

September 2009

FCC Upholds Rescission of Already Committed E-Rate Funds, Finding Services Requested Were Ineligible

In a recent Order, the Federal Communications Commission denied the appeal of Howe Independent School District 67 (“Howe”) [Oklahoma] of a decision by the Universal Service Administrative Company to rescind E-Rate funding already committed to Howe for funding year 2004. Howe had initially applied for funding for a multipoint control unit, a product eligible for funding under the 2004 Eligible Services List. The Commission found, upon reviewing the invoices for services received by Howe, that Howe actually intended to use the funding for ineligible software applications, including Marratech E-Meeting portals and associated products.

As a result of its actions, Howe bought nearly \$70,000 of products and services it believed to be approved for funding for which it will not be reimbursed. This case serves as a reminder that E-Rate applicants should ensure they only apply for reimbursement of eligible equipment and services.

If you have any questions regarding the content of this Client Alert, please contact [Sarah Miller](#), or any member of the firm’s [Communications Law Group](#).

PROPOSED RADIO STATION REGULATORY FEES (2009)						
Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C1 & C2
<= 25,000	675	550	500	575	650	825
25,001 – 75,000	1,350	1,075	750	875	1,325	1,450
75,001 – 150,000	2,025	1,350	1,000	1,450	1,825	2,725
150,001 – 500,000	3,050	2,300	1,500	1,725	2,800	3,550
500,001 – 1,200,000	4,400	3,500	2,500	2,875	4,450	5,225
1,200,001– 3,000,000	6,750	5,400	3,750	4,600	7,250	8,350
>3,000,000	8,100	6,475	4,750	5,750	9,250	10,850

OTHER REGULATORY FEES

	2009
AM Construction Permits	400
FM Construction Permits	650
TV VHF -- Markets 1-10	77,575
Markets 11-25	60,550
Markets 26-50	37,575
Markets 51-100	22,950
Remaining Markets	5,950
Construction Permits	5,950
TV UHF -- Markets 1-10	24,250
Markets 11-25	21,525
Markets 26-50	13,350
Markets 51-100	7,600
Remaining Markets	1,950
Construction Permits	1,950
Satellite Television Stations (All Markets)	1,275
Construction Permits	650
Low Power TV, TV/FM Translators & Boosters	400
Broadcast Auxiliary	10
Earth Stations	210

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