

FEDERAL COMMUNICATIONS COMMISSION

RULES AND REGULATIONS
(TITLE 47—TELECOMMUNICATION—CHAPTER I)

PART 3
RULES GOVERNING
RADIO BROADCAST SERVICES

EFFECTIVE JUNE 25, 1940

(Revised to January 16, 1948)



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**PREFACE TO THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS
COMMISSION**

The "Rules and Regulations of the Federal Communications Commission" incorporate all the rules and regulations of a general or permanent nature in force as of the effective date appearing at the beginning of each part. The title, "Title 47—Telecommunication," has been adopted for all the rules to correspond with the codification thereof under the provisions of the Federal Register Act, and also to correspond with the title under which the Communications Act is printed in the United States Code.

In preparing this compilation, the Commission has had in mind the necessity for an arrangement which would make the rules conveniently accessible and one which would also make provision for future amendments. To this end all the existing rules have been logically arranged under 34 parts, which have been suitably subdivided, employing nonconsecutive part numbers from 1 to 65, making provision for substitutions and additions.

The various parts are independently numbered, each part beginning with the principal section number allocated for the purpose and in keeping with the system of numbering which has been used, and these section numbers run consecutively only within the part. The first section of each part begins with ".1." Gaps are left in the numbering throughout so that new and amendatory provisions may be inserted with due regard to their relation to the compilation as a whole.

Each part has been printed and bound in separated pamphlet form, and each contains a title page listing the part numbers and titles of all the Rules and Regulations. In addition, explanatory footnotes have been included referring to statutes or treaties applicable to particular services and, so far as practicable, to other applicable parts.

It is intended that future amendments will be made available in such form that the substitute or added pages may be readily inserted within the part.

Provision of the rules may be cited thus: "Section (or §) 3.1 Federal Communications Commission Rules."

Copies of these rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C.

The Rules and Regulations of the Federal Communications Commission Are Published in Separate Pamphlets, Numbered and Titled as Follows:

Part No.

1. Rules Relating to Organization and Practice and Procedure.
2. General Rules and Regulations.
3. Rules Governing Radio Broadcast Services.
4. Rules Governing Experimental and Auxiliary Broadcast Services.
5. Rules Governing Experimental Radio Services.
6. Rules Governing Fixed Public Radio Services.
7. Rules Governing Coastal and Marine Relay Services.
8. Rules Governing Ship Service.
9. Rules Governing Aeronautical Services.
10. Rules Governing Emergency Radio Services.
11. Rules Governing Miscellaneous Radio Services.
12. Rules Governing Amateur Radio Service.
13. Rules Governing Commercial Radio Operators.
14. Rules Governing Radio Stations in Alaska (Other than Amateur and Broadcast).
15. Rules and Regulations Governing All Radio Stations in the War Emergency Radio Service.
16. Rules and Regulations Governing Railroad Radio Service.
17. Rules Governing Stations in the Utility Radio Service.
18. Rules and Regulations Relating to Industrial, Scientific and Medical Service.

Part No.

19. Rules and Regulations Governing Citizens Radio Service.
- 31-32. Uniform System of Accounts, Class A and Class B Telephone Companies—Units of Property Class A and Class B Telephone Companies.
33. Uniform System of Accounts for Class C Telephone Companies.
34. Uniform System of Accounts for Radiotelegraph Carriers.
35. Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers.
41. Telegraph and Telephone Franks.
42. Rules Governing the Preservation of Records.
43. Reports (Rules Governing the Filing of Information, Contracts, Periodic Reports, etc.).
51. Classification of Telephone Employees.
52. Classification of Wire-telegraph Employees.
61. Tariffs, Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Communications Service.
62. Rules Governing Applications under Sec. 212 of the Act to Hold Interlocking Directorates.
63. Extension of Lines and Discontinuance of Service by Carriers.
64. Miscellaneous Rules Relating to Common Carriers.
65. Communications Fellowships for Students from Other American Republics.

TABLE I—Table setting forth sections of former Subpart C of Part 3 recodified in edition of Part 3 revised to January 16, 1948, for the purpose of presenting under Subpart A, all rules in this part relating to standard broadcast.

Old section under Subpart C:	New section under Subpart A
3.401	3.164
3.402	3.165 (a)
3.403	3.165 (b)
3.404	3.181
3.405	3.182
3.406	3.187
3.407	3.188
3.408	3.191
3.409	3.189
3.421	3.190 (b)
3.422	3.190 (a)
3.423	3.190 (c)
3.424	3.190 (d)

TABLE II—Table setting forth source of sections recodified under Subpart A of Part 3, edition revised to January 16, 1948, which formerly appeared under Subpart C of Part 3

New section under Subpart A	Number of this section when presented as Subpart C
3.164	3.401
3.165 (a)	3.402
3.165 (b)	3.403
3.181	3.404
3.182	3.405
3.187	3.406
3.188	3.407
3.189	3.409
3.190 (a)	3.422
3.190 (b)	3.421
3.190 (c)	3.423
3.190 (d)	3.424
3.191	3.408

TABLE III—Table setting forth recodification of alphabetical designations of certain subparts to Part 3, edition revised to January 16, 1948

Former subpart designation:	Present subpart designation
Subpart C—Recodified as part of	Subpart A.
Subpart D—Recodified as	Subpart C.
Subpart D—Reserved for Rules Governing Facsimile Broadcast Stations (under preparation).	

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PART 3—RULES GOVERNING RADIO BROADCAST SERVICES

Subpart A—Rules Governing Standard Broadcast Stations

DEFINITIONS¹

§ 3.1 **Standard broadcast station.**—The term “standard broadcast station” means a station licensed for the transmission of radio-telephone emissions primarily intended to be received by the general public and operated on a channel in the band 550–1600 kilocycles, inclusive.

§ 3.2 **Standard broadcast band.**—The term “standard broadcast band” means the band of frequencies extending from 550–1600 kilocycles, inclusive, both 550 kilocycles and 1600 kilocycles being the carrier frequencies of broadcast channels.

§ 3.3 **Standard broadcast channel.**—The term “standard broadcast channel” means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to standard broadcast stations shall begin at 550 kilocycles and be in successive steps of 10 kilocycles.

§ 3.4 **Dominant station.**—The term “dominant station” means a Class I station, as hereinafter defined, operating on a clear channel.

§ 3.5 **Secondary station.**—The term “secondary station” means any station except a Class I station operating on a clear channel.

§ 3.6 **Daytime.**—The term “daytime” means that period of time between local sunrise and local sunset.

§ 3.7 **Nighttime.**—The term “nighttime” means that period of time between local sunset and 12 midnight local standard time.

§ 3.8 **Sunrise and sunset.**—The terms “sunrise and sunset” mean, for each particular location and during any particular month, the

average time of sunrise and sunset as specified in the license of a broadcast station. (For tabulation of average sunrise and sunset times for each month at various points in the United States, see “Average Sunrise and Sunset Times.”)

§ 3.9 **Broadcast day.**—The term “broadcast day” means that period of time between local sunrise and 12 midnight local standard time.

§ 3.10 **Experimental period.**—The term “experimental period” means that time between 12 midnight and local sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for “daytime” or “specified hours” of operation may broadcast any regular or scheduled program during this period.

§ 3.11 **Service areas.**—(a) The term “primary service area” of a broadcast station means the area in which the groundwave is not subject to objectionable interference or objectionable fading.

(b) The term “secondary service area” of a broadcast station means the area served by the skywave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(c) The term “intermittent service area” of a broadcast station means the area receiving service from the groundwave but beyond the primary service area and subject to some interference and fading.

§ 3.12 **Main studio.**—The term “main studio” means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its

¹ Other definitions which may pertain to standard broadcast stations are included in secs. 2.1 to 2.35 and the Communications Act of 1934, as amended.

station announcements are made of programs originating at remote points.

