

## Regulatory Fees Due September 30

The FCC has set the Regulatory Fees for Fiscal Year 2022, ending September 30, 2022, in *Report and Order and Notice of Inquiry* (FCC 22-68) in Dockets 22-223 and 22-301. The Commission is required by statute to collect these fees from the entities that it regulates every year to offset the cost of operating the agency. The total amount to be collected this year is \$381,950,000.

The deadline to submit these fees is 11:59 PM EDT on September 30. The Commission has extended that deadline which was originally set for 11:59 PM EDT on September 28. Fees must be paid online through the FCC's CORES website. Payments will be subject to a 25 percent late fee. The Commission may also suspend the processing of applications for entities with past-due balances. Payers seeking waivers, reductions or deferrals should refer to the story on those topics elsewhere in this issue.

The FCC calculates the amount of the fee to be paid by each regulated entity by estimating the cost in personnel time spent on servicing and regulating that entity. Staff time is measured in "full time equivalents" (or "FTEs") and allocated among the agency's four core bureaus as direct FTEs. The four core bureaus are Media, International, Wireless Telecommunications, and Wireline Competition. For this fiscal year, there are 329 direct FTEs in the Commission among these four bureaus. The percentage of the total direct FTEs needed for each bureau to function was found to be 36.1 percent for Media, 8.56 percent for International, 21.4 percent for Wireless

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## Full Compliance Now Required for Foreign Sponsorship ID Rule

New requirements for broadcast stations to ascertain whether programming in leased airtime is provided or sponsored by a foreign government or the agent of a foreign government, and to disclose such sponsorship to the audience, came into effect on March 15. Airtime leases that were entered into after that date were subject

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## FCC Offers Limited Regulatory Fee Relief Measures

Regulatory fees are generally due for payment by 11:59 PM EDT on September 30. However, there are limited means for obtaining relief from the burden of paying fees that an entity cannot afford. Due to the ongoing economic effects of the pandemic, the Commission has extended the temporary COVID-19 relief measures it adopted for the FY 2020 and FY 2021 fees. The Commission may waive, reduce, or defer payment of a regulatory fee in the specific case where the regulatee demonstrates good cause for the relief and that the relief would promote the public interest. Relief can be granted only for regulatees "unambiguously articulating 'extraordinary circumstances' outweighing the public interest in recouping the cost of the Commission's regulatory activities."

A request for a waiver or reduction of a regulatory fee based on financial hardship must be filed on or before September 30 and be accompanied by (1) a full payment

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# Journalism Boosted by Congress

The Senate Judiciary Committee recently passed the Journalism Competition and Preservation Act. This bill allows news content creators, including broadcasters, to jointly negotiate with social media giants for the rights to the creators' content without exposure to the restrictions of antitrust law. The bill must pass the full Senate and House of Representatives and be signed by the President before becoming law. Under the current version of the legislation, digital journalism providers with fewer than 1,500 exclusive full-time employees, including non-network news broadcasters, would be permitted to form a joint negotiating

entity to collectively negotiate with a covered platform for the platform's access to the participating entities' digital news content. A covered platform is an online platform with at least 50 million U.S.-based users that is owned or controlled by an individual or entity with a market capitalization greater than \$550 billion or not fewer than one billion worldwide monthly active users. The bill would also prohibit a covered platform from discriminating against a joint negotiating entity based on the size of the entity or the views expressed in the entity's content. The provisions of the bill would sunset within six years of enactment, absent action by the Congress.

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## Regulatory Fees Due September 30

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Telecommunications, and 33.94 percent for Wireline Competition. The 943 FTEs employed in all other bureaus and offices of the Commission were labeled as indirect FTEs, and allocated proportionately to each of the core bureaus.

Broadcast interests argued in comments in this proceeding that their share of the total amount to be collected was too high. They suggested that some of the indirect FTEs do not benefit them and that they should not be charged for them. They also said that FTEs in the Media Bureau devoted to broadband services should not be charged to media entities. The Commission responded that indirect FTEs indirectly benefit everyone and must be covered. The FCC also said it had given broadcasters a one-time discount in 2021 to compensate for regulatory fees associated with implementing the Broadband DATA Act.

The tables at the end of this article show regulatory fees imposed this year for most of the authorizations of interest to broadcasters. The actual 2022 fees are compared to the fees that had been proposed for this year and the fees that were imposed for FY 2021. The fees for full service television stations are based entirely upon the population within the station's

projected noise-limited service contour as shown in the FCC's *TVStudy* database. The population figure is multiplied by \$0.008430 to calculate the amount of the regulatory fee for the station. Each station has its own specific fee. The amount of the fee for each television station is shown online at <http://www.fcc.gov/licensing-databases/fees/regulatory-fees>.

If an entity's total aggregated fee is less than \$1,000, it is considered de minimis, and the entity is exempt from the obligation to pay. Nonprofit and government entities are also exempt.

In the *Notice of Inquiry* portion of the release, the Commission requests comment on the broad question of whether restructuring the methodology for covering indirect FTEs would be beneficial, and, if so, how to do it. The Commission asks whether it should designate more core bureaus and invites comment on ways to minimize the burden on certain payors while still collecting the entire required annual appropriation.

