

UPDATE May 21, 2019

FCC Proposes FY 2019 Cable Regulatory Fees

On May 8, 2019, the FCC released a [Notice of Proposed Rulemaking](#) seeking comment on its proposed regulatory fees for fiscal year 2019. Congress requires the FCC to annually collect regulatory fees to cover its operational costs, and the FCC sets the fees by calculating the proportion of the total number of FCC employees needed to regulate a particular service.

In the NPRM, the FCC seeks comment on a number of proposed changes to its allocation of employees and fee structures, including whether to further raise the DBS regulatory fee rate to \$0.60 per subscriber per year and whether to raise its *de minimis* exemption from its current \$1,000 threshold.

Comments are due June 7, 2019. Reply Comments are due June 24, 2019.

Proposed Regulatory Fees. The FCC has proposed the following regulatory fees:

- **2019 Cable/IPTV regulatory fee:** The FCC has proposed that cable systems (including IPTV systems) that had subscribers as of December 31, 2017 pay \$0.86 per subscriber, a \$0.09 increase from 2018.
 - **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, \$0.38 per subscriber in 2017, \$0.48 per subscriber in 2018, and has proposed a \$0.60 per subscriber fee for 2019.
- **CARS licenses and permits:** The FCC has proposed that CARS facilities operating on October 1, 2018 pay \$1,225.00, even if the facility's license expired after October 1, 2018.
- **Interconnected VoIP regulatory fee:** The FCC proposes an ITSP fee of \$0.00319 for each dollar of interstate and international telecommunications revenue that a provider reports on its Form 499-A.

Filing Procedures and Window. Following adoption of its FY 2019 Fee Order (likely in August 2019), the FCC will collect these fees during a subsequent filing window (likely in September 2019). All licensees must use their FRN and password to access the [Fee Filer System](#), and review, create, update, or change the fees owed. Then, each licensee must make payments electronically – online payment with a credit card, online payment from a bank account, or by sending a wire transfer. Fee Filer will print a Form 159-E for users to transmit via fax for wire transfers.

If you have any questions about regulatory fee payments, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

FINAL REMINDER: Earth Station Owner Certifications Due by May 28, 2019

On April 11, 2019, the FCC released a [Public Notice](#) announcing that earth station licensees and registrants must submit certain information to the FCC by May 28, 2019. The FCC seeks information regarding earth station and satellite licensees (and registrants) current use of the 3.7-4.2 GHz band (also known as the “C-Band”). This information collection requirement stems from the FCC’s July 13, 2018 [Order and NPRM](#) proposing potential opportunities for additional terrestrial uses in the C-Band.

Operators of fixed-satellite service (“FSS”) earth stations in the C-Band that are licensed or registered **must certify the accuracy of all information on their licenses or registrations** as reflected in the FCC’s [International Bureau Filing System](#) (“IBFS”). This includes cable operators who have registered receive-only earth stations, with one exemption. Certification is **not required** for new or modified registrations filed during the recent C-Band filing window from April 19, 2018 to October 31, 2018.

All required information must be submitted electronically via IBFS using the “Pleadings and Comments” link. FSS earth station licensees and registrants must file certifications as a pleading type “C- band certification” for each call sign. Each certification must include the relevant call sign(s), file numbers, and applicant or registrant name, along with the following signed statement: “The undersigned, individually and for the applicant, licensee, or registrant, hereby certifies that all information reflected in his or her licenses or registrations in IBFS, including any attached exhibits, are true, complete and correct to the best of his or her knowledge and belief, and have been made in good faith.” The statement must be signed by an authorized representative.

Note: The Public Notice also emphasizes that all earth station operators, including those exempt from the certification filing requirement, are required to update their information in IBFS in the event of a change in contact information or any of the operational parameters.

If you have any questions about this filing requirement or earth stations in general, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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