

While I agree it is appropriate to separate the LMDS service from the Multipoint Distribution Service (MDS) regulatory fee category, I am unable to agree with the conclusion that the LMDS service requires different regulatory activities than those associated with other Part 101 Fixed Microwave Services. Indeed, two other services that share very similar service characteristics with LMDS—24 GHz and 39 GHz—are also regulated under Part 101 and subject to the microwave regulatory fees.

Unfortunately, I am forced to concur to this portion because I understand that a decision to change the regulatory fee for LMDS at this time would make it impossible to both collect regulatory fees this fiscal year and provide Congress with 90 days notice of the amendment, as required by the Act. This item, however, does announce our plan to

initiate a rulemaking that will closely look at the regulatory fees assessed against the microwave services including LMDS. I support this effort and strongly encourage the Commission to use this rulemaking as the foundation for a more comprehensive review of the methodology for assessing regulatory fees as outlined above.

#### Rule Changes

■ Part 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

#### PART 1—PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303, 309.

■ 2. Section 1.1117 is amended by adding paragraph (f) to read as follows:

#### § 1.1117 Petitions and applications for review.

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(f) Petitions for waiver of a fee based on financial hardship will be subject to the provisions of paragraph 1.1166(e).

■ 3. Section 1.1152 is revised to read as follows:

#### § 1.1152 Schedule of annual regulatory fees and filing locations for wireless radio services.

Exclusive use services (per license)	Fee amount <sup>1</sup>	Address
<b>1. Land Mobile (Above 470 MHz and 220 MHz Local, Base Station &amp; SMRS) (47 CFR, Part 90)</b>		
(a) New, Renew/Mod (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(c) Renewal Only (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>220 MHz Nationwide</b>		
(a) New, Renew/Mod (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(c) Renewal Only (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>2. Microwave (47 CFR Pt. 101) (Private):</b>		
(a) New, Renew/Mod (FCC 601 & 159) .....	\$25.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	\$25.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(c) Renewal Only (FCC 601 & 159) .....	\$25.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	\$25.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>3. 218–219 MHz Service:</b>		
(a) New, Renew/Mod (FCC 601 & 159) .....	\$30.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	\$30.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(c) Renewal Only (FCC 601 & 159) .....	\$30.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	\$30.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>4. Shared Use Services:</b>		
<b>Land Mobile (Frequencies Below 470 MHz—except 220 MHz)</b>		
(a) New, Renew/Mod (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(c) Renewal Only (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>General Mobile Radio Service</b>		
(a) New, Renew/Mod (FCC 605 & 159) .....	\$5.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) New, Renew/Mod (Electronic Filing) (FCC 605 & 159) .....	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(c) Renewal Only (FCC 605 & 159) .....	\$5.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(d) Renewal Only (Electronic Filing) (FCC 605 & 159) .....	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>Rural Radio (Part 22)</b>		
(a) New, Additional Facility, Major Renew/Mod (Electronic Filing) (FCC 601 & 159).	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
(b) Renewal, Minor Renew/Mod (Electronic Filing) (FCC 601 & 159)	\$5.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.
<b>Marine Coast</b>		
(a) New Renewal/Mod (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.
(b) Renewal Only (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358245, Pittsburgh, PA, 15251–5245.
(c) Renewal Only (Electronic Filing) (FCC 601 & 159) .....	\$10.00	FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.