§ 3.13 **Portable transmitter.**—The term “portable transmitter” means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

§ 3.14 **Auxiliary transmitter.**—The term “auxiliary transmitter” means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

§ 3.15 **Combined audio harmonics.**—The term “combined audio harmonics” means the arithmetical sum of the amplitudes of all the separate harmonic components. Root sum square harmonic readings may be accepted under conditions prescribed by the Commission.

§ 3.16 **Effective field.**—The term “effective field” or “effective field intensity” is the root-mean-square (RMS) value of the inverse distance fields at a distance of 1 mile from the antenna in all directions in the horizontal plane.

ALLOCATION OF FACILITIES

§ 3.21 **Three classes of standard broadcast channels.**—(a) *Clear channel.*—A clear channel is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas

(b) *Regional channel.*—A regional channel is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

(c) *Local channel.*—A local channel is one on which several stations may operate with powers not in excess of 250 watts. The primary serv-

ice area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

§ 3.22 **Classes and power of standard broadcast stations.**—(a) *Class I station.*—A Class I station is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in section 3.25 or in accordance with the Engineering Standards of Allocation. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see sec. 3.25 (a) for further power limitation.)

(b) *Class II station.*—A Class II station is a secondary station which operates on a clear channel (see sec. 3.25) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the Engineering Standards of Allocation.

(c) *Class III Station.*—A Class III station is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district¹ and the rural area contiguous thereto. Class III stations are subdivided into two classes

(1) *Class III-A station.*—A Class III-A station is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(2) *Class III-B station.*—A Class III-B station is a Class II station which operates with

¹ The term “metropolitan district” as used in this paragraph is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.

a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(d) *Class IV station.*—A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt, and its service area is subject to interference in accordance with the Engineering Standards of Allocation.

§ 3.23 **Time of operation of the several classes of stations.**¹—The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(a) Unlimited time permits operation without a maximum limit as to time.

(b) Limited time is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. (For exact time of sunset at any location see Average Sunrise and Sunset Times.)

(d) Sharing time permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in sec. 3.71.)

§ 3.24 **Broadcast facilities; showing required.**—An authorization for a new standard broadcast station or increase in facilities of an existing station² will be issued only after a

¹ Formal application required for change in time of operation of existing broadcast station. See Standards of Good Engineering Practice for form number.

² Formal applications required. See Standards of Good Engineering Practice for form number.

satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to affect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see Engineering Standards of Allocation and Field Intensity Measurements in Allocation.)

(c) That the applicant is financially qualified to construct and operate the proposed station.³

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and Locations of Transmitters of Standard Broadcast Stations.)

(f) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(g) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

FREQUENCY ALLOCATIONS BY CLASSES OF STATIONS

§ 3.25 **Clear channels: Class I and II stations.**—The frequencies in the following tabulations are designated as clear channels and assigned for use by the classes of stations given:

³ See Money Required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers.

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on said border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 690, 740, 860, 990, 1010¹ and 1580 kilocycles.

(d) For Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the nearest Mexican border, 730, 800, 900, 1050,² 1220,³ and 1570 kilocycles.

(e) For Class II stations which will deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest point of land in the Bahama Islands, 1540 kilocycles.

§ 3.26 **Regional channels: Classes III-A and III-B stations.**—The following frequencies are designated as regional channels and are assigned for use by Class III-A and III-B stations: ⁴ 550, 560, ⁵ 570, ⁵ 580, 590, ⁵ 600, 610, 620, 630, ⁵ 790, 910, 920, 930, 950, 960, 970, 980, 1150,

¹ A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

² See North American Regional Broadcasting Agreements for use of this channel by a station in New York (appendix I, table IV).

³ See agreement with Mexico for further use of this channel.

⁴ See sec. 3.29 in regard to assigning Class IV station to regional channels.

1250, 1260, 1270,⁵ 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

§ 3.27 **Local channels: Class IV stations.**—The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

§ 3.28 **Assignment of stations to channels.**—(a) The individual assignments of stations to channels which may cause interference to other United States stations only shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see “Engineering Standards of Allocation” and “Field Intensity Measurements in Allocation,” sec. C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

§ 3.29 **Assignment of Class IV stations to regional channels.**—On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

§ 3.30 **Station location.**—(a) Each standard broadcast station shall be considered located in the State and city where the main studio is located.

(b) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located in accordance with the Standards of Good Engineering Practice, prescribed by the Commission.

⁵ See North American Regional Broadcasting Agreement for special provisions concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with appendix II, table I, of said agreement.

§ 3.31 Authority to move main studio.—

The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough or city, State, district, Territory, or possession in which it is located without first making written application¹ to the Commission for authority to so move, and securing written permission for such removal. The licensee shall promptly notify the Commission of any other change in location of the main studio.

§ 3.32 Special experimental authorizations.—(a) Special experimental authorizations² may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor¹ and satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience, and necessity will be served by granting the authorization requested.

(b) In case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A special experimental authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be ad-

¹ Formal application required. See Standards of Good Engineering Practice for form number.

² Special authorizations which do not involve experimental operation may be granted pursuant to sec. 1 324.

hered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

§ 3.33 Directional antenna; showing required.—(a) No application for authority to install a directional antenna¹ will be accepted unless a definite site and full details of the design of the directional antenna are given with the application. (See Data Required With Applications Involving Directional Antenna Systems.)

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See Field Intensity Measurements in Allocation, sec. B.)

§ 3.34 Normal license period.—All standard broadcast station licenses will be issued for a normal license period of 3 years. Licenses will be issued to expire at the hour of 3 a. m., eastern standard time, in accordance with the following schedule, and at 3-year intervals thereafter:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, November 1, 1946.

(b) For stations operating on the frequencies 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580 kilocycles, May 1, 1945.

(c) For stations operating on the frequencies

550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, May 1, 1946.

(d) For stations operating on the frequencies 910, 920, 930, 950, 960, 970, 980, 1150, 1250 kilocycles, May 1, 1947.

(e) For stations operating on the frequencies 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360 kilocycles, November 1, 1945.

(f) For stations operating on the frequencies 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, 1600 kilocycles, November 1, 1947.

(g) For stations operating on the frequency 1230 kilocycles, February 1, 1946.

(h) For stations operating on the frequency 1240 kilocycles, August 1, 1946.

(i) For stations operating on the frequency 1340 kilocycles, February 1, 1947.

(j) For stations operating on the frequency 1400 kilocycles, August 1, 1947.

(k) For stations operating on the frequency 1450 kilocycles, February 1, 1948.

(l) For stations operating on the frequency 1490 kilocycles, August 1, 1948.

§ 3.35 **Multiple ownership.**¹—No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or

¹ See Order 84-A, dated November 23, 1943: "This regulation is to take effect immediately: *Provided, however,* That with respect to persons who now directly or indirectly own, operate, or control a standard broadcast station which renders primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated, or controlled by such person, the effective date of this regulation shall be midnight May 31, 1944; *Provided further,* That with respect to such persons the Commission may, upon proper showing, extend the licenses of the stations involved in order, in any particular case, to determine the applicability of this regulation or to permit the orderly disposition of properties."

The Commission on April 4, 1944, adopted Order 84-B which provides:

"I. Except as provided below the effective date of Regulation 3.35 is hereby suspended.