Comments on the issues raised in the *Notice of Inquiry* are due by October 26, 2022. Reply comments are due by November 25, 2022.

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## FCC Offers Limited Regulatory Fee Relief Measures

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of the fee or a request to defer payment and, (2) financial documentation to demonstrate the hardship. To justify waivers, reductions, or deferments, the payor must

demonstrate that it lacks sufficient funds to pay its 2022 fee in full while maintaining service to the public. The request should be submitted by email to [regfeerelief@fcc.gov](mailto:regfeerelief@fcc.gov).

# October 12 Is Deadline for Foreign Disclosure Report

The FCC's Media Bureau has released a *Public Notice* (DA 22-942) to remind United States-based foreign media outlets that they must file disclosure reports by October 12, 2022. The Commission is required by the National Defense Authorization Act for FY 2019 ("NDAA") to collect this information semi-annually and to submit summary reports to Congress. The Commission's next report to Congress on this topic is due November 9.

The disclosure must include the outlet's name and a description of its relationship to the foreign principal, including a description of the legal structure of the relationship and any funding that the outlet receives from the foreign principal.

A United States-based foreign media outlet is defined as an entity that:

(1) produces or distributes video programming that is transmitted, or intended for transmission, by a multichannel video programming distributor to consumers in the United

States; and

(2) would be an agent of a foreign principal for purposes of the Foreign Agents Registration Act of 1938, except for certain exceptions listed in the Act. The law excepts any news or press service or association organized under the laws of the United States (and certain other publications registered with the U.S. Postal Service because of bona fide news or journalistic activities), provided that such entity (a) is at least 80 percent beneficially owned by, and its officers and directors are, United States citizens, and (b) is not owned, directed, supervised, controlled, subsidized, or financed, and its policies are not determined by, a foreign principal or the agent of a foreign principal.

Disclosure reports should include a subject heading to indicate the filing entity's name and a reference to the NDAA disclosure requirement. The disclosure statement must be submitted to the FCC by an email to [ndaareport@fcc.gov](mailto:ndaareport@fcc.gov).

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## Full Compliance Now Required for Foreign Sponsorship ID Rule

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to the required diligence and identification immediately. Broadcasters were given six additional months to evaluate contracts that were in effect on March 15 and make any necessary identifications. That catch-up period for pre-existing contracts expired on September 15.

These regulations pertain to programming for which the ultimate source and/or the sponsor is an entity or individual that is a foreign government, a foreign political party, an agent acting on behalf of such entities, or a U.S.-based foreign media outlet. The broadcast licensee has the responsibility to take reasonable care to conduct due diligence about the source of programming for leased airtime. The FCC advises that such diligence would include at least the following:

(1) inform the lessee at the time of agreement and at renewal of the requirement to disclose the foreign sponsorship;

(2) inquire of the lessee at the time of agreement and at renewal whether it falls into any of the categories that qualify it as a foreign government entity;

(3) inquire of the lessee at the time of agreement and at renewal whether it knows of any party upstream in the chain of producing and/or distributing the subject programming that qualifies as a foreign government entity

and/or has provided some type of inducement to air the programming; and

(4) memorialize these inquiries and investigations to track compliance in the event that documentation is required to respond to a future Commission inquiry on the issue.

The rule as originally adopted by the FCC would also have obligated the broadcaster to consult government databases of foreign agents to further investigate whether a programmer was indeed a foreign agent. The U.S. Court of Appeals for the D.C Circuit vacated that provision.

When disclosures are required, an announcement should be aired in the language of the programming associated with it at the beginning and conclusion of the programming block, and at 60-minute intervals if the leased segment is longer than 60 minutes. The sponsorship arrangements that are covered by these rules must also be disclosed in the station's Public Inspection File.

Paid advertising is already subject to the sponsorship identification requirements of Section 73.1212 of the FCC's Rules. This increased level of diligence and required disclosure that pertains to leases of discrete blocks of program time does not apply to traditional short-form advertising.



# DEADLINES TO WATCH



## License Renewal, FCC Reports & Public Inspection Files

October 1	Deadline to place EEO Public File Report in Public Inspection File and on station's website for all nonexempt radio and television stations in <b>Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, the Mariana Islands, Missouri, Puerto Rico, Oregon, the Virgin Islands, and Washington.</b>	October	Television stations in <b>Alaska, American Samoa, Guam, Hawaii, the Mariana Islands, Oregon, and Washington</b> begin broadcasting license renewal post-filing announcements within five business days of acceptance for filing of their license renewal application, with the notices continuing for four weeks.
October 3	Deadline to file license renewal applications for television stations in <b>Alaska, American Samoa, Guam, Hawaii, the Mariana Islands, Oregon, and Washington.</b>	October 10	Deadline to place quarterly Issues/Programs List in Public Inspection File for all full power radio and televisions stations and Class A TV stations.
October 3	Deadline for all broadcast licensees and permittees of stations in <b>Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, the Mariana Islands, Missouri, Puerto Rico, Oregon, the Virgin Islands, and Washington</b> to file an annual report of any adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).	October 10	Deadline for all noncommercial stations to place reports about third-party fundraising in Public Inspection File.
		October 10	Deadline for all Class A TV stations to place quarterly statement of Class A qualifications in Public Inspection File.

## Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Docket 22-239; NPRM (FCC 22-55) DMA Assignments for TV stations		Sep. 26
Docket 22-317; Public Notice Petition for Declaratory Ruling re foreign ownership of America-CV Station Group, Inc.	Oct. 3	Oct. 18
Docket 22-261; 6th NPRM (FCC 22-58) Digital LPTV Rules	Oct. 24	Nov. 7
Docket 22-301; NOI (FCC 22-68) Review of Regulatory Fees	Oct. 26	Nov. 25

**DEADLINE TO FILE SEMI-ANNUAL  
DISCLOSURE STATEMENT FOR  
FOREIGN MEDIA OUTLETS**

**OCTOBER 12, 2022**



# DEADLINES TO WATCH



## Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
Deletion or repositioning of television signal on cable system, Section 76.1601	Nov. 7
Initial must carry notice, Section 76.1617	Nov. 7
Principal cable headend, Section 76.1607	Nov. 7
Alternative Broadcast Inspection Program Compliance Notification	Nov. 15

## Cut-Off Date for AM and FM Applications to Change Community of License

The FCC has accepted for filing the applications identified below proposing to change the community of license for each station. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **October 31, 2022**. Informal objections may be filed any time prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Clayton, GA	Toccoa, GA	WRBN	239	95.7
Greenville, MS	Inverness, MS	WIBT	250	97.9
Laurel, MS	Ellisville, MS	WMXI	251	98.1
Buffalo, MO	Fair Grove, MO	KBFL-FM	260	99.9
Bozeman, MT	Belgrade, MT	KYWL(AM)	n/a	1490
Lordsburg, NM	Mescal, AZ	KPSA-FM	253	98.5
La Follette, TN	Greenback, TN	WPLA	285	104.9

**LOWEST UNIT CHARGE  
PERIOD CONTINUES THROUGH  
NOVEMBER 8, 2022**

**DEADLINE TO PAY  
REGULATORY FEES  
SEPTEMBER 30, 2022**

## REGULATORY FEES FOR FISCAL YEAR 2022

Type of Authorization	Actual FY 2022	Proposed FY 2022	Actual FY 2021
Full Power TV Construction Permit	\$5,200	\$5,210	\$5,100
Class A TV, LPTV, TV/FM Translator & Booster	330	340	320
AM Radio Construction Permit	655	690	610
FM Radio Construction Permit	1,145	1,210	1,070
Satellite Earth Station	620	615	595

### ACTUAL FY 2022 REGULATORY FEES FOR RADIO

Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 1,050	\$ 755	\$ 655	\$ 720	\$ 1,145	\$ 1,310
25,001-75,000	1,575	1,135	985	1,080	1,720	1,965
75,001-150,000	2,365	1,700	1,475	1,620	2,575	2,950
150,001-500,000	3,550	2,550	2,215	2,435	3,870	4,430
500,001-1,200,000	5,315	3,820	3,315	3,645	5,795	6,630
1,200,001-3,000,000	7,980	5,740	4,980	5,470	8,700	9,955
3,000,001-6,000,000	11,960	8,600	7,460	8,200	13,040	14,920
6,000,000+	17,945	12,905	11,195	12,305	19,570	22,390

### PROPOSED FY 2022 REGULATORY FEES FOR RADIO

Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 1,105	\$ 795	\$ 690	\$ 760	\$ 1,210	\$ 1,380
25,001-75,000	1,660	1,195	1,035	1,140	1,815	2,070
75,001-150,000	2,485	1,790	1,555	1,710	2,725	3,105
150,001-500,000	3,735	2,685	2,330	2,570	4,090	4,665
500,001-1,200,000	5,590	4,025	3,490	3,845	6,125	6,985
1,200,001-3,000,000	8,400	6,040	5,245	5,775	9,195	10,490
3,000,001-6,000,000	12,585	9,055	7,860	8,655	13,780	15,720
6,000,000+	18,885	13,585	11,790	12,990	20,680	23,585

### ACTUAL FY 2021 REGULATORY FEES FOR RADIO

Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 975	\$ 700	\$ 610	\$ 670	\$ 1,070	\$ 1,220
25,001-75,000	1,465	1,050	915	1,000	1,605	1,830
75,001-150,000	2,195	1,575	1,375	1,510	2,410	2,745
150,001-500,000	3,295	2,365	2,060	2,265	3,615	4,125
500,001-1,200,000	4,935	3,540	3,085	3,390	5,415	6,175
1,200,001-3,000,000	7,410	5,320	4,635	5,090	8,130	9,270
3,000,001-6,000,000	11,105	7,975	6,950	7,630	12,185	13,895
6,000,000+	16,665	11,965	10,425	11,450	18,285	20,850

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