

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)
)
Review of the Commission’s Assessment and) MD Docket No. 26-94
Collection of Regulatory Fees for)
Fiscal Year 2026)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ hereby submits the following comments in response to the Commission’s Notice of Proposed Rulemaking in the above-referenced proceeding setting regulatory fees for FY 2026.²

The Notice proposes to assess and collect regulatory fees from fee payors using the same methodology applied in FY 2023, FY 2024, and FY 2025. Under this approach, certain indirect full-time employees (FTEs) have been reallocated to one of the Commission’s five core bureaus based on the Commission’s determination that their work is “sufficiently linked to the oversight and regulation of regulatory fee payors for regulatory fee purposes for FY 2026” within the appropriate bureau.³ In addition to the proposed reallocations, the Notice proposes to calculate television broadcaster regulatory fees using the same methodology

¹ The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Review of the Commission’s Assessment and Collection of Regulatory Fees for Fiscal Year 2026*, Notice of Proposed Rulemaking, MD Docket No. 26-94 (rel. Apr. 28, 2026) (Notice).

³ *Id.* at ¶ 2.

applied since FY 2020, namely “based on population covered by the station’s contour.”⁴ Finally, the Notice seeks comment on ways that the Commission can improve its regulatory fee process.⁵

NAB generally supports the Commission’s proposed FY 2026 regulatory fee allocations and use of a population-based methodology for assessing broadcast television fees. NAB appreciates the Commission’s continued efforts to refine the regulatory fee methodology to more accurately account for the work performed by FTEs in the non-core bureaus and offices of the Commission and offers suggestions to improve its methodology and make the process more transparent. NAB also requests that the Commission consider reducing the fees assessed to earth stations to more accurately reflect the benefits provided by the FCC to these stations and raising the de minimis threshold to account for the increased cost of collecting regulatory fees. Finally, to reflect today’s telecommunications marketplace, the Commission should continue to look for mechanisms that account for the significant benefits certain industries receive yet do not currently pay anything under the current fees framework.

II. NAB SUPPORTS THE COMMISSION’S FY 2026 PROPOSED ALLOCATIONS AND POPULATION-BASED METHODOLOGY FOR BROADCAST TELEVISION FEES AND SUGGESTS FURTHER IMPROVEMENTS TO MODERNIZE THE FEE STRUCTURE

The Commission is required by statute to set fees that “reflect the full-time equivalent number of employees within the bureaus and offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission’s activities.”⁶ This requirement is intended to ensure

⁴ *Id.* at ¶ 3.

⁵ *Id.* at ¶ 35.

⁶ 47 U.S.C. § 159(d).

that regulatory fees are fairly allocated among fee payors in accordance with the services provided to them by all of the Commission’s bureaus and offices.

Consistent with the Commission’s methodology from the last three fiscal years, the Notice indicates that the Commission staff conducted a “high-level, yet comprehensive analysis” to determine “whether any FTE time in the non-core bureaus and offices should be reallocated to be considered as direct FTE time to a core bureau.”⁷ Based on this analysis, the Commission “proposes to reallocate 61 FTEs from the Office of Economics and Analytics, the Office of General Counsel, and the Public Safety and Homeland Security Bureau as direct FTEs to core bureaus because the nature of their work has been determined to be primarily related to the oversight and regulation of fee payors.”⁸ The Commission also proposes to reallocate two FTEs from the Media Bureau as indirect because “the nature of their work is similar to work performed in the Enforcement Bureau,” which the Commission “consider[s] to be indirect.”⁹ Separately, the Notice proposes to assess fees for full-power broadcast television stations “based on the population covered by a full-service broadcast television station’s contour as the Commission has done since 2020” and to adopt “a factor of \$.006957 per population served for the FY 2026 full-power broadcast television station fee.”¹⁰

NAB appreciates the Commission’s efforts to refine its methodology to appropriately account for all relevant work performed by Commission staff in non-core bureaus and offices in its regulatory fee structure by increasing its direct FTE reallocations. Additionally, NAB

⁷ Notice at ¶ 19.

