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VIA ECFS

July 21, 2025

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

Re: *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 2024*; MD Docket No. 25-190 & 24-85

Dear Ms. Dortch:

The Consumer Technology Association (CTA)<sup>1</sup> files these reply comments to express its strong opposition to the suggestion from the National Association of Broadcasters (NAB) that the Federal Communications Commission (FCC or Commission) impose regulatory fees on largely unregulated entities—equipment authorization holders and vaguely defined “Big Tech” companies.<sup>2</sup>

This is not a new argument. NAB is recycling a fundamentally flawed position that it has advanced for years without success.<sup>3</sup> The proposal remains vague, legally unworkable, economically counterproductive and inconsistent with the statutory framework established by Congress. The Commission should once again reject it.

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<sup>1</sup> As North America's largest technology trade association, CTA® is the tech sector. Our members are the world's leading innovators—from startups to global brands—helping support more than 18 million American jobs. CTA owns and produces CES®—the most powerful tech event in the world.

<sup>2</sup> Comments of the National Association of Broadcasters, MD Docket No. 25-190 (July 7, 2025) (NAB Comments); *see also Review of the Commission's Assessment and Collection of Regulatory Fees for Fiscal Year 2025 et al.*, Notice of Proposed Rulemaking, MD Docket Nos. 25-190 & 24-85, FCC 25-30 (rel. June 5, 2025) (NPRM).

<sup>3</sup> *See, e.g.*, Comments of NAB, MD Docket No. 21-190, at 12-15 (June 3, 2021); Comments of NAB, MD Docket Nos. 21-190 & 22-223, at 18-25 (July 5, 2022); Reply Comments of NAB, MD Docket Nos. 22-301 & 23-159, 4-6 (June 29, 2023); Comments of NAB, MD Docket No. 24-86, at 4-6 (July 15, 2024).

**NAB’s Proposals Do Not Align with the Law.** Congress instructed the FCC to set regulatory fees that reflect the number of employees in its bureaus and offices “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.”<sup>4</sup> NAB fails to meet this standard.

Instead of offering concrete analysis or evidence, NAB delivers vague generalities about companies “plainly” benefiting from Commission activities.<sup>5</sup> It offers no workable method for identifying which companies should pay, how to calculate the fees or how the Commission’s activities create discrete, billable benefits for them—all critical components under the Communications Act.<sup>6</sup> Appreciation for the FCC’s important work cannot override the legal framework imposed by Congress. Regulatory fees must be grounded in definable benefit—not political convenience.

**The Suggestion to Impose Fees on “Big Tech” is Too Vague to be Workable.**

NAB’s proposal falls apart from its own lack of clarity. It makes no attempt to define “Big Tech”—a political catchphrase masquerading as policy. How large must a company be? In which sector? Using what criteria? These questions are left unanswered. Nor does NAB explain how the FCC would determine the supposed “benefits” these companies receive from Commission activities. Instead, NAB blames its vagueness on a lack of access to FCC staffing data.<sup>7</sup> But lack of staffing data is not the real problem. Rather, the problem is a failure to even try to define the new category of payors that NAB wants the Commission to create, which does *not* depend on unknown FCC data.

To the extent that we can glean anything about what NAB may have in mind when it refers to “Big Tech,” its comments in prior regulatory fee dockets complain about “Big Tech companies that actively participate in Commission proceedings” and “benefit economically.” By NAB’s rationale, the general public, who are often active participants in Commission proceedings and benefit from the FCC’s work, should be subject to regulatory fees—which would be an absurd assertion. Further, as CTA has previously highlighted, unlike licensed spectrum holders, who receive the benefit of interference protections and enforceability, unlicensed spectrum users do not receive discrete identifiable benefits from the FCC’s work in the sense that licensees and directly regulated entities do, making it problematic to attempt to link fees to benefits.<sup>8</sup> The public as a whole is the beneficiary of access to unlicensed spectrum.

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<sup>4</sup> 47 U.S.C. § 159 (emphasis added); *see also* NPRM ¶ 5.

<sup>5</sup> NAB Comments at 4.

<sup>6</sup> The need to identify categories of potential payors that receive discrete, unique benefits—which the Commission has long recognized and applied—cannot be interpreted out of the statute. *See generally Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024) (courts may not defer to agency interpretations of their statutory authority).

<sup>7</sup> NAB Comments at 6.

<sup>8</sup> *See* Reply Comments of the Consumer Technology Association, MD Docket No. 21-190, at 5 (Nov. 5, 2021).

**Equipment Authorization Holders are Already Paying for the Benefits of the Authorizations They Receive.** NAB's call for regulatory fees on equipment authorization holders ignores how the process actually works. The FCC has outsourced nearly all testing and certification work to third-party labs and Telecommunication Certification Bodies (TCBs). Manufacturers already pay these entities directly. There is no regulatory free ride here—only a system that functions efficiently because the Commission wisely chose to privatize much of the burden. This isn't new information. CTA has explained this in prior filings.<sup>9</sup> NAB has yet to meaningfully respond.

**The Commission Should Stay the Course.** Under Chairman Carr's leadership, the Commission has pursued a forward-thinking, innovation-friendly regulatory philosophy—one that avoids unnecessary burdens and empowers markets to deliver progress. NAB's proposal is a relic of a protectionist mindset—one that sees innovation not as a competitive challenge to meet, but as a threat to suppress. NAB's request to impose new regulatory costs on poorly defined categories of companies with only the most tenuous legal justification represents just the opposite of the Commission's pro-innovation, pro-market approach. The Commission should respond to NAB's invitation with a firm and clear "No."

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Shapiro". The signature is fluid and cursive, with the first name "Gary" and last name "Shapiro" clearly distinguishable.

Gary Shapiro  
CEO and Vice Chair  
Consumer Technology Association

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<sup>9</sup> See, e.g., *id.* at 6.