission again updates the FTE numbers for regulatory fee purposes.

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[36] FY 2014 Order, 28 FCC Rcd at 10780, ¶ 32.

[37] FY 2014 Notice, 29 FCC Rcd at 6425 n.46.

The Commission should also continue its efforts to review the work performed by other non-core-licensing bureaus to determine whether additional reallocations are warranted. SIA has repeatedly urged the Commission to conduct a comprehensive cost-based review to assign such FTEs directly wherever possible, using objective workload metrics. Only through analysis of such data can the Commission ensure that the regulatory fee framework is consistent with the commands of the statute to set fees based on costs.

III. THE COMMISSION MUST REQUIRE WIRELESS LICENSEES TO BEAR THEIR FAIR SHARE OF FTE COSTS

The Commission also needs to correct the underpayment of costs by the wireless licensees. The Commission's assumption in assigning indirect costs is that the relative size of a core licensing bureau, as determined by the bureau's number of direct FTEs, should be used as a proxy for assessment of indirect FTEs. This methodology, however, is clearly flawed with respect to WTB because the Commission ignores WTB FTEs funded by auctions for purposes of its regulatory fee calculations. As a result of this omission, WTB licensees do not pay an accurately proportional share of indirect costs, and licensees regulated by the other three bureaus all pay higher fees as a result, cross-subsidizing the WTB fee payers.

The Notice explains that the allocation of regulatory fees reflects the number of direct FTEs in each of the core licensing bureaus: 172 for WCB, 91 for WTB, 155 for MB, and 28 for IB.[38] Yet the Commission makes clear that these totals "exclude auctions FTEs."[39] The Commission has not explained why auctions FTEs are not counted toward the totals, but SIA presumes that the intention is to avoid double recovery, since spectrum auction payments by WTB licensees fund a certain number of WTB personnel. SIA has questioned whether this

[38] Notice at 3 n.16.

[39] *Id*.

rationale is justified given the fact that satellite operators and other fee payers are subject to significant application fees that were designed to cover the costs of application processing, but these amounts are not offset against what the Commission collects in regulatory fees.[40] Thus, satellite operators are paying twice for the same Commission personnel, as the Satellite Division employees who regulate the industry also are responsible for application processing. The same is true for all other non-WTB fee payers. Accordingly, the Commission should re-evaluate whether it is appropriate to exclude auction FTEs in assessing direct costs on WTB fee payers, thereby treating WTB fee categories more favorably than licensees regulated by other bureaus.

Even if it decides to maintain the auction FTE exclusion for purposes of direct cost allocation, the Commission must add the auction FTEs back in for purposes of determining each core bureau's share of indirect costs. Using the bureau-specific numbers above, for example, one would assume that the WCB at 172 FTEs is nearly twice the size of the WTB at 91 FTEs and therefore should have an indirect cost assessment almost double that of WTB. Yet WTB is in fact significantly larger than WCB when the auction funded WTB FTEs – at least 122 as of the FY 2013 proceeding[41] – are added back in. Under the Commission's indirect cost allocation methodology, the proportion of indirect costs collected from WTB should be greater than WCB's share, but WTB in fact pays a fraction of the indirect fee burden currently borne by WCB.

The underpayment of indirect costs by WTB also harms fee payers regulated by IB and MB. The Commission has not provided current numbers of auction-funded FTEs in the

[40] SIA 2013 Comments at 14 n.50.

[41] CTIA acknowledged during the FY 2013 regulatory fee proceeding that 122 of the 194 auction-funded FTEs appeared to be in WTB. *See Ex Parte* Notice filed by CTIA – The Wireless Association® in MD Docket Nos. 13-140, 12-201 & 08-65 (July 9, 2013) at 7.

Notice, so SIA has used the 122 figure from the FY 2013 proceeding to recalculate the appropriate bureau-by-bureau shares of the Commission's indirect fees in the table below:

Bureau	FY 2015 Direct FTE Allocation (Notice, ¶ 7)	FY 2015 Indirect Cost Allocation Counting 122 WTB Auction FTEs
International Bureau	6.28%	4.93%
Media Bureau	34.75%	27.89%
Wireline Competition Bureau	38.57%	30.28%
Wireless Telecommunications Bureau	20.40%	37.50%

As shown above, the WTB licensees' share of indirect costs is actually nearly double what they currently are assessed. The Commission should update its methodology to rectify the discriminatory assessment of indirect FTEs and recalculate its FY 2015 regulatory fee assessments using the corrected allocations of indirect costs found in the table. Fair allocation of the costs of indirect FTEs is especially important because the number of indirect FTEs dwarfs that of direct FTEs.[42]

IV. THE COMMISSION SHOULD PURSUE LEGISLATIVE CHANGES TO MAKE THE REGULATORY FEE FRAMEWORK MORE FAIR

Finally, the Commission should continue to pursue necessary Congressional changes to the regulatory fee system to make it more equitable.

First, as Commissioner Pai has suggested, the Commission should request that Congress correct the "quirk in the law in order to allow application fees (which are intended to offset the FCC's costs) to offset regulatory fees rather than just being deposited in the Treasury as they are now."[43] Offsetting application fee receipts against regulatory fee costs will terminate the current unfair double-recovery of FTE costs from IB, MB, and WCB licensees.

[42] Notice at 3 n.16 (with auction FTEs excluded, there are 446 "direct" FTEs and 1037 "indirect" FTEs).

[43] Notice at 53, Statement of Commissioner Ajit Pai.

Second, the Commission should seek all necessary authority from Congress to address over-collection of regulatory fees.[44] Specifically, the Commission should pursue the ability to refund excess regulatory fee payments or offset them against current fee liabilities, as recommended in the GAO Report.[45]

V. CONCLUSION

For the foregoing reasons and those presented in its prior pleadings, SIA urges the Commission to revise its FY 2015 regulatory fee proposals to ensure that any increases in satellite fees are justified based on costs and are capped as necessary to prevent harm to the industry. The Commission should also reassign as direct costs certain non-core-licensing bureau FTEs currently charged as overhead and should include WTB auction-funded FTEs in its fee calculations, at least for the purposes of indirect cost assignment. In addition, the Commission should request Congressional action to use revenue from application fees to offset regulatory fee costs and to permit refund of excess regulatory fee collections.

Respectfully submitted,

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[44] *See id.; see also* SIA 2013 Reply Comments at 10 & n.48.

[45] GAO Report at 36.