



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

August 5, 2002

FY 2002 Commercial Wireless Regulatory Fees

The Federal Communications Commission issues this Public Notice to provide information on payment of regulatory fees in FY 2002. If you hold authorizations for any of the commercial wireless services, you should carefully read this Public Notice.

WHO MUST PAY REGULATORY FEES IN FY 2002

Most licensees and other entities regulated by the Commission must pay regulatory fees in FY 2002. This Public Notice concerns only the following commercial mobile radio services (CMRS) regulatees: specialized mobile radio services (Part 90); public coast stations (Part 80); public mobile radio, cellular, 800 MHz air-ground radiotelephone, and offshore radio services (Part 22); and PCS broadband services (Part 24). The CMRS messaging services category includes all one-way (Parts 22 and 90), two-way paging, qualifying interconnected business radio services, 220-222 MHz land mobile systems (Part 90), PCS narrowband services (Part 24) (e.g. one-way and two-way paging), and all SMR systems authorized for operation with less than 10 MHz bandwidth (Part 90). All other private wireless regulatory fees are paid in advance for the full license term and submitted along with the appropriate application fee. The CMRS regulatory fee to be assessed is based upon the nature of authorization (e.g. license) held as of December 31, 2001. CMRS licensees who did not begin providing services prior to December 31, 2001 are not required to pay regulatory fees this year. However, in instances where a service license or authorization is transferred or assigned after December 31, 2001, the **fee must be paid by the party that is the licensee or holder of the authorization on the date that the fee payment is due.**

A regulatee is also responsible for summing the amounts of fees associated with all of its various services. This sum will determine whether the regulatee qualifies for an exemption from fee payment. If the sum of the fee amounts for all of the regulatee's services is less than \$10, then the regulatee is exempt from paying the fee.

Government entities are not required to pay regulatory fees and should not submit payment. Non-profit entities may also be exempt. *The Commission requires that each exempt entity submit, or have on file with the Commission, a valid IRS Determination Letter documenting its nonprofit status or certification from a governmental authority attesting to its exempt status.*

WHY THE COMMISSION MUST COLLECT REGULATORY FEES

The requirement to collect annual regulatory fees is contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993." These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities. These fees are in addition to any application processing fees associated with obtaining a license or other authorization from the Commission.

WHEN FEES WILL BE DUE

FEE PAYMENTS MAY BE SUBMITTED PRIOR TO SEPTEMBER 10, 2002

Regulatory fee payments may be made to Mellon Bank at any time through September 25, 2002. Payments received after 11:59 PM on September 25, 2001 will be assessed a 25% late payment fee. As in previous years, there will be a formal window for the acceptance of regulatory fees between September 10, 2002 and September 25, 2002. However, unlike in prior years, the Commission will, for the convenience of payers, accept fee payments made in advance of that window.

TYPE OF FEE	REGULATORY FEE PAYMENT	FEE CODE
CMRS Cellular Radio Licensees (Part 22)	\$0.24 per telephone number/unit	0211
CMRS Mobile Services (Parts 22, 24, 27, 80 and 90)	\$0.24 per unit	0212
CMRS Messaging Services (Parts 22, 24 and 90)	\$0.08 per unit	0213

Licensees whose fee payments are based upon telephone numbers or unit counts should use the number of telephone numbers or units as of December 31, 2001. Licensees who have not yet begun providing services prior to December 31, 2001 are not required to pay regulatory fees this year. **CMRS mobile radio licensees with multiple call signs should submit FCC Form 159 listing the first four call signs and listing each additional call sign on as many FCC Form 159-C's as necessary (call signs listed on a separate sheet will not be acceptable).** See "Special Instructions for Completing FCC Forms 159 and 159-C" on page 8 for correct Payment Type Codes.

