

which is “Wired Telecommunications Carriers.”²²⁹ The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. To gauge small business prevalence for such services we must, however, use current census data that are based on the previous category of Cable and Other Program Distribution and its associated size standard; that size standard was: all such firms having \$13.5 million or less in annual receipts.²³⁰ According to Census Bureau data for 2002, there were a total of 1,191 firms in this previous category that operated for the entire year.²³¹ Of this total, 1,087 firms had annual receipts of under \$10 million, and 43 firms had receipts of \$10 million or more but less than \$25 million.²³² Thus, the majority of cable firms can be considered small. In addition, we note that the Commission has certified some OVS operators, with some now providing service.²³³ Broadband service providers (“BSPs”) are currently the only significant holders of OVS certifications or local OVS franchises.²³⁴ The Commission does not have financial or employment information regarding the entities authorized to provide OVS, some of which may not yet be operational. Thus, again, at least some of the OVS operators may qualify as small entities.

72. **Cable Television Relay Service.** This service includes transmitters generally used to relay cable programming within cable television system distribution systems. This cable service is defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined as follows: “This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.”²³⁵ The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. To gauge small business prevalence for cable services we must, however, use current census data that are based on the previous category of Cable and Other Program Distribution and its associated size standard; that size standard was: all such firms having \$13.5 million or less in annual receipts.²³⁶ According to Census Bureau data for 2002, there were a total of 1,191 firms in this previous category that operated for the entire year.²³⁷ Of this total, 1,087 firms had annual receipts of under \$10 million, and 43 firms had receipts of \$10 million or more but less than \$25 million.²³⁸ Thus, the majority of these firms can be considered small.

73. **Multichannel Video Distribution and Data Service.** MVDDS is a terrestrial fixed microwave service operating in the 12.2-12.7 GHz band. The Commission adopted criteria for

²²⁹ U.S. Census Bureau, 2007 NAICS Definitions, “517110 Wired Telecommunications Carriers”; <http://www.census.gov/naics/2007/def/ND517110.HTM#N517110>.

²³⁰ 13 C.F.R. § 121.201, NAICS code 517110.

²³¹ U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, Table 4, Receipts Size of Firms for the United States: 2002, NAICS code 517510 (issued November 2005).

²³² *Id.* An additional 61 firms had annual receipts of \$25 million or more.

²³³ A list of OVS certifications may be found at <http://www.fcc.gov/mb/ovs/csovscer.html>.

²³⁴ See *Thirteenth Annual Cable Competition Report*, 24 FCC Rcd at 606-07 ¶ 135. BSPs are newer firms that are building state-of-the-art, facilities-based networks to provide video, voice, and data services over a single network.

²³⁵ U.S. Census Bureau, 2007 NAICS Definitions, “517110 Wired Telecommunications Carriers” (partial definition); <http://www.census.gov/naics/2007/def/ND517110.HTM#N517110>.

²³⁶ 13 C.F.R. § 121.201, NAICS code 517110.

²³⁷ U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, Table 4, Receipts Size of Firms for the United States: 2002, NAICS code 517510 (issued November 2005).

²³⁸ *Id.* An additional 61 firms had annual receipts of \$25 million or more.

defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. It defines a very small business as an entity with average annual gross revenues not exceeding \$3 million for the preceding three years; a small business as an entity with average annual gross revenues not exceeding \$15 million for the preceding three years; and an entrepreneur as an entity with average annual gross revenues not exceeding \$40 million for the preceding three years.²³⁹ These definitions were approved by the SBA.²⁴⁰ On January 27, 2004, the Commission completed an auction of 214 MVDDS licenses (Auction No. 53). In this auction, ten winning bidders won a total of 192 MVDDS licenses.²⁴¹ Eight of the ten winning bidders claimed small business status and won 144 of the licenses. The Commission also held an auction of MVDDS licenses on December 7, 2005 (Auction 63). Of the three winning bidders who won 22 licenses, two winning bidders, winning 21 of the licenses, claimed small business status.²⁴²

74. **Amateur Radio Service.** These licenses are held by individuals in a noncommercial capacity; these licensees are not small entities.

