

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|   |   |                      |
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| In the Matter of  | ) |                      |
|   | ) |                      |
| Assessment and Collection of Regulatory Fees for Fiscal Year 2014 | ) | MD Docket No. 14-92  |
|   | ) |                      |
| Assessment and Collection of Regulatory Fees for Fiscal Year 2013 | ) | MD Docket No. 13-140 |
|   | ) |                      |
| Procedures for Assessment and Collection of Regulatory Fees       | ) | MD Docket No. 12-201 |
|   | ) |                      |

**COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION**

The Satellite Industry Association (“SIA”), pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, hereby comments on the Second Further Notice of Proposed Rulemaking in the above-captioned proceeding (the “Notice”).<sup>1</sup> As SIA has repeatedly emphasized, the Commission must conform to statutory directives in adjusting regulatory fees or imposing new fees.<sup>2</sup> SIA comments here to reiterate its opposition to the proposal for a new fee for Direct Broadcast Satellite (“DBS”) services that would violate the statutory standards.<sup>3</sup>

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<sup>1</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2014, Assessment and Collection of Regulatory Fees for Fiscal Year 2013, and Procedures for Assessment and Collection of Regulatory Fees*, Report and Order and Further Notice of Proposed Rulemaking, MD Docket Nos. 14-92, 13-140, & 12-201, FCC 14-129 (rel. Aug. 29, 2014).

<sup>2</sup> See e.g., Comments of the Satellite Industry Association, MD Docket Nos. 13-140, 12-201, & 08-65 (filed July 7, 2014) (“SIA 2014 Comments”). See also Comments of the Satellite Industry Association, MD Docket Nos. 13-140, 12-201, & 08-65 (filed June 19, 2013); Reply Comments of the Satellite Industry Association, MD Docket Nos. 13-140, 12-201, & 08-65 (filed June 26, 2013); Comments of the Satellite Industry Association, MD Docket Nos. 12-201 & 08-65, filed Sept. 17, 2012; Reply Comments of the Satellite Industry Association, MD Docket Nos. 12-201 & 08-65, filed Oct. 23, 2012.

<sup>3</sup> See SIA 2014 Comments at 6-8.

In particular, the current version of the DBS fee proposal would appear to be vastly over-inclusive. Although the Notice refers consistently to “DBS providers” when discussing a possible new fee category to recover the costs of certain full-time equivalent (“FTE”) employees in the Media Bureau, it further states that the fee “would apply to all operators of U.S.-licensed geostationary space stations used to provide one-way subscription television service to consumers in the United States.”<sup>4</sup> This one remark could be misinterpreted to apply the possible new fee category to operators of non-DBS satellites whose capacity is used by third parties for direct-to-home (“DTH”) services. The Notice cites no rationale for imposing a fee on DTH operations, and none is apparent from the record. As SIA has observed, there is simply “no evidence that DTH providers themselves – much less their suppliers of fixed-satellite service capacity – benefit from the regulatory functions performed by the Media Bureau.”<sup>5</sup> Nor does the Notice attempt to grapple with the logistical issues of how such a fee would be calculated and assessed given that the FSS providers do not have video “subscribers” – instead, they are supplying bare capacity over satellites used for multiple purposes. An FSS provider would not even have access to the relevant subscriber information of its customers.

The alternate proposal in the Notice suggesting that some number of Media Bureau FTEs be reassigned to the International Bureau<sup>6</sup> is similarly flawed. There is no possible justification for imposing the costs of Media Bureau FTEs on space and earth station licensees and undersea cable operators who do not benefit at all from the work of those FTEs. The

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<sup>4</sup> Notice at ¶ 41.

<sup>5</sup> SIA 2014 Comments at 7-8.

<sup>6</sup> Notice at ¶ 40.

Commission's statutory obligation to link fees to benefits<sup>7</sup> forbids such an irrational approach, which would represent a significant step backward in the agency's attempt to better align regulatory fees to the entities responsible for FTE costs.

For the foregoing reasons and those presented in its prior pleadings, SIA urges the Commission to reject the proposal in the Notice for a new DBS regulatory fee.

Respectfully submitted,

**SATELLITE INDUSTRY ASSOCIATION**



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<sup>7</sup> 47 U.S.C. § 159(a)(1).