

UPDATE

September 9, 2020

FCC Regulatory Fee Payments Due by 11:59 PM EDT on September 25, 2020

On August 31, 2020, the FCC released an [Order](#) establishing its Fiscal Year 2020 regulatory fees, and [announced](#) that regulatory fee payments must be made no later than 11:59 p.m., EDT, on September 25, 2020.

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.

Due to the COVID-19 pandemic, the FCC has streamlined its procedures for requests for relief due to financial hardship. However, the standard an applicant must meet to obtain a waiver remains the same.

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

- **2020 Cable/IPTV regulatory fee:** Cable systems (including IPTV systems) that had subscribers as of December 31, 2019 must pay \$0.89 per subscriber, a \$0.03 increase from 2019.
- **CARS licenses and permits:** CARS facilities operating on October 1, 2019 must pay \$1,300, a \$75 increase from 2019, even if the facility's license expired after October 1, 2019.
- **Interconnected VoIP regulatory fee:** \$0.00321 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 2020 regulatory fees, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

FCC Enters Into Consent Decree to Resolve Tower Lighting Violations

Antenna Structure Owners Are Reminded to Register and Maintain Structures

On September 3, 2020, the FCC's Enforcement Bureau entered into a [Consent Decree](#) with a tower owner in Pennsylvania to resolve potential violations of the FCC's antenna structure lighting rules. Specifically, FCC agents found that the tower owner failed to properly light two antenna structures, failed to notify the FAA of lightning extinguishments, and failed to clean or repaint the structures as often as necessary to maintain good visibility.

To resolve this matter, the tower owner must correct the failures, pay a \$1,900 civil penalty and enter into a compliance plan.

ASR Rules. Under the FCC's antenna structure rules, any proposed or existing antenna structure that requires notice of proposed construction to the FAA must be registered with the FCC. In general, this obligation applies to towers exceeding 200 feet in height. Some shorter towers may also require registration due to the tower's location (e.g., proximity to an airport runway).

Registering a tower is a two-step process. Antenna structure owners must first file a form with the FAA, and receive a determination from that agency that the structure will not pose a hazard to air navigation (the FAA will also provide marking and lighting requirements). Next, the antenna structure owner must submit to the FCC the FAA's "no hazard" determination and FCC Form 854.

If the application is accepted, the FCC will incorporate the FAA's "no hazard" determination, along with any FAA marking or lighting specifications, and will assign the structure a registration number. Once an antenna structure is registered, owners must comply with various requirements, including monitoring and periodically inspecting tower lighting systems, reporting lighting outages to the FAA immediately, and repairing outages "as soon as practicable."

Cable operators with registered towers should ensure that their towers are painted and lighted in accordance with FCC registrations.

If you have any questions about the FCC's antenna structure rules, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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