75. **Aviation and Marine Services.** Small businesses in the aviation and marine radio services use a very high frequency (“VHF”) marine or aircraft radio and, as appropriate, an emergency position-indicating radio beacon (and/or radar) or an emergency locator transmitter. The Commission has not developed a small business size standard specifically applicable to these small businesses. For purposes of this analysis, the Commission uses the SBA small business size standard for the category Wireless Telecommunications Carriers (except Satellite), which is 1,500 or fewer employees.²⁴³ Most applicants for recreational licenses are individuals. Approximately 581,000 ship station licensees and 131,000 aircraft station licensees operate domestically and are not subject to the radio carriage requirements of any statute or treaty. For purposes of our evaluations in this analysis, we estimate that there are up to approximately 712,000 licensees that are small businesses (or individuals) under the SBA standard. In addition, between December 3, 1998 and December 14, 1998, the Commission held an auction of 42 VHF Public Coast licenses in the 157.1875-157.4500 MHz (ship transmit) and 161.775-162.0125 MHz (coast transmit) bands. For VHF Public Coast licenses, the Commission defines a “small” business as an entity that, together with controlling interests and affiliates, has average gross revenues for the preceding three years not to exceed \$15 million dollars. In addition, a “very small” business is defined as an entity that, together with controlling interests and affiliates, has average gross revenues for the preceding three years not to exceed \$3 million dollars.²⁴⁴ There are approximately 10,672 licensees in the Marine Coast Service, and the Commission estimates that almost all of them qualify as “small” businesses under the above special small business size standards.

²³⁹ *Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licenses and their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to provide A Fixed Service in the 12.2-12.7 GHz Band*, ET Docket No. 98-206, Memorandum Opinion and Order and Second Report and Order, 17 FCC Rcd 9614, 9711, ¶ 252 (2002).

²⁴⁰ See Letter from Hector V. Barreto, Administrator, U.S. Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, WTB, FCC (Feb.13, 2002).

²⁴¹ See “*Multichannel Video Distribution and Data Service Auction Closes*,” Public Notice, 19 FCC Rcd 1834 (2004).

²⁴² See “*Auction of Multichannel Video Distribution and Data Service Licenses Closes; Winning Bidders Announced for Auction No. 63*,” Public Notice, 20 FCC Rcd 19807 (2005).

²⁴³ 13 C.F.R. § 121.201, NAICS code 517210.

²⁴⁴ *Amendment of the Commission's Rules Concerning Maritime Communications*, Third Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 19853 (1998).

76. **Personal Radio Services.** Personal radio services provide short-range, low power radio for personal communications, radio signaling, and business communications not provided for in other services. The Personal Radio Services include spectrum licensed under Part 95 of our rules.²⁴⁵ These services include Citizen Band Radio Service (“CB”), General Mobile Radio Service (“GMRS”), Radio Control Radio Service (“R/C”), Family Radio Service (“FRS”), Wireless Medical Telemetry Service (“WMTS”), Medical Implant Communications Service (“MICS”), Low Power Radio Service (“LPRS”), and Multi-Use Radio Service (“MURS”).²⁴⁶ There are a variety of methods used to license the spectrum in these rule parts, from licensing by rule, to conditioning operation on successful completion of a required test, to site-based licensing, to geographic area licensing. Under the RFA, the Commission is required to make a determination of which small entities are directly affected by the rules being proposed. Since all such entities are wireless, we apply the definition of Wireless Telecommunications Carriers (except Satellite), pursuant to which a small entity is defined as employing 1,500 or fewer persons.²⁴⁷ Many of the licensees in these services are individuals, and thus are not small entities. In addition, due to the mostly unlicensed and shared nature of the spectrum utilized in many of these services, the Commission lacks direct information upon which to base an estimation of the number of small entities under an SBA definition that might be directly affected by our action.

77. **Public Safety Radio Services.** Public Safety radio services include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services.²⁴⁸ There are a total of approximately 127,540 licensees in these services. Governmental entities²⁴⁹ as well as private businesses comprise the licensees for these services. All governmental entities with populations of less than 50,000 fall within the definition of a small entity.²⁵⁰

78. **Internet Service Providers.** The 2007 Economic Census places these firms,

²⁴⁵ 47 C.F.R. Part 90.

