

Annual Regulatory Fees Due August 19, 2004

From: Howard J. Barr

Date: July 21, 2004

We want to remind all our clients that 2004 annual regulatory fees are due a month earlier this year. Rather than in mid-September, as in all previous years, the Commission is requiring that regulatory fees be submitted no later than August 19, 2004. Any payment received after August 19 will be assessed a 25% late payment penalty. (Although the FCC had announced a window beginning August 10, FCC staff advises that payments may be made before then.)

The Commission has modified its payment unit assessment methodology and fee collection procedures as follows:

The 25 largest MSOs and cable operators reported in the 2003-2004 edition of the *Broadcasting and Cable Yearbook* ("Yearbook") will receive two rounds of fee assessment letters via surface mail - an initial assessment and a final assessment. The first assessment will be based on the number of basic cable subscribers reported by NCTA or in the *Yearbook* - the 25 largest MSOs are to refer to the subscriber counts reported by NCTA and all other operators are to refer to the subscriber counts reported in the *Yearbook*.¹

Cable operators not listed in NCTA's 25 Largest MSOs and not reported in the *Yearbook* will not receive assessment letters. Operators in this category should simply provide their aggregate basic subscriber count as of December 31, 2003 and certify this subscriber count in Block 30 of the Form 159 Remittance Advice. Unlike in the past, it is not necessary to provide either a listing of the Community Unit Identifier Numbers ("CUIDs") or a breakdown of individual subscriber counts for each CUID. A certified aggregate subscriber count for the operator's system(s) will suffice.

Fees applicable to cable systems are as follows:

CARS	135
Cable Television Systems (per subscriber)	.70

¹ The Commission has assumed that the subscriber counts reported by NCTA and the *Yearbook* will coincide closely with the number of subscribers served by cable operators as of December 31, 2003. It asked, however, that cable operators submit amendment letters by July 21, 2004, if the number of subscribers on the initial assessment differs from the number of subscribers served as of December 31, 2003. In the absence of an amendment letter, the Commission assumes that the initial assessment is correct and that the fee payment will be based on the number of subscribers on the initial assessment. As in previous years, operators will certify their subscriber counts in Block 30 of the FCC Form 159 Remittance Advice when making their regulatory fee payments.

We will be glad to assist you in paying your regulatory fees. Please let us know by telephone call, email or fax if you would like for us to prepare the FCC Form 159 and coordinate the filing of your annual regulatory fees. If you wish our assistance with the payment of the annual regulatory fees, please let us know no later than Friday, August 6, 2004.

If you prefer to handle the procedures for the annual regulatory fees yourself, you may pay your fees this year on-line through the Commission's website (<http://www.fcc.gov/fees/feefiler.html>) or by sending your payment to the Commission's lockbox bank in Pittsburgh. Payment may be made by check or credit card (or, if prior authorization is established, by electronic or wire transfer). **In addition to the payment, each submission must include FCC Form(s) 159.**

If mailed, payment and Form(s) 159 should be sent to:

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

If sent by courier, the material should be sent as follows:

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

Please contact us if you have any question concerning regulatory fee payment procedures for this year.

This document is intended as an informational reminder and does not constitute legal advice. If you have any questions or would like to discuss a particular situation, please contact the [Womble Carlyle Telecommunications Practice Group](#). The purpose of this memo is to provide general information about significant legal developments and should not be construed as legal advice on any specific facts and circumstances.