



**August 2008**

## **2008 Reg Fees Adopted** **Payments due by September 25**

The FCC has adopted the schedule for 2008 regulatory fees. The deadline for payment is technically not until September 25, but fees *can* be paid *now*, so you can get the item crossed off your to-do list right away, if you want.

While the schedule as originally proposed last Spring included a number of increases over the 2007 fees (*see* the article in the May, 2008 *Memo to Clients*), the schedule as adopted ups the ante still more in a number of instances. VHF TV licenses in the Top 10 markets went from \$69,400 to \$71,050, and in Markets 11-20 they went from \$50,850 to \$53,525; on the other hand, the fee in Markets 26-50 dropped modestly, from a proposed \$34,900 to \$33,525. On the UHF side, the prices tended to drop, if only slightly: Markets 1-10 fell from \$21,450 to \$21,225; Markets 11-25 went from \$20,475 to \$19,475, and Markets 51-100 dropped from \$6,850 to \$6,800. Bucking the trend, UHF TVs in Markets 26-50 went up, from \$11,575 to \$11,900. (UHF CP's also dipped from the proposed \$1,875 to \$1,800.)

In adopting this year's reg fees, the FCC also issued a Notice of Proposed Rulemaking in which it proposes to tweak a number of aspects of the process by which it calculates reg fees for all services (*i.e.*, not just broadcast-related fees). In the NPRM, the Commission observed that, even though, as part of the DTV transition, a number of full-service TV stations are operating digital stations, their reg fees are based *only* on their analog facilities. According to the Commission, the only reg fee obligation stems from analog operation, so that a licensee that has "fully transitioned to digital broadcasting and has surrendered its analog spectrum currently has no regulatory fee obligation."

Don't worry – that loophole is probably not long for this world. In the NPRM, the Commission specifically seeks comment on whether it should clarify that reg fees are required for both analog and digital licenses. While it appears that the FCC intends to collect reg fees from digital-only operations in the post-Transition universe, the Commission makes clear that it does *not* intend to double-dip by charging such fees for both analog *and* digital licenses when a licensee is in the process of transitioning.

Late-filed fees still trigger a 25% late fee, so it would be prudent to get this taken care of sooner rather than later. (The FCC's on-line Fee Filer system – at

<http://www.fcc.gov/fees/feefiler.html> – provides a convenient way to pay. If you would like any help in navigating the Fee Filer system, let us know.)

One final observation – as reported in the article on Page 2 of this issue, the FCC’s Red Light rule is still alive and kicking, and can wreak havoc on non-payers. That’s just one more good reason to make sure that you get your reg fees paid on time.