²⁴⁶ The Citizens Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service are governed by Subpart D, Subpart A, Subpart C, Subpart B, Subpart H, Subpart I, Subpart G, and Subpart J, respectively, of Part 95 of the Commission’s rules. *See generally* 47 C.F.R. Part 95.

²⁴⁷ 13 C.F.R. § 121.201, NAICS Code 517210.

²⁴⁸ With the exception of the special emergency service, these services are governed by Subpart B of part 90 of the Commission’s Rules, 47 C.F.R. §§ 90.15-90.27. The police service includes approximately 27,000 licensees that serve state, county, and municipal enforcement through telephony (voice), telegraphy (code) and teletype and facsimile (printed material). The fire radio service includes approximately 23,000 licensees comprised of private volunteer or professional fire companies as well as units under governmental control. The local government service that is presently comprised of approximately 41,000 licensees that are state, county, or municipal entities that use the radio for official purposes not covered by other public safety services. There are approximately 7,000 licensees within the forestry service which is comprised of licensees from state departments of conservation and private forest organizations who set up communications networks among fire lookout towers and ground crews. The approximately 9,000 state and local governments are licensed to highway maintenance service provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. The approximately 1,000 licensees in the Emergency Medical Radio Service (“EMRS”) use the 39 channels allocated to this service for emergency medical service communications related to the delivery of emergency medical treatment. 47 C.F.R. §§ 90.15-90.27. The approximately 20,000 licensees in the special emergency service include medical services, rescue organizations, veterinarians, handicapped persons, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities. 47 C.F.R. §§ 90.33-90.55.

²⁴⁹ 47 C.F.R. § 1.1162.

²⁵⁰ 5 U.S.C. § 601(5).

whose services might include voice over Internet protocol (VoIP), in either of two categories, depending on whether the service is provided over the provider's own telecommunications connections (e.g. cable and DSL, ISPs), or over client-supplied telecommunications connections (e.g. dial-up ISPs). The former are within the category of Wired Telecommunications Carriers,²⁵¹ which has an SBA small business size standard of 1,500 or fewer employees.²⁵² The latter are within the category of All Other Telecommunications,²⁵³ which has a size standard of annual receipts of \$25 million or less.²⁵⁴ The most current Census Bureau data for all such firms, however, are the 2002 data for the previous census category called Internet Service Providers.²⁵⁵ That category had a small business size standard of \$21 million or less in annual receipts, which was revised in late 2005 to \$23 million. The 2002 data show that there were 2,529 such firms that operated for the entire year.²⁵⁶ Of those, 2,437 firms had annual receipts of under \$10 million, and an additional 47 firms had receipts of between \$10 million and \$24,999,999.²⁵⁷ Consequently, we estimate that the majority of ISP firms are small entities.

79. The ISP industry has changed dramatically since 2002. The 2002 data cited above may therefore include entities that no longer provide Internet access service and may exclude entities that now provide such service. To ensure that this (IRFA/FRFA) describes the universe of small entities that our action might affect, we discuss in turn several different types of entities that might be providing Internet access service.

80. We note that, although we have no specific information on the number of small entities that provide Internet access service over unlicensed spectrum, we include these entities in our IRFA/FRFA.

IV. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements:

81. With certain exceptions, the Commission's Schedule of Regulatory Fees applies to all Commission licensees and regulatees. Most licensees will be required to count the number of licenses or call signs authorized, and pay a regulatory fee based on the number of licenses or call signs.²⁵⁸ In some

²⁵¹ U.S. Census Bureau, 2007 NAICS Definitions, "517110 Wired Telecommunications Carriers", <http://www.census.gov/naics/2007/def/ND517110.HTM#N517110>.

²⁵² 13 C.F.R. § 121.201, NAICS code 517110 (updated for inflation in 2008).

²⁵³ U.S. Census Bureau, 2007 NAICS Definitions, "517919 All Other Telecommunications"; <http://www.census.gov/naics/2007/def/ND517919.HTM#N517919>.

²⁵⁴ 13 C.F.R. § 121.201, NAICS code 517919 (updated for inflation in 2008).

