

---

## FY 2009 Annual Regulatory Fees' Current Payment Deadline: September 22, 2009

by Richard R. Zaragoza and Christine A. Reilly

---

*In its assessment letters to regulatees, the Commission has announced that full payment of all applicable Regulatory Fees for Fiscal Year 2009 must be received no later than September 22, 2009.*

---

On August 11, 2009, the final FY 2009 Annual Regulatory Fee Schedule was published in the Federal Register. Accordingly, the new fees are scheduled to become effective 30 days thereafter. As the date of this Advisory, the FCC has not released a Public Notice officially announcing the deadline for payment for FY 2009 annual regulatory fees. However, in assessment letters sent to regulatees earlier this month, the Commission stated: "Regulatory fee payments are due by September 22, 2009." Accordingly, unless for some reason the new fees do not become legally effective by that date, holders of FCC authorizations that are subject to annual regulatory fees must make their Fiscal Year 2009 payments by 11:59pm EDT, on September 22, 2009.

Regulatory fees are owed for most FCC authorizations held as of October 1, 2008. In the case of a sale of a station, the full amount must be paid by the new holder of the authorization as of September 22, 2009. Parties to such transactions should have made arrangements regarding the apportionment of the fees among themselves as part of their negotiations.

As mentioned, the Commission has mailed assessment notices to licensees/permittees reflecting the FCC's understanding of their required payment obligations. Those notices may not include all of the authorizations such to the fee and do not take into account any of your auxiliary licenses for which fees are also due. Accordingly, one should not assume that the notice is correct or complete. If a regulatee has not received a letter, that does not mean the regulatee is exempt from the payment of all applicable fees. It is each regulatee's responsibility to know what fees are due and to pay them in full by the deadline.

Annual regulatory fees are owed for most FCC authorizations held as of October 1, 2008 by any licensee or permittee which is not otherwise exempt from the payment of such fees. Licensees and permittees may review assessed fees using the FCC's Media Look-Up website—<http://www.fccfees.com>. Certain licensees and regulatees are exempt from payment of regulatory fees, including, but not limited to governmental and non-profit entities. Section 1.1162 of the FCC's rules provide additional guidance on annual regulatory fee

exemptions. 47 C.F.R. § 1.1162. Broadcast licensees that believe they qualify for an exemption may refer to the FCC's Media Look-Up website for instructions on submitting a Fee-Exempt Status Claim.

As previously reported, the FCC now requires all filers to electronically generate FCC Form 159-E. Consequently, all authorization holders subject to annual regulatory fees, regardless of their preferred method of payment (i.e. check, credit card, money order or wire transfer), must **prepare** an FCC Form 159 using the Commission's online FeeFiler system, found at <http://www.fcc.gov/fees/feefiler.html>. If an authorization holder prefers not to pay online, the holder must either (i) **mail** its full payment along with the completed **FCC Form 159-E** to: Federal Communications Commission, Regulatory Fees, P.O. Box 979084, St. Louis, Missouri 63197-9000, or (ii) send its full payment along with the completed FCC Form 159-E **by courier** to: Federal Communications Commission, Regulatory Fees, C/O U.S. Bank—Government Lockbox 979084, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, Missouri 63101.

The penalty for late or non-payment of the annual regulatory fee is 25% of the total amount owed and not paid. In addition, the Commission will refuse to process a licensee's/permittee's applications until full payment, including any applicable penalty, has been received. Lastly, failure to pay in full may also subject a regulatee to loss of its authorization(s).

---

For further information on the fees, including assistance in preparing and filing them with the Commission, please contact any of the lawyers in the Communications Practice Section.

Richard R. Zaragoza **(bio)**  
Washington, DC  
+1.202.663.8266  
richard.zaragoza@pillsburylaw.com

Christine A. Reilly **(bio)**  
Washington, DC  
+1.202.663.8245  
christine.reilly@pillsburylaw.com

This publication is issued periodically to keep Pillsbury Winthrop Shaw Pittman LLP clients and other interested parties informed of current legal developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice.

© 2009 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.