

“(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	

(iv) Fill In License (all carriers)	60.00	g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (per request)	70.00
f. Renewal	35.00		
g. Extension of Time to Complete Construction	35.00	7. Multipoint Distribution Service (including multichannel MDS)	
h. Special Temporary Authority (per system)	200.00	a. Conditional License (per station)	155.00
i. Combining Cellular Geographic Service Areas (per system)	50.00	b. Major Modification of Conditional License or License Authorization (per station)	155.00
4. Rural Radio (includes Central Office, Interoffice, or Relay Facilities)		c. Certification of Completion of Construction (per channel)	455.00
a. New or Additional Facility (per transmitter)	105.00	d. Renewal (per licensed station)	155.00
b. Major Modification (per transmitter)	105.00	e. Assignment or Transfer	
c. Major Amendment to Pending Application (per transmitter)	105.00	(i) First Station on Application	55.00
d. Minor Modification (per transmitter)	35.00	(ii) Each Additional Station	35.00
e. Assignments or Transfers		f. Extension of Construction Authorization (per station)	110.00
(i) First Call Sign on Application	105.00	g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (per request)	70.00
(ii) Each Additional Call Sign	35.00	8. Digital Electronic Message Service	
(iii) Partial Assignment (per call sign)	105.00	a. Conditional License (per nodal station)	155.00
f. Renewal (per call sign)	35.00	b. Modification of Conditional License or License Authorization (per nodal station)	155.00
g. Extension of Time to Complete Construction (per application)	35.00	c. Certification of Completion of Construction (per nodal station)	155.00
h. Notice of Completion of Construction (per application)	35.00	d. Renewal (per licensed nodal station)	155.00
i. Special Temporary Authority (per frequency/per location)	200.00	e. Assignment or Transfer	
j. Reinstatement (per application)	35.00	(i) First Station on Application	55.00
k. Combining Call Signs (per call sign)	200.00	(ii) Each Additional Station	35.00
l. Auxiliary Test Station (per transmitter)	200.00	f. Extension of Construction Authorization (per station)	55.00
m. Standby Transmitter (per transmitter/per location)	200.00	g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (per request)	70.00
5. Offshore Radio Service (Mobile, Subscriber, and Central Stations; fees would also apply to any expansion of this service into coastal waters other than the Gulf of Mexico)		9. International Fixed Public Radio (Public and Control Stations)	
a. New or Additional Facility (per transmitter)	105.00	a. Initial Construction Permit (per station)	510.00
b. Major Modifications (per transmitter)	105.00	b. Assignment or Transfer (per application)	510.00
c. Fill In Transmitters (per transmitter)	105.00	c. Renewal (per license)	370.00
d. Major Amendment to Pending Application (per transmitter)	105.00	d. Modification (per station)	370.00
e. Minor Modification (per transmitter)	35.00	e. Extension of Construction Authorization (per station)	185.00
f. Assignment or Transfer		f. Special Temporary Authority or Request for Waiver (per request)	185.00
(i) Each Additional Call Sign	35.00	10. Fixed Satellite Transmit/Receive Earth Stations	
(ii) Partial Assignment (per call sign)	105.00	a. Initial Application (per station)	1,525.00
g. Renewal (per call sign)	35.00	b. Modification of License (per station)	105.00
h. Extension of Time to Complete Construction (per application)	35.00	c. Assignment or Transfer	
i. Reinstatement (per application)	35.00	(i) First Station on Application	300.00
j. Notice of Completion of Construction (per application)	35.00	(ii) Each Additional Station	100.00
k. Special Temporary Authority (per frequency/per location)	200.00	d. Developmental Station (per station)	1,000.00
l. Combining Call Signs (per call sign)	200.00	e. Renewal of License (per station)	105.00
m. Auxiliary Test Station (per transmitter)	200.00	f. Special Temporary Authority or Waivers of Prior Construction Authorization (per request)	105.00
n. Standby Transmitter (per transmitter/per location)	200.00	g. Amendment of Application (per station)	105.00
6. Point-to-Point Microwave and Local Television Radio Service		h. Extension of Construction Permit (per station)	105.00
a. Conditional License (per station)	155.00	11. Small Transmit/Receive Earth Stations (2 meters or less and operating in the 4/6 GHz frequency band)	
b. Major Modification of Conditional License or License Authorization (per station)	155.00	a. Lead Application	3,380.00
c. Certification of Completion of Construction (per station)	155.00	b. Routine Application (per station)	35.00
d. Renewal (per licensed station)	155.00	c. Modification of License (per station)	105.00
e. Assignment or Transfer		d. Assignment or Transfer	
(i) First Station on Application	55.00	(i) First Station on Application	300.00
(ii) Each Additional Station	35.00	(ii) Each Additional Station	35.00
f. Extension of Construction Authorization (per station)	55.00	e. Developmental Station (per station)	1,000.00
		f. Renewal of License (per station)	105.00

Dec. 19, 1989, 103 Stat. 2124, 2131; Pub. L. 102-538, title II, § 209, Oct. 27, 1992, 106 Stat. 3544; Pub. L. 103-66, title VI, § 6003(a)(2), Aug. 10, 1993, 107 Stat. 401; Pub. L. 103-414, title III, §§ 302, 303(a)(3), (4), Oct. 25, 1994, 108 Stat. 4294.)

