



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

H. Wasy
JSA

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IN REPLY REFER TO: B-193410

OFFICE OF GENERAL COUNSEL

[Proposed Refund Procedures for Excess License Fee Collections]
December 26, 1978

Mr. Thomas P. Campbell
Chief, Financial Management Division
Federal Communications Commission
1919 M Street, NW - Room 848
Washington, D.C. 20554

DLG 00531

Dear Mr. Campbell:

We appreciated the opportunity to meet last Wednesday with you and other members of the Commission staff concerning the Commission's proposed refund procedures for excess license fee collections. The following summarizes briefly the points addressed and our understanding of the resolutions reached at our meeting.

First, we expressed our concern over the Commission's original proposal that refund requests which it does not receive within one year could be submitted to the General Accounting Office as "claims." We view the refund procedure, which stems directly from judicial decisions instructing the Commission to recalculate 1970-1976 fees and to make appropriate refunds, as essentially a matter between the courts and the Commission. It was not envisioned to operate as a "claims" procedure subject to our settlement functions under 31 U.S.C. §71. */

Submission of refund requests to GAO as "claims" is also wholly impracticable. As we explained, our Claims Division would have to refer back to the Commission each request for a factual and legal analysis. In other words, the Commission would still have to go through the same process as it does in handling the requests directly. Thus the end result of the proposal would be to merely compound the administrative burden and cost to the Government, as well as making it more difficult for licensees to get their refunds.

*/ See in this regard, National Ass'n of Broadcasters v. Federal Communications Commission, 554 F.2d 1118, 1122 at fn. 3 (D.C. Cir. 1976).

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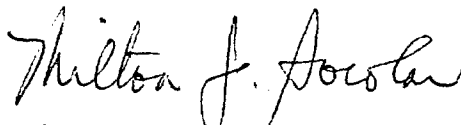
Letter

It was agreed at the meeting that the Commission would drop this proposal and so explain in its final issuance.

The second point raised at the meeting is our clearance under the Federal Reports Act, 44 U.S.C. §3512, of the Commission's form to be used in the refund process. Our Regulatory Reports Review staff explored with the Commission staff some issues that we perceive here in terms of minimizing the duplication and respondent burden associated with the form. While our staffs will have to pursue these issues in greater detail through the clearance process, the discussion served to give each agency a better appreciation of the other's perspective here.

I think that our meeting was most productive in resolving one point and, I hope, giving us both a better focus on the Reports Act matter. We look forward to working with you in the future.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar
General Counsel