



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

In this issue, link to information about

Deadlines: [Regulatory Fees Due September 27](#)
 [EAS Form One Revisions Due September 26](#)
 [EAS Form Two \(Day-of-Test Report\) Due September 28](#)

ONE WEEK COUNTDOWN:

Deadline to Pay Regulatory Fees Is 11:59 p.m. EDT September 27, 2016

As we have previously advised, **the deadline for paying regulatory fees is 11:59 p.m. Eastern Daylight Time on September 27, 2016.** Payments that are even one minute late face a penalty of 25%; thus, for example, a station that owes \$5,000 in regulatory fees would have to pay \$6,250 if it misses the deadline.

For fiscal year (“FY”) 2016, the FCC seeks to collect \$384,012,497 in regulatory fees from all regulated entities. The regulatory fees relevant to broadcasters for FY 2016 are attached to this memorandum. A [Public Notice](#) released by the FCC on September 6 details the multi-step regulatory fee payment process. And the FCC has also [made available a “Fact Sheet”](#) for broadcasters. The FCC’s [regulatory fees webpage](#) provides additional resources for broadcasters.

Regulatory Fees for Broadcasters. Amounts owed by broadcasters may vary from years past because the regulatory fees adopted by the Commission for FY 2016 reflect the latest wave of ongoing reallocation by the agency. Attached to this memorandum is a series of “schedules” setting forth the proposed regulatory fees of greatest interest to broadcasters:

- [Schedule A](#) contains a table of the FY 2016 regulatory fees for radio stations (and, for the sake of comparison, also includes a table of the FY 2015 fees that radio stations were required to pay last year);
- [Schedule B](#) contains table of the FY 2016 regulatory fees for television stations (and, for the sake of comparison, also includes a table of the FY 2015 fees that television stations were required to pay last year); and
- [Schedule C](#) contains a table of other proposed FY 2016 regulatory fees that may affect or be of interest to broadcasters.

IMPORTANT: Payments by Check Will Not Be Accepted. Because the FCC is moving towards a paperless environment, last year the Commission stopped accepting checks (including cashier's checks and money orders) and the accompanying hardcopy "remittance advice" forms (e.g., FCC Forms 159, 159-B, 159-E, 159-W) for the payment of regulatory fees. This paperless payment procedure requires all payments to be made by wire transfer or online via ACH (Automated Clearing House) payment, debit card (Visa or MasterCard branded debit cards only), or credit card. Other forms of payment (e.g., cash, checks, cashier's checks, money orders) will be rejected.

IMPORTANT: Limits on Credit Card Transaction Amounts. Since 2015, the amount that can be charged on a credit card for transactions with federal agencies—including the FCC—has been reduced to \$24,999.99. Attempted transactions for amounts greater than \$24,999.99 will be rejected. This limit applies to single payments, divided payments, and to combined payments of more than one bill. In other words, the FCC will aggregate multiple transactions attempted on one credit card on one day and treat them as a single transaction subject to the \$24,999.99 limit, and the FCC will not permit a broadcast licensee to divide a transaction over multiple days in order to create smaller payments that would fall below the \$24,999.99 limit each day. Thus, broadcasters who need to pay an amount greater than \$24,999.99 must consider alternatives such as using debit cards (Visa or MasterCard branded debit cards only) or making payment by ACH or wire transfers.