⁸ *Id.* at ¶ 21.

⁹ *Id.* at ¶ 22.

¹⁰ *Id.* at ¶ 31.

supports the Commission’s proposal to continue using a population-based methodology to calculate regulatory fees for full-power broadcast television stations, which reflects the actual market served by a station and the benefits that a station receives from the Commission’s work.¹¹

In support of continuing to modernize the Commission’s regulatory fee structure, NAB offers further suggestions to improve the accuracy of its proposed reallocations. As NAB previously has commented for purposes of reallocation decisions, the Commission’s analysis of the work performed by FTEs in non-core bureaus should not exclude FTEs in some of the non-core bureaus and offices simply because they may work on matters that also pertain to non-fee payors.¹² Similarly, while NAB appreciates that broadcasters are exempt from the indirect costs associated with the Universal Service Fund (USF) FTEs in the Wireline Competition Bureau, because broadcasters do not participate in this program, we continue to believe that such FTEs should be reclassified as direct given that they benefit some, but not all, fee payors.¹³ And the Commission should reconsider exempting broadcasters from the costs associated with the Commission’s broadband data mapping work under the Broadband DATA Act, even without a congressional earmark for the requested funding, given that broadcasters simply do not benefit from this work.¹⁴ With

¹¹ See Comments of NAB, MD Docket No. 21-190, at 14-15 (June 3, 2021).

¹² See Comments of NAB, MD Docket No. 24-86, at 4-5 (July 15, 2024); Comments of NAB, MD Docket No. 25-190, at 3 n.8 (July 7, 2025). The Communications Act does not allow the Commission to shift costs for its activities onto regulatees who receive no benefit from them. It is the Commission’s duty to develop a mechanism to assess those fees to the proper parties. See 47 U.S.C. § 159(d).

¹³ See Comments of NAB, MD Docket No. 24-86, at 5-6; Comments of NAB, MD Docket No. 25-190, at 3 n.8.

¹⁴ See Comments of NAB, MD Docket Nos. 21-190, 22-223, at 14-18 (July 5, 2022).

these modifications to its methodology, the Commission can continue to move closer to compliance with its statutory mandate and ensure that the assessed regulatory fees reflect the benefits received by fee payors.

We also urge the Commission to increase the transparency of its decisions to reallocate FTEs between bureaus and offices. Without knowing why certain FTEs have been reallocated, NAB and other commenters are unable to provide a “thorough analysis showing a sufficient basis” for a proposed change or modification to the Commission’s reallocation decisions.¹⁵ Providing more information in the Notice regarding the types of tasks performed by employees that warrant their reallocation to another bureau or office would not only help stakeholders prepare more informed comments on the proposed regulatory fees but also increase confidence in the regulatory fee methodology. NAB sees no reason why the rationale for the Commission’s reallocation decisions should remain opaque and recommends that the Commission provide further context on such decisions in subsequent years.

III. THE COMMISSION SHOULD REDUCE REGULATORY FEES FOR TRANSMIT-CAPABLE EARTH STATIONS

In furtherance of its statutory mandate to adjust fees based on “factors that are reasonably related to the benefits”¹⁶ provided by the Commission’s work to fee payors, the Commission should reduce the financial burden of regulatory fees on Transmit/Receive and Transmit only earth stations and better comport the assessed fees with the benefits provided by the Commission to these stations. Broadcasters utilize earth stations to distribute key programming such as live sports and network news to affiliate stations

¹⁵ Notice at ¶ 27.

¹⁶ 47 U.S.C. § 159(d).

nationwide, as well as to contribute their own local programming and cover breaking news. Notably, broadcaster-operated earth stations are fixed facilities that do not move or change operating parameters, thereby demanding minimal Commission oversight. And broadcasters pay earth station regulatory fees in addition to the fees assessed for their broadcasting licenses, which unfairly compounds the financial burden on broadcasters who provide their services to the public for free.

