September 27, 2021

Legal Memorandum

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| *Deadlines:* | **[TODAY, September 27:](#_August_11,_2021:)** [FY 2021 FCC Regulatory Fee Payments Due!](#_August_11,_2021:)[**TODAY, September 27:** Deadline to File ETRS Form Three for National EAS Test](#_MONDAY,_September_27,)  |

# **DUE TODAY, MONDAY, September 27, by 11:59 PM ET:**

# FY 2021 FCC Regulatory Fee Payments

In a [Public Notice](https://docs.fcc.gov/public/attachments/DA-21-1201A1.pdf) released Friday, September 24, 2021, the FCC announced an extension of the due date for FY 2021 regulatory fee payments to **11:59 PM, ET, Monday September 27, 2021**.  As you’ll recall, prior to release of the Public Notice, the payment deadline had been Friday, September 24, 2021 (the date on which the extension was announced).

Late Friday, September 24, 2021, the FCC also [announced](https://protect-us.mimecast.com/s/k3TqC0RpB4tGBM7MI4m9-M?domain=docs.fcc.gov) the same extension (i.e., until 11:59 PM, ET, Monday, September 27) to the deadline for submitting requests for fee waivers, reductions, deferrals, or extended payment terms (i.e., installment payment requests) for financial hardship reasons related to the pandemic.  Such requests will be considered timely so long as they are submitted by the extended deadline—i.e., by 11:59 PM, ET, Monday, September 27, 2021.

As you prepare your 2021 regulatory fee payments, please keep the following information in mind:

* Broadcasters must pay the FY 2021 regulatory fees using the Commission’s automated filing and payment system, called Fee Filer, which is available at the following link: <https://www.fcc.gov/licensing-databases/fees/fee-filer>.
* Unless a regulatee files for and satisfies the extraordinary showing necessary to obtain a waiver or deferral of FY 2021 regulatory fees, the FCC will impose a late payment penalty of 25% of any unpaid amount of regulatory fees owed immediately following the 11:59 PM ET (September 27) deadline.  Timely payment is critical!
* All payments must be made by wire transfer, or online via ACH (Automated Clearing House) payment or credit card.  Other forms of payment, including checks, will be rejected.
* The maximum amount that can be charged on a credit card for transactions with federal agencies—including the FCC—is $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.  Thus, broadcasters who need to pay regulatory fees of an amount greater than $24,999.99 will need to use debit cards (Visa or MasterCard) or make payment by ACH or wire transfer.
* The FCC exempts regulated entities from paying regulatory fees when their total fee obligation is considered “*de minimis*.”  The FCC has currently set the *de minimis* threshold at $1,000 or less.

For more information, please contact your communications counsel or the Association Hotline.

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# **DUE TODAY, MONDAY, September 27:**

# ETRS Form Three for National EAS Test

Today, September 27, 2021, is the deadline by which all broadcasters must file the third and final report—called Form Three—associated with last month’s [nationwide test of the Emergency Alert System](https://docs.fcc.gov/public/attachments/DA-21-680A1.pdf) (“EAS”).

 Form Three is the report on which stations provide detailed post-test data and describe any issues with receipt or retransmission of the nationwide test. We heard of several issues associated with the test back on August 11, and it’s quite possible some broadcasters may have a good bit of information to share on Form Three regarding their difficulties with the nationwide test. Accurately and comprehensively completing Form Three is essential so that the FCC and FEMA can identify and correct problems with the EAS. To that end, reporting issues with receipt or retransmission of the test does not automatically mean that there has been an EAS rule violation; the nationwide tests are intended to ensure emergency alerting readiness and identify potential weaknesses in the system and are not designed to “trap” broadcasters with enforcement action.

Form Three (like Forms One and Two) must be filed using the FCC’s ETRS ([EAS Test Reporting System](https://www.fcc.gov/general/eas-test-reporting-system)). Again, it must be filed no later than TODAY, September 27.

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*Tim Nelson, Editor*

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This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

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