IMPORTANT FY 2002 CHANGES FOR REGULATORY FEE FILERS

The Remittance Advice, FCC Form 159 was revised in February 2000 to accept payer and applicant FCC Registration Numbers (FRN). Only this version of the FCC Form 159 will be acceptable. Effective December 3, 2001, the use of the FRN became mandatory. If there is no FRN present on Form 159, the FCC will send the filer a letter notifying them that the payment was received without an FRN and that proper credit for the payment will not occur until the FRN is provided. Regulatory fee payments received without an FRN will be retained by the Agency. Also, please note that a separate FCC Form 159 is required for each licensee FRN.

If you do not yet have an FRN, you can obtain one through the FCC website listed below, or by completing FCC Form 160 (CORES Registration Form) enclosed in this public notice and submitting the registration form along with your payment and Remittance FCC Form 159. **Please note that future transactions with the FCC will require the use of the FCC FRN number. Therefore, please have this number available when contacting or submitting documents to the FCC.** If you need assistance regarding your FRN, please contact the CORES Helpdesk at 1-977-480-3201.

If you were registered in the Wireless Telecommunications Bureau's Universal Licensing System (ULS) and your registration included all the information we needed to issue a FRN number, we pre-registered you and mailed you your FRN. You may check the Commission Registration System (CORES) to determine if you are still registered, or if you have forgotten your registration number.

To obtain a Registration Number (FRN):

- **Register at www.fcc.gov, click on the CORES Registration link in the left margin.**
- **File FCC Form 160, (CORES Registration) which is included in this package. You may obtain the form at <http://www.fcc.gov/formpage.html> or by calling the FCC's CORES Helpdesk at 1-877-480-3201. You may also pick up the form in Commission Room TW-B200. Mailing instructions are on the form.**

To search for an FRN:

- **To check your pre-assigned number at www.fcc.gov, click on CORES Registration link in the left margin.**

If you are unable to register electronically, you can still submit your application for a FRN (FCC Form 160) directly to Mellon Bank (along with your filing documents and payment). Mellon Bank will register you and you will receive a confirmation letter from the FCC through the U.S. Postal Service mail. Your regulatory fees will be credited to that FRN.

In previous years, the Commission has permitted the rounding of fee payments to the nearest whole dollar. Inconsistencies between the amount paid and the sum of fees for the associated licenses have caused problems in processing payments timely and accurately. Beginning in FY 2002, we are asking all payees to **pay the exact dollar and cents amount due for each entry on FCC Form 159, and when filing the regulatory fee electronically using the FeeFiler program.** The use of **exact dollar and cents** for each entry will ensure that the payment is credited properly.

Please also note that **Regulatory Fee Payment Type Codes change** each year with respect to the first two digits of the code referencing the year. For example, last year's code of "0112" is now "0212" for FY 2002. In addition to being listed on page 2 of this notice, the codes for FY 2002 are also listed in the back of this notice under the section, **Special Instructions for Completing FCC Forms 159 and 159-C**. To assure proper credit for your regulatory fees, **please be sure to use the appropriate codes for FY 2002**.

FCC FORM 159 (Revised February 2000)

Regulatory fee payments must be accompanied by FCC Form 159 ("FCC Remittance Advice"). A copy of this form, with specific instructions, is attached to this Public Notice and may be used to submit fees. Reproduced forms are acceptable. Please see "Special Instructions for Completing FCC Forms 159 and 159-C" for detailed information on how to correctly complete these forms. You must list each entity separately on Forms 159/159-C. Written attachments are not acceptable. Failure to properly complete FCC Form 159/159-C will delay the processing of your regulatory fee payment.

To obtain a revised Remittance Advice FCC Form 159:

- A revised Remittance Advice FCC Form 159 is included in this package
- Go to <http://www.fcc.gov/formpage.html>.
- Call the FCC's Form Distribution Center at 1-800-418-FORM [3676].
- Pick up the form at the Commission in Room TW-B200

Any regulatee may submit the FCC Form 159 information electronically by accessing the FCC website: www.fcc.gov/fees. Information on how to file electronically using the Commission's fee filer system will be made available on a subsequent public notice.