Under the proposal, regulatory fees for earth stations are set to increase from \$2,060 to \$3,010 per authorization or registration, a substantial *46 percent increase* from FY 2025 that is well beyond any justified or reasonable escalation.¹⁷ The Commission proposes this stark increase in earth station fees despite a reduction of FTEs in the Space Bureau from 51 to 48.¹⁸

NAB understands that the number of earth stations decreased from 4,000 in 2025 to 3,250 in 2026, and, because the revenue requirement apportioned to earth stations went up nearly 19 percent (approximately \$1.5 million), the pro-rated fee for earth station licensees must inevitably rise.¹⁹ However, the proposed fee increase is disproportionate and not “reasonably related to the benefits provided to the payor of the fee by the Commission’s activities” with respect to earth stations.²⁰ The bulk of the Space Bureau’s recent work

¹⁷ Notice at Appendices B & G.

¹⁸ *Id.* at p. 13 & Appendix A. Although the Notice does not indicate how many FTEs in the Space Bureau are focused on the licensing and regulation of earth stations, the Earth Station Licensing Division page on the Commission’s website only lists 8 staff members, which reflects the limited Commission resources expended on earth stations.

¹⁹ See *Review of the Commission’s Assessment and Collection of Regulatory Fees for Fiscal Year 2025; Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2025, Report and Order*, 40 FCC Rcd 7557, 7590 (2025) (FY 2025 Report and Order); Notice at Appendix A.

²⁰ 47 U.S.C. § 159(d).

relates to the oversight and regulation of non-geostationary orbit (non-GSO) satellites.²¹ Non-GSO systems also impose more substantially more regulatory demands on the Commission, namely through conjunction analysis, orbital debris concerns, international coordination, and spectrum sharing. Meanwhile, non-GSO, large constellation space stations only saw a 15.7 percent increase in their regulatory fees under the proposal.²²

The disparity is more striking when comparing the fees assessed on GSO and non-GSO space stations and the number of regulated satellites involved. Per the Notice, there are 19,415 regulated non-GSO satellites, most of which belong to the large SpaceX, Kuiper, and WorldVu constellations, as compared to 152 US-regulated GSO satellites.²³ Because non-GSO, large constellation space stations are charged per system instead of per satellite, the proposed assessment for the entire Starlink constellation of 11,908 satellites is only \$2,274,000, which amounts to just \$191 per satellite, while each GSO satellite will be charged a fee of \$178,700.²⁴

Ultimately, the Commission should reduce the fee burden on earth stations and shift those costs toward non-GSO space stations, on which the Space Bureau expends most of its

²¹ See, e.g., *Modernizing Spectrum Sharing for Satellite Broadband, Report and Order*, SB Docket No. 25-157, at ¶ 12 (rel. May 1, 2026) (“As described below, we expect the modernized NGSO-GSO sharing framework to result in substantial benefits for American consumers, by enabling new NGSO systems to use more satellites to serve the same area, at potentially higher power, and over a wider portion of the visible sky.”); *Space Bureau Accepts for Filing SpaceX’s Application for Orbital Data Centers, Public Notice*, ICFS File No. SAT-LOA-20260108-00016 (Feb. 4, 2026) (accepting for filing and setting for comment SpaceX’s application “for a new non-geostationary orbit (NGSO) system of up to one million satellites”); *Space Bureau Seeks to Refresh the Record on Proposed Rules to Permit the Use of Additional Frequency Bands for NGSO Satellites to Communicate with Earth Stations in Motion, Public Notice*, IB Docket Nos. 17-95 and 18-315 (Dec. 10, 2025).

²² See Notice at Appendix A.

²³ *Id.* at Appendix E.

²⁴ *Id.* at Appendices B & E.

resources. This proposed shift in costs would more fairly distribute fees among space station and earth station licensees in accordance with the Space Bureau's priorities and activities.²⁵ And such a shift would help to reduce the overall financial burden of regulatory fees on broadcasters who operate earth stations in furtherance of the public service they provide.