²⁵⁵ U.S. Census Bureau, "2002 NAICS Definitions, "518111 Internet Service Providers"; <http://www.census.gov/eped/naics02/def/NDEF518.HTM>.

²⁵⁶ U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization)," Table 4, NAICS code 518111 (issued Nov. 2005).

²⁵⁷ An additional 45 firms had receipts of \$25 million or more.

²⁵⁸ See 47 C.F.R. § 1.1162 for the general exemptions from regulatory fees. *E.g.*, Amateur radio licensees (except applicants for vanity call signs) and operators in other non-licensed services (e.g., Personal Radio, part 15, ship and aircraft). Governments and non-profit (exempt under section 501(c) of the Internal Revenue Code) entities are exempt from payment of regulatory fees and need not submit payment. Non-commercial educational broadcast licensees are exempt from regulatory fees as are licensees of auxiliary broadcast services such as low power auxiliary stations, television auxiliary service stations, remote pickup stations and aural broadcast auxiliary stations where such licenses are used in conjunction with commonly owned non-commercial educational stations. Emergency Alert System licenses for auxiliary service facilities are also exempt as are instructional television fixed service licensees. Regulatory fees are automatically waived for the licensee of any translator station that: (1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not (continued....)

instances, licensees may decide to submit an FCC Form 159 Remittance Advice. Interstate telephone service providers must compute their annual regulatory fee based on their interstate and international end-user revenue using information they already supply to the Commission in compliance with the Form 499-A, Telecommunications Reporting Worksheet. Compliance with the fee schedule will require some licensees to tabulate the number of units (*e.g.*, cellular telephones, pagers, cable TV subscribers) they have in service. Licensees ordinarily will keep a list of the number of units they have in service as part of their normal business practices. No additional outside professional skills are required to submit a regulatory fee payment, and it can be completed by the employees responsible for an entity's business records.

82. As discussed previously in this *Notice of Proposed Rulemaking*, the Commission concluded in its FY 2009 regulatory fee cycle that licensees filing their annual regulatory fee payments must begin the process by entering the Commission's Fee Filer system with a valid FRN and password. In some instances, it will be necessary to use a specific FRN and password that is linked to a particular regulatory fee bill. Going forward, the submission of hardcopy Form 159 documents will not be permitted for making a regulatory fee payment during the regulatory fee cycle. By requiring licensees to use Fee Filer to begin the regulatory fee payment process, errors resulting from illegible handwriting on hardcopy Form 159's will be reduced, and the Commission will be able to create an electronic record of licensee payment attributes that are more easily traceable than payments that were previously mailed in with a hardcopy Form 159.

83. Licensees and regulatees are advised that failure to submit the required regulatory fee in a timely manner will subject the licensee or regulatee to a late payment penalty of 25 percent in addition to the required fee.²⁵⁹ If payment is not received, new or pending applications may be dismissed, and existing authorizations may be subject to rescission.²⁶⁰ Further, in accordance with the DCIA, federal agencies may bar a person or entity from obtaining a federal loan or loan insurance guarantee if that person or entity fails to pay a delinquent debt owed to any federal agency.²⁶¹ Nonpayment of regulatory fees is a debt owed to the United States pursuant to 31 U.S.C. 3711 *et seq.*, and the DCIA. Appropriate enforcement measures, as well as administrative and judicial remedies, may be exercised by the Commission. Debts owed to the Commission may result in a person or entity being denied a federal loan or loan guarantee pending before another federal agency until such obligations are paid.²⁶²

84. The Commission's rules currently provide for relief in exceptional circumstances. Persons or entities may request a waiver, reduction or deferment of payment of the regulatory fee.²⁶³ However, timely submission of the required regulatory fee must accompany requests for waivers or reductions. This will avoid any late payment penalty if the request is denied. The fee will be refunded if the request is granted. In exceptional and compelling instances (*e.g.* where payment of the regulatory fee along with the waiver or reduction request could result in reduction of service to a community or other financial hardship to the licensee), the Commission will defer payment in response to a request filed with the appropriate supporting documentation.

(Continued from previous page) _____

derive income from advertising; and (3) is dependent on subscriptions or contributions from members of the community served for support. Receive only earth station permittees are exempt from payment of regulatory fees. A regulatee will be relieved of its fee payment requirement if its total fee due, including all categories of fees for which payment is due by the entity, amounts to less than \$10.