"II. On or before May 31, 1944, all licensees to whom Regulation 3.35 is or may be applicable will be required to:

"1. File an application which will effect compliance with Regulation 3.35; or

"2. Submit a petition for extension of license for such period as may be necessary to complete negotiations for an orderly disposition or otherwise to comply with the terms of the Regulation, provided such petition sets forth:

"a. The determination of the licensee to proceed in good faith as expeditiously as may be to effectuate compliance with the Regulation; and

"b. A statement of the steps which petitioner proposes to take in order to effect his compliance with the Regulation, and the specific facts establishing due diligence in the effort to effect a compliance with the term of the Regulation and the licensee's inability to comply therewith; or

controlled² by any person³ where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience, and necessity will be served through such multiple ownership situation.

EQUIPMENT

§ 3.41 **Maximum rated carrier power; tolerances.**—The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	Maximum power authorized to station	Maximum rated carrier power permitted to be installed ¹
Class IV -----	100 or 250 watts	Watts 250
Class III -----	500 or 1,000 watts	1,000
Class II -----	5,000 watts	5,000
Class I -----	250, 500, or 1,000 watts	1,000
	5,000 or 10,000 watts	10,000
	25,000 or 50,000 watts	50,000
	10,000 watts	10,000
	25,000 or 50,000 watts	50,000

¹ The maximum rated carrier power must be distinguished from the operating power. (See secs 2.18 and 2.19)

§ 3.42 **Maximum rated carrier power; how determined.**—The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

"3. Submit a petition for a hearing to determine the applicability of Regulation 3.35 to the petitioner, in which case the petition and the license renewal will be set for hearing.

"III. The license renewals of all affected licensees, who do not take one of the foregoing steps or who are unsuccessful in obtaining an extension of time under subparagraph 2 above, will be designated for hearing.

"IV. The Commission will insist upon a speedy determination of any proceeding hereunder and will require an expeditious compliance with its final order thereon within such reasonable time as may be fixed in such final order.

"V. Upon compliance with Regulation 3.35 the Commission will issue appropriate certificates pursuant to the provisions of section 123 of the Revenue Act of 1943."

² The word "control," as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

³ The word "person," as used herein, includes all persons under common control.

(a) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in Power Rating of Vacuum Tubes prescribed by the Commission.

(b) If the maximum rated carrier power of any broadcast transmitter, as determined by paragraph (a) of this section, does not give an exact rating as recognized in the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(c) Authority will not be granted to employ, in the last radio stage of a standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with Requirements for the Approval of the Power Rating of Vacuum Tubes, prescribed by the Commission.

§ 3.43 **Changes in equipment; authority for.**—No licensee shall change, in the last radio stage, the number of vacuum tubes to vacuum tubes of different power rating or class of operation, nor shall it change system of modulation without the authority of the Commission.¹

§ 3.44 **Other changes in equipment.**—Other changes except as provided for in these rules or Standards of Good Engineering Practice, prescribed by the Commission, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes which affect the information already on file shall be shown in full.

§ 3.45 **Radiating system.**—(a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of

the station. (Also see Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.)

(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice. (See Minimum Antenna Heights or Field Intensity Requirements and Field Intensity Measurements in Allocation, sec. A.)

(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns, except upon written application to and authority from the Commission²

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934, as amended. (See Standard Lamps and Paints.)

(e) The simultaneous use of a common antenna or antenna structure by two standard broadcast stations or by a standard broadcast station and a station of any other class or service will not be authorized unless both stations are licensed to the same licensee. (See Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.)

§ 3.46 **Transmitter.**—(a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in these regulations.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not

¹ Formal application required. See Standards of Good Engineering Practice for form number.

² Informal application may be made, except in controversial cases or in cases involving directional antenna; then formal application shall be made.

radiated outside the authorized band¹ which cause or which, in accordance with the Standards of Good Engineering Practice, are considered as being capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this section, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements thereof will be published from time to time. (See Construction, General Operation and Safety of Life Requirements.)

TECHNICAL OPERATION

§ 3.51 **Operating power; how determined.**—The operating power of each standard broadcast station shall be determined by:

(a) Direct measurement of the antenna power in accordance with section 3.54.²

(1) Each new standard broadcast station.

(2) Each existing standard broadcast station after June 1, 1941.

(b) Indirect measurement by means of the plate input power to the last radio stage on a temporary basis in accordance with sections 3.52 and 3.53.

(1) In the case of existing standard broadcast stations and pending compliance with paragraph (a) (2) of this section.

(2) In case of an emergency where the licensed antenna has been damaged or destroyed by storm or other cause beyond the control of the licensee or pending completion of authorized changes³ in the antenna system.

¹ See Construction, General Operation and Safety of Life Requirements

² Program tests on equipment, including a new or different antenna system, will not be authorized unless application for authority to determine power by the direct method has been granted, or is submitted simultaneously with the application for license to cover the construction permit and the application for license will not be granted until such time as the application for direct measurement is approved.

³ Changes shall not be made except upon making proper request and obtaining approval thereof in accordance with secs. 3.45 and 3.58.

(c) Upon making any change² in the antenna system, or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, the licensee shall immediately make a new determination of the antenna resistance (see sec. 3.54) and shall submit application for authority to determine power by the direct method on the basis of the new measurements.

§ 3.52 **Operating power; indirect measurement.**—The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (E_p), the total plate current of the last radio stage (I_p), and the proper factor (F) given in the following tables: that is

Operating power $E_p \times I_p \times F$

A. Factor to be used for stations employing plate modulation in the last radio stage¹

Factor (F) to be used
in determining the
operating power from
the plate input power

Maximum rated carrier power of transmitter: ²	
100–1,000 watts -----	0.70
5,000 and over watts -----	.80

B. Factor to be used for stations of all powers using low level modulation¹

Factor (F) to be used
in determining the
operating power from
the plate input power

Class of power amplifier in the last radio stage:	
Class B -----	0.35
Class BC ³ -----	.65

C. Factors to be used for stations of all powers employing grid modulation in the last radio stage¹

Factor (F) to be used
in determining the
operating power from
the plate input power

Type of tube in the last radio stage:	
Table C ¹ -----	0.25
Table D ¹ -----	.35

¹ See Power Rating of Vacuum Tubes.

² The maximum rated carrier power must be distinguished from the operating power. (See secs 2.18 and 2.19.)

³ All linear amplifier operation where efficiency approaches that of class C operation.

§ 3.53 **Application of efficiency factors.**—In computing operating power by indirect measurement the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the

maximum rated carrier power. (See Plate Efficiency of Last Radio Stage.)

§ 3.54 **Operating power; direct measurement.**—The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.¹ These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.² The antenna ammeter shall not be changed to one of different type, maximum reading, or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See Further Requirements for Direct Measurements of Power.)

§ 3.55 **Modulation.**—(a) A licensee of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 percent. When the transmitter is operated with 85 percent modulation, not over 10 percent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

¹ See Indicating Instruments pursuant to sec. 3.58.

² Formal application required. See Standards of Good Engineering Practice for form number.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors. (See Approved Modulation Monitors and also Requirements for Approval of Modulation Monitors.)

§ 3.56 **Modulation; data required.**—A licensee of a broadcast station claiming a greater percentage of modulation than the fundamental design indicates can be procured shall submit full data showing the antenna input power by direct measurement and complete information, either oscillograms or other acceptable data, to show that a modulation of 85 percent or more, with not over 10 percent combined audio harmonics, can be obtained with the transmitter operated at the maximum authorized power.

§ 3.57 **Operating power; maintenance of.**—The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the engineer in charge³ shall be notified in writing immediately after the emergency develops. (See Operating Power Tolerance.)

§ 3.58 **Indicating instruments.**—Each broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage. These indicating instruments shall not be changed or replaced, without authority of the Commission, except by instruments of the same type, maximum scale reading, and accuracy. (See Indicating Instruments pursuant to sec. 3.58.)