IV. THE COMMISSION SHOULD CONSIDER RAISING THE DE MINIMIS THRESHOLD

The Commission should also consider increasing the de minimis threshold above \$1,000. Under the Communications Act, the Commission can exempt certain fee payors if “the cost of collecting a regulatory fee . . . from a party would exceed the amount collected from such party.”²⁶ Since the Commission last considered the issue in 2022,²⁷ the cost of collecting regulatory fees has likely increased, given the impact of increases in Commission staff salaries. For example, the salary for a DC-based GS-13 (Step 1) level Commission employee has increased from \$106,823 in 2022 to \$121,785 today.²⁸ This alone warrants

²⁵ See *Procedures for Assessment and Collection of Regulatory Fees, Notice of Proposed Rulemaking*, 27 FCC Rcd 8458, 8464 (2012) (FY 2012 Notice) (proposing to establish “fairness as a goal of [the Commission’s] regulatory fee program, so that the burdens of regulatory fees are borne in an equitable manner;” noting that “regulatees interact with and benefit from the work of the Commission, but not in equal measure;” and offering the example of “a very large company with hundreds of licenses and authorizations [as being] likely to engage much more frequently with the Commission than a local company or cooperative”).

²⁶ 47 U.S.C. § 159(e)(2).

²⁷ Notably, Commission last raised the de minimis threshold to \$1000 in 2017. See *Assessment and Collection of Regulatory Fees for Fiscal Year 2017, Report and Order and Further Notice of Proposed Rulemaking*, 32 FCC Rcd 7057, 7073-74 (2017).

²⁸ *Compare Salary Table 2022-DCB Incorporating the 2.2% General Schedule Increase and a Locality Payment of 31.53% For the Locality Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA*, U.S. Office of Personnel Management (effective Jan. 2022), <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB.pdf>, with *Salary Table 2026-DCB Incorporating the 1% General Schedule Increase and a Locality Payment of 33.94% For the Locality Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA*, U.S. Office of Personnel Management

a reexamination of the Commission's costs to collect fees, and in turn, whether the current de minimis threshold remains justified.

Furthermore, under the proposed regulatory fee assessment for 2026, several radio station classes that previously had been exempt from regulatory fees no longer meet the de minimis threshold,²⁹ because their fees keep increasing without any change in the calculation of the Commission's costs to collect the fees. Given that the Commission has not published data on its actual costs to collect regulatory fees, it is difficult for outside parties to suggest a threshold that would exceed those costs. At minimum, the Commission should consider raising the threshold to \$1,200, such that the radio broadcasters who fell under the exemption in 2025 will be able to take advantage of it again in 2026.

V. THE COMMISSION SHOULD TAKE ACTION TO EXPAND THE BASE OF PAYORS TO ENSURE THAT THE REGULATORY FEE SYSTEM REMAINS SUSTAINABLE

The Notice further seeks comment regarding ways that the Commission can improve the regulatory fee process.³⁰ The Commission can improve the regulatory fee process by expanding its base of regulatory fee payors to include all entities that benefit directly from the Commission's activities. The current regulatory fee process disproportionately burdens a limited group of legacy industries, despite that a larger set of entities benefit from the

(effective Jan. 2026), <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB.pdf>.

²⁹ Compare Notice at Appendix B (setting fees for FM Classes A, B1, and C3 with a population between 10,001 and 25,000, at \$1,050, and fees for AM Class B stations with a population between 25,001 and 75,000, at \$1,035), with FY 2025 Report and Order, 40 FCC Rcd at 7594 (setting fees for FM Classes A, B1, and C3 with a population between 10,001 and 25,000, at \$1,000, and fees for AM Class B stations with a population between 25,001 and 75,000, at \$985).

³⁰ Notice at ¶¶ 35-36.

Commission's work. It is neither fair nor sustainable for a small group of payors to retain the responsibility for funding the Commission's broad and growing portfolio of activities.