²⁵⁹ 47 C.F.R. § 1.1164.

²⁶⁰ 47 C.F.R. § 1.1164(c).

²⁶¹ Public Law 104-134, 110 Stat. 1321 (1996).

²⁶² 31 U.S.C. § 7701(c)(2)(B).

²⁶³ 47 C.F.R. § 1.1166.

V. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered:

85. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.²⁶⁴ In our *NPRM*, we sought comment on alternatives that might simplify our fee procedures or otherwise benefit filers, including small entities, while remaining consistent with our statutory responsibilities in this proceeding. We received no comments specifically in response to the IRFA.

86. Several categories of licensees and regulatees are exempt from payment of regulatory fees. Also, waiver procedures provide regulatees, including small entity regulatees, relief in exceptional circumstances. We note that small entities should be assisted by our implementation of the Fee Filer program, and that we have continued our practice of exempting fees whose total sum owed is less than \$10.00.

VI. Report to Congress:

87. The Commission will send a copy of this Report and Order, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.²⁶⁵ In addition, the Commission will send a copy of this Report and Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Report and Order and FRFA (or summaries thereof) will also be published in the Federal Register.²⁶⁶

²⁶⁴ 5 U.S.C. § 603.

²⁶⁵ See 5 U.S.C. § 801(a)(1)(A). The Congressional Review Act is contained in Title II, § 251, of the CWAAA; see Pub. L. No. 104-121, Title II, § 251, 110 Stat. 868.

²⁶⁶ See 5 U.S.C. § 604(b).

ATTACHMENT G

Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 1 – PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 303(r), 309.

2. Section 1.1164 (c) is revised to read as follows:

“*****

(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.

*****”

3. Section 1.1166 (b) is revised to read as follows:

“*****

(b) Deferrals of fees, if granted, will be for a designated period of time not to exceed six months.

*****”

4. Section 1.1152 is revised to read as follows:

§ 1.1152 Schedule of annual regulatory fees and filing locations for wireless radio services.

Exclusive use services (per license)	Fee Amount ¹	Address
1. Land Mobile (Above 470 MHz and 220 MHz Local, Base Station & SMRS) (47 CFR, Part 90)		
a)New, Renew/Mod (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000

¹ Note that "small fees" are collected in advance for the entire license term. Therefore, the annual fee amount shown in this table that is a small fee (categories 1 through 5) must be multiplied by the 5-or 10-year license term, as appropriate, to arrive at the total amount of regulatory fees owed. It should be further noted that application fees may also apply as detailed in §1.1102 of this chapter.

b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
220 MHz Nationwide	\$40.00	FCC
a)New, Renew/Mod (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
b)New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 601 & 159)	\$40.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
2. Microwave (47 CFR Pt. 101) (Private)		
a)New, Renew/Mod (FCC 601 & 159)	\$25.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
b)New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	\$25.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 601 & 159)	\$25.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 601 & 159)	\$25.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
3. 218-219 MHz Service		
a)New, Renew/Mod (FCC 601 & 159)	\$65.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000

b)New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	\$65.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 601 & 159)	\$65.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 601 & 159)	\$65.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000

4. Shared Use Services

Land Mobile (Frequencies Below 470 MHz – except 220 MHz)

a)New, Renew/Mod (FCC 601 & 159)	\$20.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	\$20.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 601 & 159)	\$20.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 601 & 159)	\$20.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000

General Mobile Radio Service

a)New, Renew/Mod (FCC 605 & 159)	\$5.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
b)New, Renew/Mod (Electronic Filing) (FCC 605 & 159)	\$5.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 605 & 159)	\$5.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 605 & 159)	\$5.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000

Rural Radio (Part 22)

- | | | |
|--|---------|---|
| a)New, Additional Facility,
Major Renew/Mod
(Electronic Filing)
(FCC 601 & 159) | \$20.00 | FCC
P.O. Box 979097
St. Louis, MO
63197-9000 |
| b)Renewal, Minor Renew/Mod
(Electronic Filing)
(FCC 601 & 159) | \$20.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |

Marine Coast

- | | | |
|--|---------|--|
| a)New Renewal/Mod
(FCC 601 & 159) | \$50.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| b)New, Renewal/Mod
(Electronic Filing)
(FCC 601 & 159) | \$50.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| c)Renewal Only
(FCC 601 & 159) | \$50.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| d)Renewal Only
(Electronic Filing)
(FCC 601 & 159) | \$50.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |

Aviation Ground

- | | | |
|--|---------|--|
| a)New, Renewal/Mod
(FCC 601 & 159) | \$15.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| b)New, Renewal/Mod
(Electronic Filing)
(FCC 601 & 159) | \$15.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| c)Renewal Only
(FCC 601 & 159) | \$15.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| d)Renewal Only
(Electronic Only)
(FCC 601 & 159) | \$15.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |

Marine Ship

- | | | |
|--|---------|--|
| a)New, Renewal/Mod
(FCC 605 & 159) | \$10.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |
| b)New, Renewal/Mod
(Electronic Filing)
(FCC 605 & 159) | \$10.00 | FCC
P.O. Box 979097
St. Louis, MO 63197-9000 |

c)Renewal Only (FCC 605 & 159)	\$10.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 605 & 159)	\$10.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
Aviation Aircraft		
a)New, Renew/Mod (FCC 605 & 159)	\$10.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
b)New, Renew/Mod (Electronic Filing) (FCC 605 & 159)	\$10.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
c)Renewal Only (FCC 605 & 159)	\$10.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
d)Renewal Only (Electronic Filing) (FCC 605 & 159)	\$10.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000
5. Amateur Vanity Call Signs	\$1.42	FCC
a)Initial or Renew (FCC 605 & 159)		P.O. Box 979097 St. Louis, MO 63197-9000
b)Initial or Renew (Electronic Filing) (FCC 605 & 159)	\$1.42	FCC P.O. Box 979097 St. Louis, MO 63197-9000
6. CMRS Cellular/Mobile Services (per unit) (FCC 159)	\$.17 ²	FCC P.O. Box 979084 St. Louis, MO 63197-9000
7. CMRS Messaging Services (per unit) (FCC 159)	\$.08 ³	FCC P.O. Box 979084 St. Louis, MO 63197-9000
8. Broadband Radio Service (formerly MMDS and MDS)	\$ 310	FCC, P.O. Box 979084 St. Louis, MO 63197-9000

² These are standard fees that are to be paid in accordance with § 1.1157(b) of this chapter.

³ These are standard fees that are to be paid in accordance with § 1.1157(b) of this chapter.

6.	<u>FM Classes A, B1 and C3</u>		
	<=25,000 population	\$675	FCC, Radio
	25,001-75,000 population	\$1,350	P.O. Box 979084
	75,001-150,000 population	\$1,850	St. Louis, MO
	150,001-500,000 population	\$2,875	63197-9000
	500,001-1,200,000 population	\$4,550	
	1,200,001-3,000,000 population	\$7,425	
	>3,000,000 population	\$9,450	
7.	<u>FM Classes B, C, C0, C1 and C2</u>		
	<=25,000 population	\$850	FCC, Radio
	25,001-75,000 population	\$1,500	P.O. Box 979084
	75,001-150,000 population	\$2,750	St. Louis, MO
	150,001-500,000 population	\$3,600	63197-9000
	500,001-1,200,000 population	\$5,300	
	1,200,001-3,000,000 population	\$8,500	
	>3,000,000 population	\$11,050	
8.	FM Construction Permits	\$675	FCC, Radio
			P.O. Box 979084
			St. Louis, MO
			63197-9000
TV (47 CFR, Part 73)			
VHF Commercial			
1.	Markets 1 thru 10	\$84,625	FCC, TV Branch
2.	Markets 11 thru 25	\$68,175	P.O. Box 979084
3.	Markets 26 thru 50	\$40,475	St. Louis, MO
4.	Markets 51 thru 100	\$22,750	63197-9000
5.	Remaining Markets	\$ 6,100	
6.	Construction Permits	\$ 6,100	
UHF Commercial			
1.	Markets 1 thru 10	\$34,650	FCC,UHF Commercial
2.	Markets 11 thru 25	\$32,950	P.O. Box 979084
3.	Markets 26 thru 50	\$20,950	St. Louis, MO
4.	Markets 51 thru 100	\$12,325	63197-9000
5.	Remaining Markets	\$3,275	
6.	Construction Permits	\$3,275	
Satellite UHF/VHF Commercial			
1.	All Markets	\$1,250	FCC Satellite TV
2.	Construction Permits	\$ 670	P.O. Box 979084
			St. Louis, MO 63197-9000
Low Power TV, Class A TV, TV/FM Translator, & TV/FM Booster (47 CFR Part 74)		\$ 395	FCC, Low Power
			P.O. Box 979084
			St. Louis, MO 63197-9000

