

COMMENTS OF THE NATIONAL TELEVISION ASSOCIATION (NTA)

Proposed Forest Service Annual Programmatic Administrative Fee for Communications Use Authorizations: (RIN 0596-AD44)

National Television Association (NTA) here offers its comments on the proposed Annual Programmatic Administrative Fee. It is understood that this fee is intended to cover administrative cost for communication wireless and fixed locations that are using the Forest Service land. These fees initially would be \$1400 per wireless communication authorizations and \$400 per wired (fiber optic) communications uses, with provision for annual adjustments.

NTA at least since the 1970's has been an advocate for the preservation and strengthening of free over-air services to communities throughout the United States. Specifically, NTA has served organizations and individuals providing mountain-top repeaters, known as TV translators, to deliver programming to remote areas where terrain and sparseness of population have left the residents with few alternatives.¹ These facilities are nation-wide but especially are concentrated in the Inter-mountain West from the Rockies to the Coast Ranges. They overwhelmingly rely, obviously, on mountain top repeater sites. These are variously located on land owned or administered by the Forest Service, the Bureau of Land Management, State and local government, and private owners. In addition to the TV Translators, and counterpart FM Translators for radio, these site locations share the same infrastructure for multiple emergency alerts serving small rural communities.

NTA understands that the Forest Service already imposes user fees, scaled appropriately to the magnitude of the users, their revenue, and their burden on Federal lands. These scaled fees are not retained by the Forest Service, but revert

¹ The former name, National Translator Association, was modified by the Board of Directors in December, 2021, to make the organization's identity broader and more accessible, but without derogation of NTA's historic identity and mission.

to the U.S. Treasury. This has led to the search for some mechanism that appropriately might cover the costs of oversight, maintenance and planning imposed by all the users

We submit that a flat fee may not be appropriate, as applied to most TV translator installations. Many of these have operated at their present location for many years. All maintenance has been the responsibility of the user, and the burden on Forest Service resources has been minimal. Unlike wireless services, these translator and emergency system typically operate on a fixed income and are unable to pass this additional fee on their viewers. The burden of this fixed fee would fall on entities least likely to be able to pay.

The mountain top TV translators operations always have a land lease and pay for the maintenance and operation of the locations as an incident of their monthly or annual rent. The new initial fee could have arbitrary impact, where it results in a double charge for those already paying for these indirect costs through their rentals.

It would be preferable and more equitable if the Forest Service were able to cover its administrative costs by reserving a small portion of the existing annual user fees that are collected. But this approach is likely to require legislation, as so it would be some years away.

If a fee is to be implemented as proposed, either at \$1,400 or at some other number in light of public comments here, NTA recommends that a categorical exemption be established for public telecommunications entities, non-profit organizations, educational entities, TV translators delivering public TV services, and instrumentalities of State and Local Government. An exemption such as this was implemented by the Federal Communications Commission when it adopted application filing fees and annual franchise fees, 47 Code of Federal Regulations, Section 1. 1116. It has worked well.

Respectfully submitted,

NATIONAL TELEVISION ASSOCIATION

By: Jack Mills, President

7402 North Kelley Avenue

Oklahoma city, OK 73111

jack.millis@griffin.news

Tel. (5405) 808-2509

cc. joey.perry@usda.gov

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