§ 3.59 **Frequency tolerance.**—The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1940, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned

³ See Field Offices of the Commission.

frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

§ 3.60 **Frequency monitor.**—The licensee of each standard broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. It shall have a stability and accuracy of at least 5 parts per million. (See Approved Frequency Monitors and also Requirements for Approval of Frequency Monitors.)

§ 3.61 **New equipment; restrictions.**—The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in section 3.59.

§ 3.62 **Automatic frequency control equipment; authorization required.**—New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization¹ from the Commission. (See Approved Equipment.)

§ 3.63 **Auxiliary transmitter.**—Upon showing that a need exists for the use of an auxiliary transmitter² in addition to the regular transmitter of a broadcast station, a license therefor may be issued provided that:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification³ work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 9 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by these regulations without any manual adjustment during operation or when it is being put into operation.

(g) The operating power of an auxiliary transmitter may be less than the authorized power, but in no event shall it be greater than such power.

§ 3.64 **Alternate main transmitters.**—The licensee of a standard broadcast station may be licensed for alternate main transmitters provided that a technical need⁴ for such alternate

¹ Formal application required. See Standards of Good Engineering Practice for form number.

² All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See Use of Frequency and Modulation Monitors at Auxiliary Transmitter.)

³ This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be made in accordance with sec. 1.324.

⁴ Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) The transmitters have the same power rating except at stations operating with different daytime and nighttime power when it shall be permissible to employ transmitters of power ratings appropriate to either the licensed daytime or nighttime power.

(c) The external effects from both transmitters are substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

OPERATION

§ 3.71 **Minimum operating schedule.**—Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the engineer in charge¹ shall be notified in writing immediately after the emergency develops.

§ 3.72 **Operation during experimental period.**—The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)

§ 3.73 **Specified hours.**—If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in sections 3.71 and 3.72.

§ 3.74 **Sharing time.**—If the licenses of sta-

tions authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this section the file mark of the Commission will be affixed thereto, one copy will be retained by the Commission, one copy forwarded to the engineer in charge, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

§ 3.75 **Sharing time; equivalence of day and night hours.**—For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations 1 night hour shall be considered the equivalent of 2 day hours.

§ 3.76 **Sharing time; experimental period.**—If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with section 3.72. Time-sharing agreements for operation during the experimental period need not be submitted to the Commission.

§ 3.77 **Sharing time; departure from regular schedule.**—A departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the

¹ See Field Offices of the Commission.

actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the engineer in charge.¹

§ 3.78 **Sharing time stations; notification to Commission.**—If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewals of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

§ 3.79 **License to specify sunrise and sunset hours.**—If the licensee of a broadcast station is required to commence or cease operation of the station at the time of sunrise or sunset, the license will specify the hour of the day during each month of the license period when operation of such station will commence or cease. (See Average Sunrise and Sunset Time.)

§ 3.80 **Secondary station; filing of operating schedule.**—The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return one copy to the licensee authorized to operate limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in section 3.77.

§ 3.81 **Secondary station; failure to reach agreement.**—If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by

the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

§ 3.82 **Departure from schedule; material violation.**—In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

§ 3.83 **Local standard time.**—All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

§ 3.84 **Daylight saving time.**—If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight saving time, and not standard time, as long as daylight saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, however,* That when the license specifies average time of sunrise and sunset, local standard time shall be observed. In no event shall a station licensed for daytime only operate on regular schedule prior to local sunrise, or shall a station licensed for greater daytime power than nighttime power or for a different radiation pattern for daytime operation than for nighttime operation operate with the daytime power or radiation pattern prior to local sunrise.

§ 3.85 **Changes in time; agreement between licensees.**—Where the local time is not changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight saving time, unless said licensees mutually agree upon

¹ See Field Offices of the Commission.

a new schedule which shall be effective only while daylight saving time is observed at the location of some of these stations.

§ 3.86 **Local standard time; license provisions.**—The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

§ 3.87 **Program transmissions prior to local sunrise.**—(a) The provisions of sections 3.6, 3.8, 3.9, 3.10, 3.23, 3.79 and 3.84 shall not prevent the transmission of programs between 4 o'clock a. m., local standard time, and local sunrise, of standard broadcast stations with their authorized daytime facilities: *Provided*, That the provisions of this rule shall not extend to:

(1) Stations regularly sharing time during daytime hours either under licenses pursuant to which time-sharing agreements have been entered into or licenses specifying hours of operation, unless time-sharing agreements have been reached covering such operation prior to local sunrise. Sections 3.74, 3.77, and 3.78 of these rules shall be applicable to such agreements.

(2) Any Class II station causing interference¹ by use of its daytime facilities within the 0.5 my/m 50 percent skywave contour of any Class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (a) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station; (b) where an agreement has been reached with the Class I station to begin operation prior to local sunrise.

(3) Operation by use of its daytime facilities of any Class II station on any Class I-A channel not assigned to the United States under the North American Regional Broadcasting Agreement.

(b) Any station operating during such hours receiving notice from the Commission that un-

due interference is caused shall refrain from such operation during such hours pending further notice from the Commission.

(c) Nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation except as herein provided.

(d) The period 4 a. m. to 6 a. m., local standard time, shall not be included in determining compliance with section 3.71 of these rules.

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

LICENSING REQUIREMENTS

§ 3.101 **Exclusive affiliation of station.**—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization² under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.102 **Territorial exclusivity.**—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.103 **Term of affiliation.**—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network

¹ As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

² The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

organization for a period longer than 2 years: *Provided*, That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within six months prior to the commencement of such period.

§ 3.104 **Option time.**—No license shall be granted to a standard broadcast station which options¹ for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours² within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.³ Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.105 **Right to reject programs.**—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a) with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b) with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

¹ As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

² All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

³ These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

§ 3.106 **Network ownership of stations.**⁴—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control⁵ with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.107 **Dual network operation.**—No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.108 **Control by networks of station rates.**—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

GENERAL RULES APPLICABLE TO STANDARD BROADCAST STATIONS

§ 3.164 **Station license; posting of.**—The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the

⁴ Effective date of this section with respect to any station may be extended from time to time in order to permit the orderly disposition of properties; and it shall be suspended indefinitely with respect to regional network organizations.

⁵ The word "control" as used herein is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

station operator shall be posted in the same manner. (See secs. 2.51 and 2.52.)

§ 3.165 **Operator requirements.**—(a) The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located. (See sec. 2.53.)

(b) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the standard broadcast transmitter.

§ 3.181 **Logs.**—The licensee of each standard broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Antenna current.

(iii) Frequency monitor reading.

(iv) Temperature of crystal control chamber if thermometer is used.

(5) Log of experimental operation during experimental period. (If regular operation is maintained during this period, the above logs shall be kept.)

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of section 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs, or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements, or re-

pairs made to insure compliance with the lighting requirements.

§ 3.182 **Logs, retention of.**—Logs of standard broadcast stations shall be retained by the licensee for a period of 2 years, except when required to be retained for a longer period in accordance with the provisions of section 2.54.

§ 3.183 **Logs, by whom kept.**—Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.184 **Log form.**—The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.185 **Correction of logs.**—No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.186 **Rough logs.**—Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.187 **Station identification.**—(a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at

the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in subdivision (2) of paragraph (a) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in subdivision (2) of paragraph (a) of this section.

(e) In the case of all other programs the identification announcement shall be made within 2 minutes of the hour and of the times specified in subdivision (2) of paragraph (a) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby.