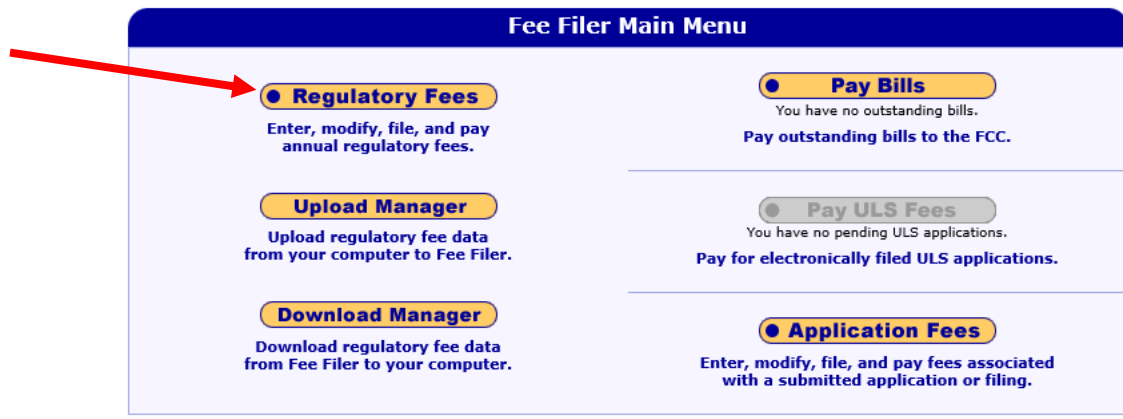
Limited Exemption for De Minimis Regulatory Fees. Broadcasters whose total FY 2016 annual regulatory fee liability is \$500 or less are exempt from payment of FY 2016 regulatory fees. The *de minimis* threshold applies only to filers of annual regulatory fees, and it is not a permanent exemption. In other words, each licensee must reevaluate its total regulatory fee liability each fiscal year to determine whether they meet the *de minimis* exemption in any particular year.

The FCC Will Not Mail Stations an Invoice or Other Reminder. The FCC used to mail broadcast stations materials relating to regulatory fee payments. The FCC has not done that in a few years, and it will not do it this year. Stations must use the FCC's fee filer system to access records showing how much they owe and to make the payment. Other than the Public Notices that have already been released, the FCC will not remind stations of their regulatory fee obligations.

FCC Look-up Tool. Broadcasters can look up their FY 2016 regulatory fee amounts by visiting the website: <http://fccfees.com> and clicking on the "View Fee Information and Exempt Status for any Broadcast Property" link. After clicking on this link, licensees will be able to view their fee amounts, fee codes, facility identification numbers, and other information pertinent to the filing of

FY 2016 regulatory fees. Please note, however, that the fccfees.com webpage is not the same as the Fee Filer system. As discuss below, stations must use the [Fee Filer system](#) to submit and pay their regulatory fees.

Regulatory Fee Payment Process. Broadcasters must use the FCC’s [Fee Filer system](#) to file their regulatory fees submission and remit payment of those regulatory fees. To [login to the Fee Filer system](#), you must use your FRN and password. Logging in will take you to the Fee Filer Main Menu, where you click on the “Regulatory Fees” link as shown below. Then, follow the instructions to make your regulatory fees submission and obtain payment instructions to complete the two-step regulatory fee filing process.





Please contact your communications counsel if you have questions regarding your station’s regulatory fees, and please remember to **file and submit your station’s fees prior to the deadline of 11:59 p.m. EDT, September 27, 2016.**

Revisions to Form One EAS Reports Due September 26; Form Two EAS Reports Due 11:59 p.m. ET September 28

As we have previously advised, the FCC and FEMA (the Federal Emergency Management Agency) have scheduled a nationwide test of the Emergency Alert System (“EAS”) for Wednesday, September 28, 2016. (The test is scheduled to occur at 2:20 p.m. Eastern Time.) In connection with the nationwide test, all broadcasters were required to file the Form One EAS report through the FCC’s ETRS (EAS Test Reporting System) by August 26. **Stations have until September 26 to make any corrections to, and re-file, their Form One reports.** Instructions for registering with the ETRS and submitting Form One have been previously distributed. Please contact your FCC counsel or the Association office immediately if your station has not yet filed its Form One EAS report or if your station needs assistance in revising its filed Form One report.

Stations must also remember that they will be required to file Form Two—which will contain limited “day of test” information about the nationwide test—by 11:59 p.m. Eastern Time on the day of the test. Although the FCC has not yet made Form Two available in ETRS, a screen shot of the report is displayed below.