WHERE TO SEND REGULATORY FEE PAYMENTS

Please Note: Failure to remit payment to either of the above addresses by mail or courier can delay the timely filing of your regulatory fee payment by the deadline date of September 25, 2002. Payments that are misdirected to the Federal Communications Commission will be forwarded to Mellon Bank. However, this could result in a late filing and subject to a 25% late payment fee.

If you are sending your regulatory fee payment by mail, please address your envelope as follows:

**Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835**

If you prefer to send your regulatory fee payment by courier to our lockbox bank, you may do so 24 hours each business day (except Federal or bank holidays). Please address your envelope and deliver it to the following address. Since the courier will be delivering the payment inside their own envelope, it

may be helpful to include the mailing address above on the outside of your payment envelope.

Federal Communications Commission
Regulatory Fees
c/o Mellon Client Service Center
500 Ross Street, Room 670
Pittsburgh, PA 15262-0001
(Attention: FCC Module Supervisor)

METHOD OF PAYMENT

Regulatory fee payments may be made by check or money order, **payable to the “Federal Communications Commission”**, or by the following credit cards (Visa, Mastercard, Discover, and American Express). All credit card fax transmittals must be directed to (412) 209-6045. When paying by credit card, please make sure you complete and sign Block 31 of FCC Form 159. Payments may also be made by wire transfer or by ACH payment. Instructions are provided below.

NOTE: We encourage arrangements to consolidate regulatory fee payments either by a single entity or by different entities into a single payment instrument. Consolidated fee payments may cover any number of service categories. Payers who will be making a single payment for a significant number of entities and wish to submit their payment information electronically in lieu of submitting a large number of FCC Forms 159-C ("Advice Continuation Sheets") may do so by accessing the FCC website: <http://www.fcc.gov/fees/feefiler.html>. Specific instructions regarding diskette submission will be issued separately. No more than twenty-five (25) FCC Form 159-C's should be manually submitted for payment. If more than twenty-five (25) FCC Form 159-C's are to be submitted, we encourage the public to file the information electronically through the fee filer program. Only properly filled out FCC Form 159's will be accepted. Attached listings of call signs or other FCC identifiers will not be accepted.

WIRE TRANSFER PAYMENT INSTRUCTIONS

A wire transfer is a transaction that you initiate via your bank. It authorizes your bank to wire funds from your account to our lockbox bank, at Mellon Bank in Pittsburgh, PA. All payments made by wire transfer (payable to the “Federal Communications Commission”) must be supported by a completed FCC Remittance Advice (FCC Form 159) and Advice Continuation Sheet (FCC Form 159-C), if required. The FCC Form 159 must be faxed to **FCC Module – Regulatory Fees** (Mellon Bank) at (412) 209-6045 at least one hour before the wire transfer on the same business day. Indicate on the top of the FCC Form 159 "Wire Transfer - Regulatory Fee Payment." In Box (1) - Lockbox#, located at the upper left hand corner, indicate "358835." **Failure to submit the completed FCC Form 159 at least one hour prior to wiring payment will result in a delay in crediting your account. Due to Federal Reserve regulations, wire transfers received after 6:00 p.m. (EDT) will be credited the next business day.**

The following information should be provided to your bank to complete the wire transfer:

ABA Routing Number 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/ACV--9116106
OBI Field: (Skip one space between each information item)
"REGULATORYPAY"
PAYER FRN (Exactly as on FCC Form 159, Block #11)
PAYER NAME (Exactly as on FCC Form 159, Block #2)
Phone: (Daytime Phone #, exactly as on FCC Form 159, Block #9)
LOCKBOX 358835

ACH DEBIT PAYMENT INSTRUCTIONS

If you are interested in using Mellon Bank's Customer Initiated Payment Program (CIP), a brief application form must be completed and a personal identification number (PIN) issued by the bank. Arrangements for using this process must be completed 14 days prior to submitting payment of the regulatory fee. After you have been set up for this program, you must submit your payment by September 24, 2002 to ensure that your payment is processed by the deadline date of September 25, 2002. Please use the FCC's website to obtain information and a copy of the Customer Initiated Payment Program (CIP) package. The website is located at www.fcc.gov/fees, and you should search the left side of the screen margin for Customer Initiated Payment Program (CIP). You can also contact the Revenue and Receivable Operations Group at (202) 418-1995 to request a Customer Initiated Payment Program Package.