§ 3.188 **Mechanical records.**¹—Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part

¹ During the annual periods in which daylight saving time will be effective, the requirements of this Section are waived, with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas, upon the following conditions: The waiver is not to be applicable when an individual station makes an off-the-line recording, but is to be applicable only when the off-the-line recording is made by the network itself at one of its key stations, and is for broadcast 1 hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a. m. and 10 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. A network organization taking advantage of this waiver should so advise the Commission.

of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof; *Provided, however,* that each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.189 **Sponsored programs, announcement of.**—(a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records,

transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising

commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.190 **Broadcasts by candidates for public office.**—(a) **Definitions.**—A “legally qualified candidate” means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who—

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) **General requirements.**—No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) **Rates and practices.**—The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly, or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have

the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) **Records; inspection.**—Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.191 **Rebroadcast.**—(a) The term “rebroadcast” means reception by radio of the program¹ of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.²

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or high frequency broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.³

(c) (1) The licensee of the standard broadcast station located within a state or the District of Columbia may, without further authority of the Commission rebroadcast on a non-commercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of a standard broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the

¹ As used in sec 3 191, program includes any complete program or part thereof, or any signals if other than A-3 emission.

² In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

³ The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station on several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

provisions of this paragraph (c), the Commission shall be notified of the call letters of each station whose programs are rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.^{1 2 3}

(e) In case of a program rebroadcast by several standard broadcast stations, such as a chain rebroadcast, the person legally responsible for distributing the program or the network facili-

ties may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of the station originating the program.

Attention is directed to section 325 (b) of the Communications Act of 1934, which reads as follows:

No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.⁴

Subpart B—Rules Governing FM Broadcast Stations

CLASSIFICATION OF FM BROADCAST STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.201 Numerical designation of FM broadcast channels.—For convenience, the frequencies available for FM broadcasting (including those assigned to noncommercial educational broadcasting) are given numerical designations which are shown in the table below:

Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.
88.1	201	94.9	235	101.7	269
88.3	202	95.1	236	101.9	270
88.5	203	95.3	237	102.1	271
88.7	204	95.5	238	102.3	272
88.9	205	95.7	239	102.5	273
89.1	206	95.9	240	102.7	274
89.3	207	96.1	241	102.9	275
89.5	208	96.3	242	103.1	276
89.7	209	96.5	243	103.3	277
89.9	210	96.7	244	103.5	278
90.1	211	96.9	245	103.7	279
90.3	212	97.1	246	103.9	280
90.5	213	97.3	247	104.1	281
90.7	214	97.5	248	104.3	282
90.9	215	97.7	249	104.5	283
91.1	216	97.9	250	104.7	284
91.3	217	98.1	251	104.9	285
91.5	218	98.3	252	105.1	286
91.7	219	98.5	253	105.3	287
91.9	220	98.7	254	105.5	288
92.1	221	98.9	255	105.7	289
92.3	222	99.1	256	105.9	290
92.5	223	99.3	257	106.1	291
92.7	224	99.5	258	106.3	292
92.9	225	99.7	259	106.5	293
93.1	226	99.9	260	106.7	294
93.3	227	100.1	261	106.9	295
93.5	228	100.3	262	107.1	296
93.7	229	100.5	263	107.3	297
93.9	230	100.7	264	107.5	298
94.1	231	100.9	265	107.7	299
94.3	232	101.1	266	107.9	300
94.5	233	101.3	267		
94.7	234	101.5	268		

§ 3.202 Areas of the United States.—For the purpose of allocation the United States is divided into two areas. The first area—area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.⁵ The second area—area II—comprehends the remain-

¹ The broadcasting of a program relayed by a remote pickup broadcast station (sec. 4401) is not considered a rebroadcast.

² Informal application may be employed.

³ By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, sec. 3.408 (d) (now 3.191 (d)) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

⁴ Formal application required. See Standards of Good Engineering Practice for form number.

⁵ In some of the territory contiguous to area I, the demand for frequencies requires that applications be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania, and New York (except the northeastern corner) not included in area I; Virginia, West Virginia, North Carolina, South Carolina, Ohio, and Indiana, southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan. Other regions may be added as required.

der of the United States not included in area I.

§ 3.203 **Class A stations.**—(a) A class A station is a station which operates on a class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The transmitter power and antenna height of a class A station shall normally be capable of coverage equivalent¹ to a minimum of 100 watts and a maximum of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. Class A stations will not be authorized with more than 1 kilowatt effective radiated power. Standard power ratings of transmitters used for class A stations shall be not less than 250 watts nor more than 1 kilowatt. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

(b) The following frequencies are designated as class A channels and are assigned for use by class A stations:

Frequency (Mc)	Channel No	Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.
92 1	221	96 7	244	102 3	272
92 7	224	97 7	249	103 1	276
93 5	228	98 3	252	103 9	280
94 3	232	99 3	257	104 9	285
95 3	237	100 1	261	105 5	288
95.9	240	100 9	265	106 3	292
		101 7	269	107 1	296

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B stations.²

(c) The main studio of a class A station shall be located in the city served and the transmitter shall be located as near the center of the city as practicable.

¹ For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

² For the time being, until more FM broadcast stations are authorized, the Commission will not authorize class A stations in central cities of metropolitan districts having four or more standard broadcast stations.

(d) No assignments will be made on channels 224, 240, 272, and 288 until July 1, 1947.

§ 3.204 **Class B Stations.**—(a) A class B station is a station which operates on a class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a class B station will not be protected beyond the 1 mv/m contour; however, Class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for class B stations shall normally be 1 kw or greater. In the following subsections, antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(1) In area I, class B stations will be licensed to operate with a service area equivalent³ to a minimum of 10 kilowatts effective radiated power and antenna height of 300 feet above average terrain and a maximum of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.⁴ In metropolitan districts in area I with a population greater than 250,000 the minimum service area shall be the equivalent³ of 20 kilowatts effective radiated power and an antenna height of 350 feet above average terrain. Class B stations in area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) In area II, class B stations will be licensed to operate with a service area equivalent³ to a minimum of 2 kilowatts effective radiated power and antenna height of 300 feet above average terrain and a normal maximum of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.⁴

³ For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

⁴ In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas) and Hagstrom Map Co. (Four color Retail Trading Area Map).

The use of greater power and antenna height will be encouraged in those portions of area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

(b) The following frequencies are designated as class B channels and are assigned for use by class B stations:

Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.
92.3	222	97.5	248	102.9	275
92.5	223	97.9	250	103.3	277
92.9	225	98.1	251	103.5	278
93.1	226	98.5	253	103.7	279
93.3	227	98.7	254	104.1	281
93.7	229	98.9	255	104.3	282
93.9	230	99.1	256	104.5	283
94.1	231	99.5	258	104.7	284
94.5	233	99.7	259	105.1	286
94.7	234	99.9	260	105.3	287
94.9	235	100.3	262	105.7	289
95.1	236	100.5	263	105.9	290
95.5	238	100.7	264	106.1	291
95.7	239	101.1	266	106.5	293
96.1	241	101.3	267	106.7	294
96.3	242	101.5	268	106.9	295
96.5	243	101.9	270	107.3	297
96.9	245	102.1	271	107.5	298
97.1	246	102.5	273	107.7	299
97.3	247	102.7	274	107.9	300

(c) For the period ending June 30, 1947, one out of every 5 Class B channels tentatively indicated as available to an area shall be withheld from assignment: *Provided, however,* That the withholding shall apply only to those areas to which at least 5 Class B channels have been so assigned.

§ 3.205 **Station location.**—(a) Each FM broadcast station shall be considered located in the state and city where the main studio is located.

(b) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations; *Provided, however,* Upon special showing of need, authorization may be granted to locate the transmitter so that adequate service is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.

