

this title [Oct. 1, 2018], shall remain in effect under section 9 of the Communications Act of 1934, as amended by subsection (b) of this section, until such time as the Commission [Federal Communications Commission] adjusts or amends such fee under subsection (c) or (d) of such section 9, as so amended.”

RULEMAKING TO AMEND SCHEDULE OF REGULATORY
FEES

Pub. L. 115-141, div. P, title I, §102(e)(1), Mar. 23, 2018, 132 Stat. 1086, provided that: “Not later than 1 year after the effective date described in section 103 of this title [Oct. 1, 2018], the Commission [Federal Communications Commission] shall complete a rulemaking proceeding under subsection (d) of section 9 of the Communications Act of 1934 [47 U.S.C. 159], as amended by subsection (b) of this section.”

§ 159a. Provisions applicable to application and regulatory fees

(a) Judicial review prohibited

Any adjustment or amendment to a schedule of fees under subsection (b) or (c) of section 158 of this title or subsection (c) or (d) of section 159 of this title is not subject to judicial review.

(b) Notice to Congress

The Commission shall transmit to Congress notification—

(1) of any adjustment under section 158(b) or 159(c) of this title immediately upon the adoption of such adjustment; and

(2) of any amendment under section 158(c) or 159(d) of this title not later than 90 days before the effective date of such amendment.

(c) Enforcement

(1) Penalties for late payment

The Commission shall by rule prescribe an additional penalty for late payment of fees under section 158 or 159 of this title. Such additional penalty shall be 25 percent of the amount of the fee that was not paid in a timely manner.

(2) Interest on unpaid fees and penalties

The Commission shall charge interest, at a rate determined under section 3717 of title 31, on a fee under section 158 or 159 of this title or an additional penalty under this subsection that is not paid in a timely manner. Such section 3717 shall not otherwise apply with respect to such a fee or penalty.

(3) Dismissal of applications or filings

The Commission may dismiss any application or other filing for failure to pay in a timely manner any fee under section 158 or 159 of this title or any interest or additional penalty under this subsection.

(4) Revocations

(A) In general

In addition to or in lieu of the penalties and dismissals authorized by this subsection, the Commission may revoke any instrument of authorization held by any licensee that has not paid in a timely manner a regulatory fee assessed under section 159 of this title or any related interest or penalty.

(B) Notice

Revocation action may be taken by the Commission under this paragraph after no-

tice of the Commission’s intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee’s last known address. The notice shall provide the licensee at least 30 days to either pay the fee, interest, and any penalty or show cause why the fee, interest, or penalty does not apply to the licensee or should otherwise be waived or payment deferred.

(C) Hearing

(i) Generally not required

A hearing is not required under this paragraph unless the licensee’s response presents a substantial and material question of fact.

(ii) Evidence and burdens

In any case where a hearing is conducted under this paragraph, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee.

(iii) Costs

Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing.

(D) Opportunity to pay prior to revocation

Any Commission order adopted under this paragraph shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked.

(E) Finality

No order of revocation under this paragraph shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

(d) Waiver, reduction, and deferment

The Commission may waive, reduce, or defer payment of a fee under section 158 or 159 of this title or an interest charge or penalty under this section in any specific instance for good cause shown, where such action would promote the public interest.

(e) Payment rules

The Commission shall by rule permit payment—

(1) in the case of fees under section 158 or 159 of this title in large amounts, by installments; and

(2) in the case of fees under section 158 or 159 of this title in small amounts, in advance for a number of years not to exceed the term of the license held by the payor.

(f) Accounting system

The Commission shall develop accounting systems necessary to make the amendments authorized by sections 158(c) and 159(d) of this title.

(June 19, 1934, ch. 652, title I, §9A, as added Pub. L. 115-141, div. P, title I, §102(c), Mar. 23, 2018, 132 Stat. 1084.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2018, see section 103 of div. P of Pub. L. 115-141, set out as an Effective Date of 2018 Amendment note under section 156 of this title.

§ 160. Competition in provision of telecommunications service**(a) Regulatory flexibility**

Notwithstanding section 332(c)(1)(A) of this title, the Commission shall forbear from applying any regulation or any provision of this chapter to a telecommunications carrier or telecommunications service, or class of telecommunications carriers or telecommunications services, in any or some of its or their geographic markets, if the Commission determines that—

- (1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;
- (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and
- (3) forbearance from applying such provision or regulation is consistent with the public interest.

(b) Competitive effect to be weighed

In making the determination under subsection (a)(3), the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services. If the Commission determines that such forbearance will promote competition among providers of telecommunications services, that determination may be the basis for a Commission finding that forbearance is in the public interest.

(c) Petition for forbearance

Any telecommunications carrier, or class of telecommunications carriers, may submit a petition to the Commission requesting that the Commission exercise the authority granted under this section with respect to that carrier or those carriers, or any service offered by that carrier or carriers. Any such petition shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within one year after the Commission receives it, unless the one-year period is extended by the Commission. The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection (a). The Commission may grant or deny a petition in whole or in part and shall explain its decision in writing.

(d) Limitation

Except as provided in section 251(f) of this title, the Commission may not forbear from applying the requirements of section 251(c) or 271

of this title under subsection (a) of this section until it determines that those requirements have been fully implemented.

(e) State enforcement after Commission forbearance

A State commission may not continue to apply or enforce any provision of this chapter that the Commission has determined to forbear from applying under subsection (a).

(June 19, 1934, ch. 652, title I, §10, as added Pub. L. 104-104, title IV, §401, Feb. 8, 1996, 110 Stat. 128.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (e), was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 161. Regulatory reform**(a) Biennial review of regulations**

In every even-numbered year (beginning with 1998), the Commission—

- (1) shall review all regulations issued under this chapter in effect at the time of the review that apply to the operations or activities of any provider of telecommunications service; and
- (2) shall determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service.

(b) Effect of determination

The Commission shall repeal or modify any regulation it determines to be no longer necessary in the public interest.

(June 19, 1934, ch. 652, title I, §11, as added Pub. L. 104-104, title IV, §402(a), Feb. 8, 1996, 110 Stat. 129.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 162. Additional research authorities of the FCC

In order to carry out the purposes of this chapter, the Commission may—

- (1) undertake research and development work in connection with any matter in relation to which the Commission has jurisdiction; and
- (2) promote the carrying out of such research and development by others, or otherwise to arrange for such research and development to be carried out by others.

(June 19, 1934, ch. 652, title I, §12, as added Pub. L. 111-358, title VIII, §803, Jan. 4, 2011, 124 Stat. 4043.)