News Tasks (2) **Records** Reports Actions  Name of Filer - Appian



Federal Communications Commission

Summary

News

Related Actions ▶

History

Form Two - Day of Test Reporting

Test Cycle MM/DD/YYYY National Test

Participant Information

Legal Name of EAS Participant
Broadcaster XYZ

FCC Registration Number (FRN)
123-456

EAS Participant Type
Other

EAS Message

Did the facility receive the EAS message? *

Yes No

Did the facility retransmit the EAS message? *

Yes No

Form Two requires stations to report whether they received and retransmitted the nationwide EAS test message. Form Two must be completed by 11:59 p.m. on September 28. Form Two’s “Participant Information” fields (which will be identical to those presented in Form One) will auto-populate using the data each station provides in Form One. (If your station has not yet filed Form One, you should file it immediately.) Form Two will ask broadcasters whether they received the nationwide EAS test message and whether they retransmitted the nationwide EAS test message. Form Two is intended to provide the FCC and FEMA only with a quick snapshot of the nationwide test. Form Three—which will be due 45 days after the nationwide test—is the report in which stations will describe any issues with receipt or retransmission of the nationwide test.

If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

Stephen Hartzell, Editor

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Schedule A

FY 2016 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	\$990	\$715	\$620	\$685	\$1,075	\$1,250
25,001 – 75,000	\$1,475	\$1,075	\$925	\$1,025	\$1,625	\$1,850
75,001 – 150,000	\$2,200	\$1,600	\$1,375	\$1,525	\$2,400	\$2,750
150,001 – 500,000	\$3,300	\$2,375	\$2,075	\$2,275	\$3,600	\$4,125
500,001 – 1,200,000	\$5,500	\$3,975	\$3,450	\$3,800	\$6,000	\$6,875
1,200,001 – 3,000,00	\$8,250	\$5,950	\$5,175	\$5,700	\$9,000	\$10,300
3,000,001 – 6,000,00	\$11,000	\$7,950	\$6,900	\$7,600	\$12,000	\$13,750
>6,000,000	\$13,750	\$9,950	\$8,625	\$9,500	\$15,000	\$17,175
AM Radio Construction Permits (All Markets) \$620						
FM Radio Construction Permits \$1,075						

FY 2015 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	\$775	\$645	\$590	\$670	\$750	\$925
25,001 – 75,000	\$1,550	\$1,300	\$900	\$1,000	\$1,500	\$1,625
75,001 – 150,000	\$2,325	\$1,625	\$1,200	\$1,675	\$2,050	\$3,000
150,001 – 500,000	\$3,475	\$2,750	\$1,800	\$2,025	\$3,175	\$3,925
500,001 – 1,200,000	\$5,025	\$4,225	\$3,000	\$3,375	\$5,050	\$5,775
1,200,001 – 3,000,000	\$7,750	\$6,500	\$4,500	\$5,400	\$8,250	\$9,250
>3,000,000	\$9,300	\$7,800	\$5,700	\$6,750	\$10,500	\$12,025
AM Radio Construction Permits (All Markets) \$590						
FM Radio Construction Permits \$750						

Schedule B

FULL POWER TELEVISION STATION REGULATORY FEES		
Digital TV (47 CFR part 73) VHF and UHF Commercial	FY 2015 Fees	FY 2016 Fees
Markets 1-10	\$46,825	\$60,675
Markets 11-25	\$43,200	\$45,675
Markets 26-50	\$27,625	\$30,525
Markets 51-100	\$16,275	\$15,200
Remaining Markets	\$4,850	\$5,000
Construction Permits	\$4,850	\$5,000
Satellite Television Stations (All Markets)	\$1,575	\$1,750

Schedule C

Other Regulatory Fees of Interest to Broadcasters

Fee Category	FY 2015	FY 2016
PLMRS (47 CFR part 90) (paid at time application for license is submitted)	\$30	\$25
Microwave (47 CFR part 101) (paid at time application for license is submitted)	\$20	\$25
Low Power TV, Class A TV, TV/FM Translators & Boosters	\$440	\$455
Earth Stations	\$310	\$345
Cable Television Systems, including IPTV (per subscriber)	\$0.96	\$1
Direct Broadcast Service (DBS) (per subscriber)	\$0.12	\$0.27