COMPLIANCE

Please make sure your total remittance and the amount indicated on the FCC Form 159 are in agreement. Failure to do so will delay processing. Licensees are solely responsible for accurately accounting for all licenses and for paying proper regulatory fees. Any data omission, erroneous or incomplete data submission, or payment deficiency may result in a **25% monetary penalty**, dismissal of pending actions, and/or revocation of any authorization. You are strongly urged to submit your payments on time and accurately in order to avoid a penalty. Additionally, the Commission will invoke any lawful authority it may possess under the Debt Collection Improvement Act of 1996 to collect any fees due or outstanding against any licensee failing to meet its regulatory fee payment obligations.

*****NOTICE*****

We remind you that pursuant to a Report & Order adopted October 17, 1997, 47 CFR Section 1.1157 of our regulations, "Payment of charges for regulatory fees", was amended by adding a new paragraph (d) to read as follows:

(d) Any Commercial Mobile Radio Service (CMRS) licensee subject to payment of an annual regulatory fee shall retain for a period of two (2) years from the date on which the regulatory fee is paid, those business records that were used to calculate the amount of the regulatory fee.

We periodically perform audits on various types of services. It is in the interest of all regulatory

fee payers to follow the payment rules precisely and maintain the appropriate documentation.

WAIVERS, REDUCTIONS AND DEFERMENTS OF REGULATORY FEES

The Commission will consider requests for waivers, reductions or deferments of regulatory fees, in extraordinary and compelling circumstances only, upon a showing that such action overrides the public interest in reimbursing the Commission for its regulatory costs. Your regulatory fee must be paid by the due date even if a request is made for a waiver or reduction. This will ensure efficient collection in situations where a waiver or reduction is not warranted and will allow the requestor to avoid a **25% late-payment penalty** if its request is denied. The regulatory fee will be refunded later if the request is granted. Only in exceptional or compelling instances (where payment of the regulatory fee along with the waiver or reduction request could result in the reduction of community service or financial hardship to the licensee) will the Commission accept a petition to defer payment along with a waiver or reduction request. All requests for deferments must be received by September 25, 2002 in order to avoid the **25% late-payment penalty**. Please submit your written waiver or reduction request to the following address:

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554
Attn: Regulatory Fee Waiver/Reduction Request

However, submit your regulatory fee payment to the address on page 4 of this Public Notice.

ADDITIONAL INFORMATION

Applicable Public Notices, and FCC Forms 159 and 159-C are available from the FCC Consumer Information Center and can be downloaded from the Internet (<http://www.fcc.gov> or <ftp@fcc.gov>). Text of the Assessment and Collection of Regulatory Fees for Fiscal Year 2002, Report and Order, including the entire Schedule of Regulatory Fees, can be downloaded from the Internet located at: http://www.fcc.gov/fees/regulatory_fees. Forms may also be obtained by contacting the Forms Hotline at (800) 418-FORM (3676) outside the Washington, D.C. area, or (202) 418-3676 locally. For additional information, please contact the Commission's Consumer Information Center at (888) 225-5322, or write to: Federal Communications Commission, ATTN: Consumer Information Center, 445 12th Street, S.W., Washington, D.C., 20554.