Broadcast Auxiliary \$ 10 FCC, Auxiliary
P.O. Box 979084
St. Louis, MO 63197-9000

6. Section 1.1154 is revised to read as follows:

§ 1.1154 Schedule of annual regulatory charges and filing locations for common carrier services.

Radio Facilities	Fee Amount	Address
1. Microwave (Domestic Public Fixed) (Electronic Filing) (FCC Form 601 & 159)	\$25.00	FCC P.O. Box 979097 St. Louis, MO 63197-9000

Carriers

1. Interstate Telephone Service Providers (per interstate and international end-user revenues (see FCC Form 499-A))	\$.00375	FCC, Carriers P.O. Box 979084 St. Louis, MO 63197-9000
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7. Section 1.1155 is revised to read as follows:

§ 1.1155 Schedule of regulatory fees and filing locations for cable television services.

	Fee Amount	Address
1. Cable Television Relay Service	\$370	FCC, Cable
2. Cable TV System (per subscriber)	\$.93	P.O. Box 979084 St. Louis, MO 63197-9000

8. Section 1.1156 is revised to read as follows:

§ 1.1156 Schedule of regulatory fees and filing locations for international services.

a. The following schedule applies for the listed services:

Fee Category	Fee amount	Address
Space Stations (Geostationary Orbit)	\$131,375	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
Space Stations (Non-Geostationary Orbit)	\$141,750	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
Earth Stations: Transmit/Receive & Transmit only (per authorization or registration)	\$245	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000

b. *International Terrestrial and Satellite.* Regulatory fees for International Bearer Circuits are to be paid by facilities-based common carriers that have active (used or leased) international bearer circuits as of December 31, of the prior year in any terrestrial or satellite transmission facility for the provision of service to an end user or resale carrier, which includes active circuits to themselves or to their affiliates. In addition, non-common carrier satellite operators must pay a fee for each circuit sold or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. "Active circuits" for these purposes include backup and redundant circuits. In addition, whether circuits are used specifically for voice or data is not relevant in determining that they are active circuits.

The fee amount, per active 64 KB circuit or equivalent will be determined for each fiscal year. Payment, if mailed, shall be sent to: FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000.

International Terrestrial and Satellite (capacity as of December 31, 2010)	Fee amount	Address
Terrestrial Common Carrier Satellite Common Carrier Satellite Non-Common Carrier	\$0.35 per 64 KB Circuit	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000

c. *Submarine cable.* Regulatory fees for submarine cable systems will be paid annually, per cable landing license, for all submarine cable systems operating as of December 31 of the prior year. The fee amount will be determined by the Commission for each fiscal year. Payment, if mailed, shall be sent to: FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000.

Submarine Cable Systems (capacity as of Dec. 31, 2010)	Fee amount	Address
< 2.5 Gbps	\$12,825	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
2.5 Gbps or greater, but less than 5 Gbps	\$25,650	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
5 Gbps or greater, but less than 10 Gbps	\$51,300	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000

10 Gbps or greater, but less than 20 Gbps	\$102,625	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
20 Gbps or greater	\$205,225	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000

ATTACHMENT H

FY 2010 Schedule of Regulatory Fees

Regulatory fees for the categories shaded in gray are collected by the Commission in advance to cover the term of the license and are submitted along with the application at the time the application is filed.

