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## UPDATE September 5, 2018

### **FCC Sets Fiscal Year 2018 Regulatory Fees**

#### **Regulatory Fee Payments Due by 11:59 PM EDT on September 25, 2108**

On August 29, 2018, the FCC released an [Order](#) establishing its Fiscal Year 2018 regulatory fees, and announced that regulatory fee payments must be made no later than 11:59 p.m., EDT, on September 25, 2018.

All licensees must use the [Fee Filer System](#), and review, create, update, or change the fees owed. Then, each licensee must choose a payment method – online payment with a credit or debit card, online payment from a bank account, or sending a wire transfer.

**Fee amounts.** The FCC has set the following regulatory fees:

- **2018 Cable/IPTV regulatory fee:** Cable systems (including IPTV systems) that had subscribers as of December 31, 2017 must pay \$0.77 per subscriber, an \$0.18 decrease from 2017.
  - **DBS regulatory fee:** In 2015, the FCC made DBS a sub-category of the Cable/IPTV fee category and adopted an initial regulatory fee of \$0.12 per subscriber. The FCC increased the DBS fee to \$0.27 per subscriber in 2016, to \$0.38 per subscriber for 2017 and has now increased the fee to \$0.48 per subscriber in 2018.
- **CARS licenses and permits:** CARS facilities operating on October 1, 2017 must pay \$1,075, a \$140 increase from 2017, even if the facility's license expired after October 1, 2017.
- **Interconnected VoIP regulatory fee:** \$0.00291 for each dollar of interstate and international telecommunications revenue that a provider reports on its Form 499-A.

***De minimis exemption.*** Entities whose total regulatory fee liability, including all categories of fees for which payment is due, is \$1,000 or less are exempt from payment. Municipal providers and providers that qualify as non-profit entities are also exempt from regulatory fees.

If you have any questions about the payment of FY 2018 regulatory fees, please contact Scott Friedman at (314) 462-9000 or [friedman@cinnamonmueller.com](mailto:friedman@cinnamonmueller.com).

## **FCC Reminds Video Programming Distributors of Televised Emergency Information Accessibility Obligations**

### **Distributors Must Make Televised Emergency Information Accessible to Persons Who Are Deaf, Hard of Hearing, Blind or Visually Impaired**

On August 30, 2018, the FCC released a [Public Notice](#) reminding video programming distributors (“VPDs”), including cable operators and other distributors of video programming, of their obligation to make televised emergency information accessible, as required by FCC rules, to persons who are deaf, hard of hearing, blind or visually impaired. The Public Notice also contains a consumer’s guide to filing complaints.

**Background.** Under FCC rules, VPDs must make emergency information such as critical details or information regarding current emergencies, including how to respond to the emergency, accessible. Examples of emergencies include natural disasters, severe weather watches and warnings, widespread power outages, industrial explosions, civil disruptions, and school closings.

**Blind or Visually Impaired Accessibility.** VPDs must make all emergency information provided in the video portion of a regularly scheduled or interrupting newscast accessible to individuals who are blind or visually impaired by aurally describing the emergency information in the main audio portion of the programming. If emergency information is conveyed visually during programming other than newscasts, such as crawling or scrolling text, the VPD must also provide an aural tone and immediately thereafter convey the emergency information aurally through a secondary audio stream. The aural tone will alert customers who are blind or visually impaired to switch to the secondary audio stream to hear the information, which VPDs must convey on the secondary audio stream in full, at least twice.

MVPDs must also pass through the secondary audio stream containing emergency information when it is provided on linear programming accessed on a second screen, such as smartphones, tablets and laptops, over their networks as part of their MVPD services.

Earlier this year, the FCC’s Media Bureau released an [Order](#) permanently waiving these emergency information rules for analog-only cable systems that lack the equipment needed to pass through a secondary audio stream. This permanent waiver is conditioned upon the operator providing certain notice in accessible form to all current and potential clients.

**Deaf or Hard of Hearing Accessibility.** VPDs must make all emergency information provided in the audio portion of programming accessible using closed captioning or other methods of visual representation, including open captioning, crawls or scrolls on screen. Information provided by these means may not block or obstruct any closed captioning, and closed captioning may not block or obstruct any emergency information provided by visual means. As with VPDs’ general closed captioning obligations, emergency information must also be passed through from the original source to subscribers.

**Individuals with Cognitive Disabilities.** Although not required by FCC rules, the Public Notice encourages VPDs to make emergency information more accessible to individuals with cognitive disabilities, through practices such as providing content in plain and understandable English, including easy-to-understand instructions for emergency responses, providing content through multiple means, and avoiding scrolling information unrelated to the emergency during the broadcast of emergency information.

Consumer Complaints and Enforcement. According to the Public Notice, the FCC will continue to monitor complaints alleging violations of these rules for possible enforcement action. Consumers may contact their VPD directly or file a complaint with the FCC.

If you have further questions, please contact Bruce Beard at (314) 394-1535 or [bbeard@cinnamonmueller.com](mailto:bbeard@cinnamonmueller.com).

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