REFERENCES IN TEXT

Parts II and III of title III of the Communications Act, referred to in subsec. (g), mean parts II and III of title III of the Communications Act of 1934 which are classified to parts II (§ 351 et seq.) and III (§ 381 et seq.), respectively, of subchapter III of this chapter.

AMENDMENTS

1994—Subsec. (d)(2). Pub. L. 103-414, § 303(a)(3), substituted “payment of an” for “payment of a”.

Subsec. (g). Pub. L. 103-414, § 303(a)(4), substituted “Additional Application Fee” for “Additional Charge” in item 7.f. under heading “EQUIPMENT APPROVAL SERVICES/EXPERIMENTAL RADIO” in Schedule of Application Fees.

Pub. L. 103-414, § 302, added item 1.d. under heading “COMMON CARRIER SERVICES” in Schedule of Application Fees.

1993—Pub. L. 103-66, § 6003(a)(2)(A), substituted “Application fees” for “Charges” as section catchline.

Subsecs. (a) to (e). Pub. L. 103-66, § 6003(a)(2)(B)-(D), substituted “application fees” for “charges” and “Schedule of Application Fees” for “Schedule of Charges” wherever appearing, and substituted “application fee” for “charge” in subsec. (c).

Subsec. (g). Pub. L. 103-66, § 6003(a)(2)(D), in text substituted “Schedule of Application Fees” for “Schedule of Charges”.

Pub. L. 103-66, § 6003(a)(2)(E), which directed amendment of schedule by substituting “SCHEDULE OF APPLICATION FEES” for “SCHEDULE OF CHARGES”, “APPLICATION FEES” for “CHARGES”, “application fee” for “charge”, and “Application fees” for “Charges” was executed by substituting “SCHEDULE OF APPLICATION FEES” for “SCHEDULE OF CHARGES” in heading, “MISCELLANEOUS APPLICATION FEES” for “MISCELLANEOUS CHARGES” in last subheading, and “application fee” for “charge” in two places in text of schedule, to reflect probable intent of Congress.

1992—Subsec. (g). Pub. L. 102-538 in Schedule of Charges added twenty-second category, relating to Low-Earth Orbit Satellite Systems, under heading “COMMON CARRIER SERVICES”, and substituted “75.00” for “360.00” in item 3.c., relating to inspection of vessels under the Great Lakes Agreement, under heading “MISCELLANEOUS CHARGES”.

1989—Subsec. (a). Pub. L. 101-239, § 3001(b)(1), struck out at end “The Schedule of Charges established under this subsection shall be implemented not later than 360 days after April 7, 1986.”

Subsec. (b)(1). Pub. L. 101-239, § 3001(b)(2), substituted “October 1, 1991” for “April 1, 1987”.

Subsec. (d)(1). Pub. L. 101-239, § 3001(b)(3), substituted “(A) to governmental entities and nonprofit entities licensed in the following radio services:” for “to the following radio services:” and inserted “(B)” after “Emergency Radio, or”.

Subsec. (g). Pub. L. 101-239, § 3001(a), added subsec. (g).

1988—Subsec. (b)(1). Pub. L. 100-594 substituted “two years after April 1, 1987,” for “two years after April 7, 1986.”.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 3001(c) of Pub. L. 101-239 provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Dec. 19, 1989], and the Schedule of Charges required by the amendment made by subsection (a) of this section shall be implemented not later than 150 days after the date of enactment of this Act.”

SCHEDULE OF CHARGES

Section 5002(f) of Pub. L. 99-272 established the Schedule of Charges which the Federal Communications

Commission is required to prescribe pursuant to subsec. (a) of this section. See subsec. (g) of this section as added by Pub. L. 101-239.

§ 159. Regulatory fees

(a) General authority

(1) Recovery of costs

The Commission, in accordance with this section, shall assess and collect regulatory fees to recover the costs of the following regulatory activities of the Commission: enforcement activities, policy and rulemaking activities, user information services, and international activities.

(2) Fees contingent on appropriations

The fees described in paragraph (1) of this subsection shall be collected only if, and only in the total amounts, required in Appropriations Acts.

(b) Establishment and adjustment of regulatory fees

(1) In general

The fees assessed under subsection (a) of this section shall—

(A) be derived by determining the full-time equivalent number of employees performing the activities described in subsection (a) of this section within the Private Radio Bureau, Mass Media Bureau, Common Carrier Bureau, and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission’s activities, including such factors as service area coverage, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest;

(B) be established at amounts that will result in collection, during each fiscal year, of an amount that can reasonably be expected to equal the amount appropriated for such fiscal year for the performance of the activities described in subsection (a) of this section; and

(C) until adjusted or amended by the Commission pursuant to paragraph (2) or (3), be the fees established by the Schedule of Regulatory Fees in subsection (g) of this section.

(2) Mandatory adjustment of schedule

For any fiscal year after fiscal year 1994, the Commission shall, by rule, revise the Schedule of Regulatory Fees by proportionate increases or decreases to reflect, in accordance with paragraph (1)(B), changes in the amount appropriated for the performance of the activities described in subsection (a) of this section for such fiscal year. Such proportionate increases or decreases shall—

(A) be adjusted to reflect, within the overall amounts described in appropriations Acts under the authority of paragraph (1)(A), unexpected increases or decreases in the number of licensees or units subject to payment of such fees; and

(B) be established at amounts that will result in collection of an aggregate amount of fees pursuant to this section that can rea-