Fee Category	Annual Regulatory Fee (U.S. \$'s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	40
Microwave (per license) (47 CFR part 101)	25
218-219 MHz (Formerly Interactive Video Data Service) (per license) (47 CFR part 95)	65
Marine (Ship) (per station) (47 CFR part 80)	10
Marine (Coast) (per license) (47 CFR part 80)	45
General Mobile Radio Service (per license) (47 CFR part 95)	5
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category)	20
PLMRS (Shared Use) (per license) (47 CFR part 90)	20
Aviation (Aircraft) (per station) (47 CFR part 87)	5
Aviation (Ground) (per license) (47 CFR part 87)	10
Amateur Vanity Call Signs (per call sign) (47 CFR part 97)	1.33
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.18
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.08
Broadband Radio Service (formerly MMDS/ MDS) (per license) (47 CFR part 21)	310
Local Multipoint Distribution Service (per call sign) (47 CFR, part 101)	310
AM Radio Construction Permits	390
FM Radio Construction Permits	675
TV (47 CFR part 73) VHF Commercial	
Markets 1-10	81,550
Markets 11-25	63,275
Markets 26-50	42,550
Markets 51-100	23,750
Remaining Markets	6,125

Fee Category	Annual Regulatory Fee (U.S. \$'s)
Construction Permits	6,125
TV (47 CFR part 73) UHF Commercial	
Markets 1-10	32,275
Markets 11-25	30,075
Markets 26-50	18,900
Markets 51-100	11,550
Remaining Markets	3,050
Construction Permits	3,050
Satellite Television Stations (All Markets)	1,300
Construction Permits – Satellite Television Stations	675
Low Power TV, Class A TV, TV/FM Translators & Boosters (47 CFR part 74)	415
Broadcast Auxiliaries (47 CFR part 74)	10
CARS (47 CFR part 78)	315
Cable Television Systems (per subscriber) (47 CFR part 76)	.89
Interstate Telecommunication Service Providers (per revenue dollar)	.00349
Earth Stations (47 CFR part 25)	240
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100)	127,925
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	138,050
International Bearer Circuits - Terrestrial/Satellites (per 64KB circuit)	.39
International Bearer Circuits - Submarine Cable	See Table Below

FY 2010 SCHEDULE OF REGULATORY FEES (continued)

FY 2010 RADIO STATION REGULATORY FEES						
Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
<=25,000	\$675	\$550	\$500	\$575	\$650	\$825
25,001 – 75,000	\$1,350	\$1,075	\$750	\$875	\$1,325	\$1,450
75,001 – 150,000	\$2,025	\$1,350	\$1,000	\$1,450	\$1,825	\$2,725
150,001 – 500,000	\$3,050	\$2,300	\$1,500	\$1,725	\$2,800	\$3,550
500,001 – 1,200,000	\$4,400	\$3,500	\$2,500	\$2,875	\$4,450	\$5,225
1,200,001 – 3,000,00	\$6,750	\$5,400	\$3,750	\$4,600	\$7,250	\$8,350
>3,000,000	\$8,100	\$6,475	\$4,750	\$5,750	\$9,250	\$10,850

FY 2010 SCHEDULE OF REGULATORY FEES
International Bearer Circuits - Submarine Cable

Submarine Cable Systems (capacity as of December 31, 2009)	Fee amount	Address
< 2.5 Gbps	\$14,625	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
2.5 Gbps or greater, but less than 5 Gbps	\$29,250	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
5 Gbps or greater, but less than 10 Gbps	\$58,500	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
10 Gbps or greater, but less than 20 Gbps	\$116,975	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000
20 Gbps or greater	\$233,950	FCC, International, P.O. Box 979084, St. Louis, MO 63197-9000

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Assessment and Collection of Regulatory Fees for Fiscal Year 2011*, Report and Order,
MD Docket No. 11-76

I support today's order to collect the revenue target Congress has given us to fund the Commission's operations for Fiscal Year 2011. And I applaud the Chairman's commitment to initiate a long overdue comprehensive review of our regulatory fee program. Despite the requirement that our regulatory fee burdens reflect how much the Commission spends on each sector of the industry, we have stuck with the same, outdated structure for far too long, as I have pointed out many times. Clearly, the industry has changed substantially in the years since we last took a close look at the program. Equity and common sense require us to do this now, so I eagerly await the next step by the end of this calendar year.