

terminated under section 159(b) of this title, shall be derived from fees authorized by section 159 of this title.

(June 19, 1934, ch. 652, title I, § 6, as added Pub. L. 97-35, title XII, § 1251(a), Aug. 13, 1981, 95 Stat. 738; amended Pub. L. 98-214, § 2(a), Dec. 8, 1983, 97 Stat. 1467; Pub. L. 99-272, title V, § 5002(a)(1), Apr. 7, 1986, 100 Stat. 117; Pub. L. 100-594, § 2(a), Nov. 3, 1988, 102 Stat. 3021; Pub. L. 101-396, § 2(a), Sept. 28, 1990, 104 Stat. 848; Pub. L. 103-66, title VI, § 6003(b), Aug. 10, 1993, 107 Stat. 401.)

AMENDMENTS

1993—Subsec. (d). Pub. L. 103-66 added subsec. (d).

1990—Pub. L. 101-396 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the administration of this chapter by the Commission \$107,250,000 for fiscal year 1988 and \$109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989.”

1988—Pub. L. 100-594 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the administration of this chapter by the Commission \$98,100,000 for fiscal year 1986 and \$97,600,000 for fiscal year 1987, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1986 and 1987.”

1986—Pub. L. 99-272 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the administration of this chapter by the Commission \$91,156,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1984 and 1985.”

1983—Pub. L. 98-214 substituted provisions authorizing appropriations of \$91,156,000 for each of the fiscal years 1984 and 1985 for provisions authorizing appropriations of \$76,900,000 for each of the fiscal years 1982 and 1983.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2(b) of Pub. L. 100-594 provided that: “The amendment made by subsection (a) of this section [amending this section] shall apply with respect to fiscal years beginning after September 30, 1987.”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 5002(a)(2) of Pub. L. 99-272 provided that: “The amendment made by paragraph (1) of this subsection [amending this section] shall apply with respect to fiscal years beginning after September 30, 1985.”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2(b) of Pub. L. 98-214 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning after September 30, 1983.”

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 104-104, title VII, § 710(a), (b), Feb. 8, 1996, 110 Stat. 160, provided that:

“(a) IN GENERAL.—In addition to any other sums authorized by law, there are authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out this Act [see Short Title of 1996 Amendment note set out under section 609 of this title] and the amendments made by this Act.

“(b) EFFECT ON FEES.—For the purposes of section 9(b)(2) (47 U.S.C. 159(b)(2)), additional amounts appropriated pursuant to subsection (a) shall be construed to be changes in the amounts appropriated for the performance of activities described in section 9(a) of the Communications Act of 1934 [47 U.S.C. 159(a)].”

§ 157. New technologies and services

(a) It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to be permitted under this chapter shall have the burden to demonstrate that such proposal is inconsistent with the public interest.

(b) The Commission shall determine whether any new technology or service proposed in a petition or application is in the public interest within one year after such petition or application is filed. If the Commission initiates its own proceeding for a new technology or service, such proceeding shall be completed within 12 months after it is initiated.

(June 19, 1934, ch. 652, title I, § 7, as added Pub. L. 98-214, § 12, Dec. 8, 1983, 97 Stat. 1471; amended Pub. L. 103-414, title III, § 304(a)(1), Oct. 25, 1994, 108 Stat. 4296.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-414 struck out “or twelve months after December 8, 1983, if later” after “petition or application is filed” and after “12 months after it is initiated”.

ADVANCED TELECOMMUNICATIONS INCENTIVES

Pub. L. 104-104, title VII, § 706, Feb. 8, 1996, 110 Stat. 153, as amended by Pub. L. 107-110, title X, § 1076(gg), Jan. 8, 2002, 115 Stat. 2093, provided that:

“(a) IN GENERAL.—The Commission and each State commission with regulatory jurisdiction over telecommunications services shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.

“(b) INQUIRY.—The Commission shall, within 30 months after the date of enactment of this Act [Feb. 8, 1996], and regularly thereafter, initiate a notice of inquiry concerning the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) and shall complete the inquiry within 180 days after its initiation. In the inquiry, the Commission shall determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. If the Commission’s determination is negative, it shall take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.

“(c) DEFINITIONS.—For purposes of this subsection:

“(1) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term ‘advanced telecommunications capability’ is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.

