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Assessment and Collection of Fiscal Year 2008 Regulatory Fees

by Richard R. Zaragoza and Paul A. Cicelski

The Commission has announced that full payment of all applicable Regulatory Fees for Fiscal Year 2008 must be received no later than September 25, 2008.

On August 26, 2008 the Federal Communications Commission officially announced (i) its annual regulatory fees for Fiscal Year 2008 by publishing them in the Federal Register and (ii) set the deadline for payment of those fees which is as of September 25, 2008. Licensees and permittees subject to annual regulatory fees must make their Fiscal Year 2008 payments on or before 11:59 PM, EDT, on September 25, 2008.

Regulatory fees are owed for any FCC authorizations held as of October 1, 2007. In the case of a sale of a station, the full amount must be paid by the new holder of the authorization as of September 25, 2008. Parties to such transactions should have made any alternate arrangements regarding the apportionment payment of the fees among themselves as part of their negotiations.

This year the Commission mailed assessment notices to licensees/permittees reflecting the FCC's understanding of their required payment obligations. Those notices may not include all of your stations and do not take into account any of your auxiliary licenses for which fees are also due. Accordingly, you should not assume that the notice is correct or complete. If you did not receive an assessment or require assistance regarding the filing of your 2008 fees, please contact any attorney in the firm's Communications Group.

The Commission strongly encourages parties to utilize the FCC's online payment system, FeeFiler, found at <http://www.fcc.gov/fees/feefiler.html>. If you prefer not to pay online, you can mail your payment and a completed Remittance Advice Form (FCC Form 159) to: FCC Regulatory Fees, P.O. Box 979084, St. Louis, Missouri 63197-9700, or send your payment and completed Remittance Advice Form by courier to: U.S. Bank, Government Lock Box 979084, 1005 Convention Plaza, St. Louis, Missouri 63101.

It is important for licensees/permittees to understand that late-payment or non-payment of regulatory fees will result in a collection action (with a 25% penalty) by the FCC. In addition, the Commission will refuse to process a licensee's/permittee's applications until full payment, with any applicable penalty, has been received.

For more information on the fees, including assistance in preparing and filing them with the Commission, please contact any of the lawyers in the Communications Practice Section.

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