§ 3.206 **Main Studio.**—The term "main

studio from which the majority of local programs originate and/or from which a majority of station announcements are made of programs originating at remote points.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.211 **Application for FM broadcast stations.**—If the application is for a construction permit or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, FCC Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

§ 3.212 **Full disclosures.**—Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.213 **Installation or removal of apparatus.**—Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.214 **Period of construction.**—Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.215 **Forfeiture of construction permits: extension of time.**—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application¹ for extension of time within which to construct a station shall be filed

¹ Form FCC No. 701.

at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.216 **Equipment tests.**—(a) Upon completion of construction of an FM broadcast station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 90 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Within the 90-day period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be submitted to the Commission. The Commission may grant extensions of time upon showing of reasonable need therefor.¹

¹ Until further notice, the Commission will grant FM licenses before proof of performance is submitted. In such cases, proof of performance shall be submitted within 1 year after the license has been issued or within such extension of time as the Commission may for good cause grant.

The proof of performance specified in this subsection shall be made by Class B stations only and need not be made by Class A stations.

§ 3.217 **Program tests.**—(a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or section 3.216 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.218 **Normal license period.**—All FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time and will be issued for a normal license period of 1 year.

§ 3.219 **License, simultaneous modification and renewal.**—When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.220 **Renewal of license.**—(a) Unless otherwise directed by the Commission, each application for renewal of an FM broadcast station license shall be filed at least 60 days prior

to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by sections 1.341-1.344, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an FM broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.221 **Temporary extension of station licenses.**—Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing FM broadcast station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.222 **Repetitious applications.**—(a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse

of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.223 **Assignment or transfer of control.**—(a) *Voluntary.*—Application for consent to voluntary assignment of an FM broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding an FM broadcast station construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) and Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.*—In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such FM broadcast station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.231 **Exclusive affiliation of station.**—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization¹ under which the station is

¹ The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.232 **Territorial exclusivity.**—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.233 **Terms of affiliation.**—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided*, That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within 6 months prior to the commencement of such period.

§ 3.234 **Option time.**—No license shall be granted to an FM broadcast station which options¹ for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours² within each of four segments of the broadcast day, as herein

¹ As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

² All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.³ Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.235 **Right to reject programs.**—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.236 **Network ownership of stations.**—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control⁴ of a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.237 **Dual network operation.**—No license shall be issued to an FM broadcast station affiliated with a network organization which maintains more than one network of FM broadcast stations: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by

³ These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

⁴ The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

the group of stations comprising each such network.

§ 3.238 **Control by networks of station rates.**—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.239 **Use of common antenna site.**—No FM broadcast station license or renewal of FM broadcast station license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (a) which is not available for use by other FM broadcast station licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM broadcast stations that can be authorized in a particular area or would unduly restrict competition among FM broadcast stations.

§ 3.240 **Multiple ownership.**—(a) No person (including all persons under common control)¹ shall, directly or indirectly, own, operate, or control more than one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one FM broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among FM broadcast stations or provide an FM broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than six FM broadcast sta-

tions to constitute the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

RULES RELATING TO EQUIPMENT

§ 3.251 **Transmitter power.**—The standard power rating and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.252 **Frequency monitor.**—The licensee of each FM broadcast station shall have in operation at the transmitter an approved frequency monitor independent of the frequency control of the transmitter. For detailed requirements thereof see Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.253 **Modulation monitor.**—The licensee of each FM broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.254 **Required transmitter performance.**—The construction, installation, operation, and performance of the FM broadcast transmitting system shall be in accordance with the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.255 **Auxiliary transmitter.**—Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of an FM broadcast station, a license therefor may be issued provided that:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

¹The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

¹This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and

(2) The transmission of regular programs during maintenance or modification¹ work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (e) of this section during any week, the test in that week may be omitted provided the operation under paragraph (e) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (e). Tests shall be conducted only between midnight and 6 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.256 **Alternate main transmitters.**—The licensee of an FM broadcast station may be licensed for alternate main transmitters provided that a technical need² for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.257 **Changes in equipment and antenna system.**

Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with sec. 1.324.

² Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

tenna system.—Licensees of FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

(b) Specific authority, upon filing formal application (Form FCC No. 301) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing *informal* request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice concerning FM broadcast stations prescribed by the Commission may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.261 **Time of operation.**—All FM broadcast stations will be licensed for unlimited time

operation. Until further notice a minimum of 6 hours per day of operation will be required, which shall consist of 3 hours during the period 6 a. m. to 6 p. m., local standard time, and 3 hours during the period 6 p. m. to midnight, local standard time. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.262 **Experimental operation.**—The period between 12 midnight and 6 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.263 **Station inspection.**—The licensee of any FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.264 **Station license, posting of.**—The original of each station license shall be posted in the transmitter room.

§ 3.265 **Operator requirements.**—One or more licensed radio telephone first-class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each FM broadcast station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 3.266 **Facsimile broadcasting and multiplex transmission.**—Transmission of simplex facsimile on FM broadcast channels in accord-

ance with the engineering standards concerning facsimile broadcasting may be permitted, upon application to the Commission, during hours not required to be devoted to FM aural broadcasting. The Commission may grant experimental authority to an FM broadcast station for the multiplex transmission of facsimile or other signals and aural broadcast programs, provided that the transmission of facsimile or other signals is incidental to the aural broadcast, does not reduce the quality of the aural program, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.267 **Operating power; how determined.**—The operating power, and the requirements for maintenance thereof of each FM broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.268 **Modulation.**—The percentage of modulation of FM broadcast stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.269 **Frequency tolerance.**—The center frequency of each FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.270 **Inspection of tower lights and associated control equipment.**—The licensee of any FM broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes,

regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.281 **Logs.**—The licensee of each FM broadcast station shall maintain separate program and operating logs for such station: *Provided, however,* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, one program log may be maintained for both stations for such periods as both stations simultaneously broadcast the same programs. Such licensee shall require entries to be made as follows:

(a) In the program log.

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of section 3.270 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs, or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.282 **Logs, retention of.**—Logs of FM

broadcast stations shall be retained by the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.283 **Logs, by whom kept.**—Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.284 **Log form.**—The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.285 **Correction of logs.**—No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.286 **Rough logs.**—Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.287 **Station identification.**—(a) A licensee of an FM broadcast station shall make separate station identification announcement (call letters and location) for such station: *Provided, however,* That if the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall state that one of the stations is an FM station. Station identifica-

tion announcement shall be made at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in subdivision (2) of paragraph (a) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game programs or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in subdivision (2) of paragraph (a) of this section.

(e) In the case of all other programs, the identification announcement shall be made within 2 minutes of the hour and of the times specified in subdivision (2) of paragraph (a) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby except as otherwise provided herein.

§ 3.288 **Mechanical records.**—Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of duration of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.289 **Sponsored programs, announcement of.**—(a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or

any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.290 **Broadcasts by candidate for public office.**—(a) *Definitions.*—A “legally qualified candidate” means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a *bona fide* candidate for nomination or office, as the case may be.

(b) *General requirements.*—No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.*—The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect

of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.*—Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.291 **Rebroadcast.**—(a) The term “rebroadcast” means reception by radio of the program¹ of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.²

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or noncommercial educational broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.³

(c) (1) The licensee of an FM broadcast station located within a State or the District of Columbia may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of an FM broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the

¹ As used in this section, program includes any complete program or part thereof.

² In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

³ The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

provisions of this paragraph (c), the Commission shall be notified of the call letters of each station whose program is rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of an FM broadcast station

shall rebroadcast the program of any United States radio station not designated in (b) or (c) above without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.¹

Subpart C—Rules Governing Noncommercial Educational FM Broadcast Stations

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.501 **Channels available for assignment.**—The channels available for noncommercial educational FM broadcasting are listed in the table below, together with numerical designations for convenience:

Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.
88.1	201	89.5	208	90.9	215
88.3	202	89.7	209	91.1	216
88.5	203	89.9	210	91.3	217
88.7	204	90.1	211	91.5	218
88.9	205	90.3	212	91.7	219
89.1	206	90.5	213	91.9	220
89.3	207	90.7	214		

§ 3.502 **State-wide plans.**—In considering the assignment of a channel for a noncommercial educational FM broadcast station, the Commission will take into consideration the extent to which each application meets the requirements of any state-wide plan for noncommercial educational FM broadcast stations filed with the Commission, provided that such plans afford fair treatment to public and private educational institutions, urban and rural, at the primary, secondary, higher, and adult educational levels, and appear otherwise fair and equitable.