“(2) ELEMENTARY AND SECONDARY SCHOOLS.—The term ‘elementary and secondary schools’ means elementary and secondary schools, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801].”

§ 158. Application fees

(a) Assessment and collection

The Commission shall assess and collect application fees at such rates as the Commission shall establish or at such modified rates as it shall establish pursuant to the provisions of subsection (b) of this section.

(b) Review and adjustment of Schedule by Commission; notification to Congress; judicial review

(1) The Schedule of Application Fees established under this section shall be reviewed by the Commission every two years after October 1, 1991, and adjusted by the Commission to reflect changes in the Consumer Price Index. Increases or decreases in application fees shall apply to all categories of application fees, except that individual fees shall not be adjusted until the increase or decrease, as determined by the net change in the Consumer Price Index since April 7, 1986, amounts to at least \$5.00 in the case of fees under \$100.00, or 5 percent in the case of fees of \$100.00 or more. All fees which require adjustment will be rounded upward to the next \$5.00 increment. The Commission shall transmit to the Congress notification of any such adjustment not later than 90 days before the effective date of such adjustment.

(2) Increases or decreases in application fees made pursuant to this subsection shall not be subject to judicial review.

(c) Additional application fee; assessment as penalty; amount; dismissal of application or other filing

(1) The Commission shall prescribe by regulation an additional application fee which shall be assessed as a penalty for late payment of application fees required by subsection (a) of this section. Such penalty shall be 25 percent of the amount of the application fee which was not paid in a timely manner.

(2) The Commission may dismiss any application or other filing for failure to pay in a timely manner any application fee or penalty under this section.

(d) Inapplicability of application fees to certain radio services; waiver or deferment of payment

(1) The application fees established under this section shall not be applicable (A) to governmental entities and nonprofit entities licensed in the following radio services: Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, and Special Emergency Radio, or (B) to governmental entities licensed in other services.

(2) The Commission may waive or defer payment of an charge¹ in any specific instance for good cause shown, where such action would promote the public interest.

¹ So in original. Probably should be “an application fee”.

(e) Deposit of moneys in general fund; reimbursement of United States for administration of chapter

Moneys received from application fees established under this section shall be deposited in the general fund of the Treasury to reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions under this chapter.

(f) Rules and regulations

The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

(g) Schedule of Application Fees

Until modified pursuant to subsection (b) of this section, the Schedule of Application Fees which the Federal Communications Commission shall prescribe pursuant to subsection (a) of this section shall be as follows:

SCHEDULE OF APPLICATION FEES	
Service	Fee amount
PRIVATE RADIO SERVICES	
1. Marine Coast Stations	
a. New License (per station)	\$70.00
b. Modification of License (per station)	70.00
c. Renewal of License (per station)	70.00
d. Special Temporary Authority (Initial, Modifications, Extensions)	100.00
e. Assignments (per station)	70.00
f. Transfers of Control (per station)	35.00
g. Request for Waiver	
(i) Routine (per request)	105.00
(ii) Non-Routine (per rule section/per station)	105.00
2. Ship Stations	
a. New License (per application)	35.00
b. Modification of License (per application)	35.00
c. Renewal of License (per application)	35.00
d. Request for Waiver	
(i) Routine (per request)	105.00
(ii) Non-Routine (per rule section/per station)	105.00
3. Operational Fixed Microwave Stations	
a. New License (per station)	155.00
b. Modification of License (per station)	155.00
c. Renewal of License (per station)	155.00
d. Special Temporary Authority (Initial, Modifications, Extensions)	35.00
e. Assignments (per station)	155.00
f. Transfers of Control (per station)	35.00
g. Request for Waiver	
(i) Routine (per request)	105.00
(ii) Non-Routine (per rule section/per station)	105.00
4. Aviation (Ground Stations)	
a. New License (per station)	70.00
b. Modification of License (per station)	70.00
c. Renewal of License (per station)	70.00
d. Special Temporary Authority (Initial, Modifications, Extensions)	100.00
e. Assignments (per station)	70.00
f. Transfers of Control (per station)	35.00
g. Request for Waiver	
(i) Routine (per request)	105.00
(ii) Non-Routine (per rule section/per station)	105.00
5. Aircraft Stations	
a. New License (per application)	35.00
b. Modification of License (per application)	35.00
c. Renewal of License (per application)	35.00
d. Request for Waiver	