FEE PAYMENT PROCEDURES FOR CMRS SERVICE PROVIDERS

WHO MUST PAY: CMRS cellular providers (common carriage providing cellular radio service to the public), CMRS mobile service licensees (common carriage authorized under Parts 22, 24, 27, 80 and 90

to offer land-based or air-to-ground mobile telephone or paging services to the public)¹, and CMRS messaging licensees (authorized under Parts 22, 24, and 90). The CMRS messaging services category includes all one-way (Parts 22 and 90), two-way paging, qualifying interconnected business radio services, 220-222 MHz land mobile systems (Part 90), PCS narrowband services (e.g. one-way and two-way paging), and all SMR systems authorized for operation with less than 10 MHz bandwidth. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a valid IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.*

Payment Due Date

FEE PAYMENTS MAY BE SUBMITTED PRIOR TO SEPTEMBER 10, 2002

Regulatory fee payments may be made to Mellon Bank at any time through September 25, 2002. Payments received after 11:59 PM on September 25, 2002 will be assessed a 25% late payment fee. As in previous years, there will be a formal window for the acceptance of regulatory fees between September 10, 2002 and September 25, 2002. However, unlike in prior years, the Commission will, for the convenience of payers, accept fee payments made in advance of that window.

SPECIAL INSTRUCTIONS FOR COMPLETING FCC FORMS 159 AND 159-C

FCC Form 159 ("FCC Remittance Advice") and, as necessary, FCC Form 159-C ("Advice Continuation Sheet") must accompany all regulatory fee payments. FCC Form 159 allows payers to report information on one or more payment items (e.g., cellular subscribers, public mobile subscribers, paging units, or a combination). Use FCC Form 159-C to report additional payments.

FCC Forms 159 and 159-C have been attached to this Public Notice for you to complete and remit with your payment. You may make additional copies of the forms as required. In addition to the instructions for FCC Form 159, the following information applies specifically to commercial wireless regulatees:

Block (9) - "Telephone Number":

- Please enter the contact name and telephone number of the specific individual responsible for submitting the payment and supporting FCC Form 159 and FCC Form 159-C.

Block (11) - "PAYER FRN":

- Enter the fee payer's FRN number.

¹ 47 CFR 20.9. In addition to cellular telephone service, these services also include those using radio to provide telephone services at fixed locations, such as Public Coast and Offshore Radio.

Block (21) - "APPLICANT FRN":

- If different from payer, enter the applicant's FRN number.

Block (23A) - "FCC CALL SIGN/OTHER ID":

- CMRS mobile and CMRS messaging licensees should enter their **Call Sign**. **You may not receive proper credit for regulatory fee payment if you fail to provide a call sign for each entry on FCC Form 159/159-C**

Block (24A) - "PAYMENT TYPE CODES":

- 0211:** Use this code when making a regulatory fee payment for a CMRS cellular radio license (\$0.24 per telephone number/unit).

0212: Use this code when making a regulatory fee payment for a CMRS mobile radio license (\$0.24 per unit).

0213: Use this code when making a regulatory fee payment for a CMRS messaging license (\$0.08 per unit).

Block (25A) - "QUANTITY":

- CMRS cellular radio licensees should enter the number of telephone numbers/units.
- CMRS mobile radio licensees should enter the total number of units.
- CMRS messaging licensees should enter the total number of units.

Block (27A) - "TOTAL FEE":

- For CMRS cellular radio licensees (payment type code **0211**), multiply the amount from Block 25A ("Quantity") by \$0.24. **Please enter exact dollars and cents and do not round.**
- For CMRS mobile radio licensees (payment type code **0212**), multiply the amount from Block 25A ("Quantity") by \$0.24. **Please enter exact dollars and cents and do not round.**
- For CMRS messaging licensees (payment code **0213**), multiply the amount from Block 25A ("Quantity") by \$0.08. **Please enter exact dollars and cents and do not round.**

Block (28A) - "FCC CODE 1":

- Leave this block blank.

Block (29A) - "FCC CODE 2":

- Leave this block blank.

Block (30) - "CERTIFICATION":

- Please provide the printed name and signature of an individual owner/licensee or officer attesting to the accuracy and completeness of the information supplied.

Please remember to include a daytime telephone number so that the Federal Communications Commission can contact you if questions arise regarding your payment.

- FCC -