§ 3.503 **Operation and service.**—The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public.

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

§ 3.504 **Channel, power, and service area.**—In making an assignment of the channel, operating power, and service area of each noncommercial educational FM broadcast station, the Commission will consider all relevant factors including: (1) the area served by the applicant's existing educational facilities; (2) the channel, power, and service area proposed in the application; and (3) the provisions of any state-wide plan on file with the Commission, which meets the requirements of section 3.502.

¹ The broadcasting of a program relayed by a remote pickup broadcast station or an ST broadcast station is not considered a rebroadcast.

By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, sec. 3.291 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

§ 3.505 Standards of good engineering practice.—The Standards of Good Engineering Practice concerning FM broadcast stations shall be applicable to noncommercial educational FM broadcast stations. Applicants for stations in this service having an effective radiated power in excess of 1 kilowatt shall determine the antenna height above average terrain and the extent of their 1 mv/m and 50 uv/m contours by the method prescribed in section 2 E of the Standards.

Applicants for stations in this service having an effective radiated power of 1 kilowatt or less shall determine the antenna height above average terrain by the method prescribed in section 2 E of the Standards.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.511 Application for noncommercial educational FM broadcast stations.—Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new noncommercial educational FM broadcast station, Form FCC No. 340 should be filed; for a noncommercial educational FM license, Form FCC No. 341¹ should be filed; and for modification of a noncommercial educational FM license or for change in facilities of an existing noncommercial educational FM broadcast station Form FCC No. 342¹ should be filed.

§ 3.512 Full disclosures.—Each application shall contain full and complete disclosures with regard to all matters and things required to be disclosed by the application forms.

§ 3.513 Installation or removal of appa-

¹ Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

tus.—Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.514 Period of construction.—Each construction permit will specify a maximum of 8 months from the date of granting thereof as the time within which construction of the station shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. Each construction permit shall bear the date of the Commission's action authorizing the issuance of the construction permit. Where a conditional grant is ordered, the construction permit shall be dated as of the time when all conditions have been satisfied.

§ 3.515 Forfeiture of construction permits—extension of time.—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application² for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.516 Equipment tests.—(a) Upon completion of construction for a noncommercial educational FM broadcast station in exact accordance with the terms of the construction permit, the technical provisions of the applica-

² Form FCC No. 701.

tion therefor and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience and necessity.

§ 3.517 **Program tests.**—(a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations, and after application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period of not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or section 3.516 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.518 **Normal license period.**—All non-commercial educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a normal license period of 1 year.

§ 3.519 **License, simultaneous modification and renewal.**—When an application is granted by the Commission necessitating the

issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.520 **Renewal of license.**—(a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 343).¹

(b) Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.521 **Temporary extension of station licenses.**—Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing non-commercial educational FM license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.522 **Repetitious applications.**—(a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new noncommercial

¹ Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

educational FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until after the final disposition of such appeal.

§ 3.523 **Assignment or transfer of control.**—Application for consent to assignment of a noncommercial educational FM construction permit or license or for consent to voluntary transfer of control of a corporation holding a noncommercial educational FM construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) and Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

RULES RELATING TO EQUIPMENT

§ 3.551 **Transmitter power.**—The standard power rating and the operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.552 **Frequency monitor.**—The licensee of each noncommercial educational FM broadcast station shall have in operation at the transmitter an approved frequency monitor independent of the frequency control of the transmitter. For detailed requirements thereof see Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.553 **Modulation monitor.**—The licensee of each noncommercial educational FM broad-

cast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.554 **Required transmitter performance.**—The construction, installation, operation, and performance of the noncommercial educational FM broadcast transmitting system shall be in accordance with the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.555 **Auxiliary transmitter.**—Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued provided that:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification¹ work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory.

¹This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with sec. 1.324.

A record shall be kept of the time and result of each test.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.556 **Alternate main transmitters.**—The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need¹ for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.557 **Changes in equipment and antenna system.**—Licenses of noncommercial educational FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

(b) Specific authority, upon filing formal application (Form FCC No. 342²) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

¹ Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation

² Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing *informal* request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in the Standards of Good Engineering Practice concerning FM Broadcast Stations, may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.561 **Operating Schedule.**—Noncommercial educational FM broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

§ 3.562 **Experimental operation.**—The period between 12 midnight, and 6 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.563 **Station inspection.**—The licensee of any noncommercial educational FM broad-

cast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.564 **Station license, posting of.**—The original of each station license shall be posted in the transmitter room.

§ 3.565 **Operator requirements.**—If the transmitter power rating is 1 kilowatt or less, one or more licensed radiotelephone second class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof. If the transmitter power rating is in excess of 1 kilowatt, one or more licensed radiotelephone first class operators shall be on duty. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.¹

§ 3.566 **Facsimile broadcasting and multiplex transmission.**—Transmission of simplex facsimile on FM channels may be permitted upon application to the Commission. The Commission may grant experimental authority to a noncommercial educational FM broadcast station for the multiplex transmission of facsimile or other signals and aural broadcast programs, provided that the transmission of facsimile or other signals does not reduce the quality of the aural program, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.567 **Operating power; how determined.**—The operating power, and the requirements for maintenance thereof, of each noncommercial educational FM broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

¹ For additional information regarding operator licenses see sec. 13 of the Commission's Rules.

§ 3.568 **Modulation.**—The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent or more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.569 **Frequency tolerance.**—The center frequency of each noncommercial educational FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.570 **Inspection of tower lights and associated control equipment.**—The licensee of any noncommercial educational FM broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.581 **Logs.**—The licensee of each noncommercial educational FM broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech,"

etc., together with the name or title thereof, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced. If the program is of network origin, its source shall be indicated. If the broadcast is under the auspices of an institution or organization other than the licensee, its name shall be noted.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program service begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) An entry of the following each 30 minutes.

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

(5) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of section 3.570 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Time notice was given to Airways Communications Station (CAA) of any tower light failure not corrected within 30 minutes.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection (required at least once each 3 months):

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.582 **Logs, retention of.**—Logs of non-commercial educational FM broadcast stations shall be retained by the licensee for a period of 2 years.

§ 3.583 **Logs, by whom kept.**—Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.584 **Log form.**—The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.585 **Correction of logs.**—No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.586 **Rough logs.**—Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.587 **Station identification.**—(a) A licensee of a noncommercial educational FM broadcast station shall make at least the following station identification announcements (call letters and location): (1) at the beginning and ending of each time of operation; and (2) within 2 minutes of each hour and each half hour during operation: *Provided*,

(b) Such identification announcement need not be made on the hour or half hour when to

make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

(c) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

§ 3.588 **Mechanical records.**—Each program broadcast, except when designed specifically for in-school listening, which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony, concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announce-

ment is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.591 **Rebroadcast.**—(a) The term “rebroadcast” means reception by radio of the program¹ of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pick-up broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of a noncommercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM, noncommercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.^{2 3}

(c) No licensee of a noncommercial educational FM broadcast station shall rebroadcast the program of any United States radio station not designated in (b) above without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.⁴

¹ As used in this section, program includes any complete program or part thereof.

² The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

³ See sec. 3.503 (c).

⁴ By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, sec. 3.591 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for the express purpose by U. S. Government radio stations.