NAB disagrees with the Commission's tentative conclusion in the Notice that there is no basis upon which to propose new fee categories.³¹ Over the last few years, NAB and other stakeholders have submitted several comments explaining the basis for adding new fee categories and the Commission's legal authority to expand the base of fee payors beyond licensees to other entities that benefit from the Commission's activities.³²

NAB recognizes that the Commission has previously rejected its and other commenters' proposals to add various categories of fee payors, such as broadband service providers, equipment authorization holders, and major technology companies ("Big Tech"), based in part on the "lack of specificity" in commenters' proposals.³³ But the Commission's

³¹ *Id.* at ¶ 36 (tentatively concluding that "there is no basis upon which to propose new fee categories," following the Commission's review of "the FTE data for this fiscal year and the expected work of those FTEs").

³² See, e.g., Comments of NAB, MD Docket 21-190, at 12-15 (June 3, 2021) (arguing that unlicensed spectrum users should contribute to regulatory fees); Comments of NAB, MD Docket No. 21-190, at 9-14 (Oct. 21, 2021) (urging the Commission to add fee category for broadband service providers and Big Tech companies); Comments of NAB, MD Docket Nos. 21-190, 22-223, at 18-26 (July 5, 2022) (explaining in detail the factual, statutory, and precedential bases for adding a fee category for broadband service providers and Big Tech and other unlicensed spectrum users); Joint Reply Comments of the State Broadcasters Associations, MD Docket No. 21-190, at 5-15 (Nov. 5, 2021) (explaining legal basis for adding fee categories and urging the Commission to assess fees on equipment authorization holders and broadband service providers); Comments of the Satellite Coalition, MD Docket No. 21-190, at 2-8 (Oct. 21, 2021) (urging the Commission to add fee categories and explaining legal authority for expanding base of payors); Reply Comments of the Satellite Operators, MD Docket Nos. 22-301, 23-159, at 3-9 (June 29, 2023) (explaining Commission's statutory authority to expand payor base and proposing the Commission add fee categories for experimental licensees, broadband internet access providers, equipment authorizations, database administrators enabling unlicensed operations, and other regulated entities).

³³ See, e.g., Notice at ¶¶ 35-36 & n.87 (requesting that commenters "be mindful of the Commission's prior conclusions with respect to past proposals" and highlighting the Commission's prior rejection of "proposals for new fee categories").

prior decisions did not grapple with the information asymmetry that prevents NAB and others from providing more detailed proposals on new categories of fee payors. Only the Commission has access to internal FTE data, from which, according to the Notice, the Commission determined that there is no basis for proposing new categories of fee payors.³⁴ Without access to this information, NAB and other commenters cannot speak to which and how many FTEs work on oversight and regulatory activities with respect to broadband Internet access services, equipment authorizations, or Big Tech, or further substantiate their proposals. NAB submits that it is undeniable that such additional entities should share in the costs of funding the Commission's activities. And while we concede that it may be challenging to determine an appropriate methodology for calculating regulatory fees for broadband service providers, equipment authorization holders, and Big Tech companies, that is no reason for the Commission to avoid its obligation to apportion regulatory fees in a fair manner.³⁵

NAB remains willing to meet with Commission staff and stakeholders in the regulatory fee process to close this information gap and find an administrable means of accounting for new categories of fee payors in the Commission's regulatory fee process.

VI. CONCLUSION

NAB appreciates the Commission's efforts to improve its regulatory fee process and supports the FY 2026 proposed allocations as well as the continued use of the population-

³⁴ See *id.* at ¶ 36.

³⁵ See *id.* at ¶ 14 n.41 ("Since 2012, the Commission has had the overarching goals that its regulatory fees be 'fair, administrable, and sustainable'"); FY 2012 Notice, 27 FCC Rcd at 8464 ("We propose establishing fairness as a goal of our regulatory fee program, so that the burdens of regulatory fees are borne in an equitable manner that does not distort the marketplace.").

based methodology for calculating broadcast television regulatory fees. NAB offers a number of suggestions to improve the reallocation process and provide stakeholders transparency on the Commission's decisionmaking in its reallocations. NAB recommends that the Commission further refine and modernize its fee structure by reducing the fees paid by earth station licensees, raising the de minimis threshold, and broadening the base of fee payors.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

Rick Kaplan
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Sophia Gonzalez

May 28, 2026