

e. Commercial Television Satellite Stations

33. Pursuant to our authority to make permissive amendments to our regulatory fees, we are also proposing that commonly owned television satellite stations in any market (authorized pursuant to Note 5 of Section 73.3555 of the Commission's Rules) that retransmit programming of the primary station be assessed a fee of \$595 annually, based upon the \$500 fee for FY 1994 passed by the House of Representatives for satellite stations. While not legally binding, the \$500 base fee was determined to be appropriate for licensees of television satellite stations in our FY 1994 authorization bill passed in the House of Representatives. See H.R. 4522. In addition, we believe that this fee amount takes into account the public interest factors reflected in comments filed in the proceeding to adopt the FY 1994 Schedule of Regulatory Fees. See 447 U.S.C. § 159(b)(3). In developing the FY 1995 fee for television satellite stations, we used the \$500 fee that the House enacted for FY 1994 for television satellite stations to derive a FY 1995 fee requirement of \$595 per television satellite station resulting from a "simulated" FY 1994 revenue requirement divided by the estimated payments units of 101 satellite television station licenses. Therefore, we propose to exercise our authority to make permitted amendments to the fees to establish the satellite television fee at \$595 per license. We expect that this fee will result in approximately \$60,095 of revenues. See Appendix E. We caution that only those stations designated as satellite television stations in the 1994 edition of the Television and Cable Factbook (No. 62) are eligible to submit the fee applicable to satellite television stations. All other television licensees are subject to the regulatory fee payment required for their class of station and market.¹⁵

f. Construction Permits—Commercial VHF Television Stations

34. This category includes holders of permits to construct new commercial VHF television stations. For FY 1995, the cost allocation for this service category is \$52,525, resulting from the

fee category's FY 1994 revenue requirement under the statutory fee schedule. Payment units for VHF construction permits are estimated to be 11 permits. Dividing the revenue requirement for VHF construction permits by its estimated payment units results in a fee of \$4,775. See Appendix E. Therefore, for FY 1995, we are proposing to assess permittees \$4,775 for each VHF construction permit held. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station. We are proposing no change to the rules for calculating and submitting regulatory fees by VHF television station construction permittees. See *FY 1994 Order*, Appendix B at para. 24.

g. Construction Permits—Commercial UHF Television Stations

35. This category includes holders of permits to construct new UHF television stations. For FY 1995, the cost allocation for this service category is \$554,625, resulting from the mandatory increase to its statutory fee schedule. Payment units for UHF construction permits are estimated to be 145 permits. Dividing the revenue requirement for this service category by its estimated payment units results in a fee of \$3,825 for each UHF construction permit held. Therefore, we are proposing a fee of \$3,825 per UHF television station construction permit. See Appendix E. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station. We are proposing no change to the rules for calculating and submitting regulatory fees by UHF television station permittees. See *FY 1994 Order*, Appendix B at para. 25.

h. Construction Permits—Satellite Television Stations

36. We are proposing to add a new service category to the fee schedule in recognition that the holders of construction permits for UHF and VHF television satellite stations should be charged a separate, lower fee than the fee for holders of construction permits for fully operational television stations. See above, where we propose to exercise our authority to make permitted amendments to the fee schedule relating to the fee for television satellite stations. We developed the fee for television satellite construction permits by taking the average fees for VHF and UHF television stations (\$12,655) and relating it to the average fee for construction permits for VHF and UHF television stations (\$4,300). Using this

relationship, (.339:1) for satellite stations results in a computed fee of \$200 for construction permits for television satellite stations (\$595 times .339). See Appendix E. An individual regulatory fee payment is to be made for each television satellite station construction permit held.

i. Low Power Television, Translator and Booster Stations

37. This category includes Low Power UHF/VHF Television stations operating under Part 74 of the Commissions rules with a transmitter power output limited to 0.01kw for a UHF facility and, generally, 1kw for a VHF facility. Low Power Television (LPTV) stations may retransmit the programs and signals of a TV broadcast station, originate programming, and/or operate as a subscription service. This category also includes translators and boosters operating under Part 74 which rebroadcast the signals of full service stations on a frequency different from the parent station (translators) or on the same frequency (boosters). We propose to exercise our authority to make permitted amendments to the fee schedule to include FM translator and booster stations in this fee service because we believe these facilities were inadvertently omitted from the statutory fee schedule and we are unaware of any reason not to establish a fee for these services. The stations in this category are secondary to full service stations in terms of frequency priority. The FY 1995 cost allocation for this service category is \$1,368,640, resulting from the mandatory adjustment to its FY 1994 revenue requirement under the statutory fee schedule. Payment units are estimated to be 8,554 licenses, including licenses covering FM translators. Dividing the revenue requirement for this category by its estimated payment units results in a fee of \$160 per license. See Appendix E. Thus, for FY 1995, we are proposing to assess licensees of low power television stations and licensees of both FM and TV translators and boosters an annual regulatory fee of \$160 for each license held. We are proposing no change to the rules for calculating and submitting regulatory fee payments by licensees in this service category. See *FY 1994 Order*, Appendix B at paras. 26–27.

j. Broadcast Auxiliary Stations

38. This category includes licensees of remote pickup stations, aural broadcast auxiliary stations, television broadcast auxiliary stations, and low power auxiliary stations, authorized under Part 74 of the Commission's Rules. Auxiliary stations are generally associated with a

¹⁵ We acknowledge that the Commission has initiated an NPRM seeking comment on whether satellite stations should continue to be exempt from the Commission's national television ownership restrictions. Be advised that the Commission's decision to assess a regulatory fee for satellite stations that is less than the amount for commercial television stations should not be taken as a signal that any determination has been made with regard to this outstanding proceeding.