Subpart D—Reserved for Rules Governing Facsimile Broadcast Stations (under preparation)**Subpart E—Rules Governing Television Broadcast Stations****CLASSIFICATION OF TELEVISION STATIONS AND ALLOCATION OF FREQUENCIES**

§ 3.601 **Numerical designation of television channels.**—The channels or frequency bands set forth below are available for television broadcast stations.

Channel No.	Megacycles	Channel No.	Megacycles
1	44-50	7	174-180
2	54-60	8	180-186
3	60-66	9	186-192
4	66-72	10	192-198
5	76-82	11	198-204
6	82-88	12	204-210
		13	210-216

§ 3.602 **Sharing of television channels.**—Channels 1 through 5 and 7 through 13 are available for assignment to radio services other than television upon a showing that no mutual interference will result.

§ 3.603 **Community stations.**—(a) A community station is designed primarily for rendering service to the smaller metropolitan districts or principal cities. Television channel No. 1 is assigned exclusively for community stations. Channels 2 to 13, inclusive, can also be used for community stations provided such use complies with section 3.606.

(b) The power of a community station may not exceed an effective radiated peak power of 1 kilowatt. The maximum antenna height for such stations shall be 500 feet above the average terrain as determined by methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

(c) The main studio of a community station shall be located in the city or town served and the transmitter shall be located as near the center of the city as practicable.

§ 3.604 **Metropolitan stations.**—Metropolitan stations may be assigned to television channels 2 through 13, both inclusive. They are designed primarily to render service to a single metropolitan district or a principal city and to the rural area surrounding such metropolitan district or principal city.

(b) Metropolitan stations are limited to a maximum of 50 kilowatts effective radiated peak power with antenna having a height of 500 feet above the average terrain, as determined by the

methods prescribed in Standards of Good Engineering Practice Concerning Television Broadcast Stations. Where higher antenna heights are available, they should be used but in such cases the Commission may authorize less than 50 kilowatts effective radiated peak power so that the coverage (within the 5000 uv/m contour) shall be substantially similar to that which would be provided by 50 kilowatts effective radiated peak power and a 500-foot antenna. Where it is shown that an antenna height of 500 feet is not available, the Commission may authorize the use of a lower height antenna but will not permit an increase in radiated power in excess of 50 kilowatts. The service area of metropolitan stations will not be protected beyond the 5000 uv/m contour and such stations will be located in such a manner as to insure, insofar as possible, a maximum of television service to all listeners, whether urban or rural.

(c) The main studio for metropolitan stations shall be located in the city or metropolitan district with which the station is associated and the transmitter should be located so as to provide the maximum service to the city or metropolitan district served.

§ 3.605 **Rural stations.**—(a) Licensees of metropolitan stations or applicants who desire to qualify as licensees of rural stations must make a special showing to the Commission that they propose to serve an area more extensive than that served by a metropolitan station and that the additional area proposed to be served is predominantly rural in character. In addition, a showing must be made that such use of the channel will not cause objectionable interference to other television stations or prevent the assignment of other television stations where there is reasonable evidence of the probability of such station being located in the future.

(b) Channels 2 through 13 are available for assignment to rural stations. The service area of rural stations will be determined by the Commission.

(c) The main studio of rural stations shall be located within the 500 uv/m contour.

§ 3.606 Table showing allocation of television channels to metropolitan districts in the United States.—(a) The table below sets forth the channels which are available for the areas indicated. The table below will be revised from time to time depending upon the demand for television stations which may exist in the various cities. Where it is desired to use a different channel in any such area, or to use one of the channels in another area conflicting therewith, it must be shown that public interest, convenience, or necessity will be better served thereby than by the allocation set forth in the table.

(b) Only the first 140 metropolitan districts are listed in the table below. Stations in other metropolitan or city areas not listed in the table will not be assigned closer than 150 miles on the same channel or 75 miles on adjacent channels, except upon an adequate showing that public interest, convenience, or necessity would be better served thereby or that by using lower power or by other means equivalent protection is provided.

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application therefor with the Commission pursuant to the provision of section 3.661 (c).

Metropolitan district (U. S. Census 1940)	Sales rank	Population	Channel Nos		Total stations	
			Metropolitan	Community	Metropolitan	Community
Akron	35	349,705	11		1	
Albany	23	431,575	2,4,7,9,11		5	
Schenectady						
Troy						
Allentown	43	325,142		8	1	
Bethlehem						
Altoona	111	114,094	9		1	
Amarillo	136	53,463	2,4,5,7		4	
Asheville	132	76,324	5,7,12		3	
Atlanta	25	442,294	2,5,8,11		4	
Atlantic City	83	100,096		8	1	
Augusta, Ga.	135	87,809	6,12		2	
Austin	106	106,193	8,10,12		3	
Baltimore	13	1,046,692	2,11,13		3	
Beaumont	90	138,608	3,6,8,10		4	
Port Arthur						
Binghamton	75	145,156	12		1	
Birmingham	42	407,851	4,9,13		3	
Boston	5	2,350,514	2,4,7,9,13		5	
Bridgeport, Conn.	53	216,621		1	1	
Buffalo	14	857,719	4,7,9,13		4	
Niagara						
Canton, Ohio	63	200,352		1	1	

Metropolitan district (U. S. Census 1940)	Sales rank	Population	Channel Nos		Total stations	
			Metropolitan	Community	Metropolitan	Community
Cedar Rapids	115	73,219	7,11		2	
Charleston, S. C.	127	98,711	7,10,13		3	
Charleston, W. Va.	88	136,332	7,11,13		3	
Charlotte	99	112,986	3,9,11		3	
Chattanooga	76	193,215	3,6,10,12		4	
Chicago	2	4,499,126	2,4,5,7,9,11,13		7	
Cincinnati	16	789,309	2,4,7,11		4	
Cleveland	9	1,214,943	2,4,5,7,9		5	
Columbia	117	89,555	2,4,8		3	
Columbus, Ga.	133	92,478	3,12		2	
Columbus, Ohio	29	365,796	3,6,8,10		4	
Corpus Christi	121	70,677	3,6,8,10		4	
Dallas	27	376,548	4,8,12		3	
Davenport	67	171,995	2,4,5,9		4	
Rock Island						
Moline	44	271,513	5,13		2	
Dayton	122	65,764	2		1	
Denver	26	361,372	2,4,5,7,9		5	
Des Moines	59	183,973	2,5,9		3	
Detroit	6	2,295,867	2,4,5,7		4	
Duluth	72	157,008	3,3,8,10		4	
Superior						
Durham	139	69,683	4,7		2	
El Paso	105	115,801	2,4,5,7		4	
Erie	95	134,039	12		1	
Evansville, Ind.	93	141,614	2,11		2	
Fall River	55	272,648		1	1	
New Bedford						
Flint	64	188,554	11		1	
Fort Wayne	81	134,355	2,4,7,9		4	
Fort Worth	51	207,677	2,5,10		3	
Fresno	79	97,504	2,4,5,7		4	
Galveston	131	71,677	9,11,13		3	
Grand Rapids	57	209,873	7,9		2	
Greensboro	130	73,035	2,10		2	
Hamilton	110	112,686	9		1	
Middletown						
Harrisburg	70	173,367	8		1	
Hartford	20	502,193	8,10		2	
New Britain						
Houston	21	510,397	2,4,5,7		4	
Huntington, W. Va.	92	170,979	5		1	
Ashland, Ky.	24	455,377	3,6,8,12		4	
Indianapolis	128	88,003	2,4,5,7		4	
Jackson	66	195,619	2,4,6,8		1	
Jacksonville	100	151,781	13		1	
Johnstown, Pa.	112	77,213	3		1	
Kalamazoo	17	634,093	2,4,5,9		4	
Kansas City, Mo.	87	151,829	2,4,8,11		4	
Kansas City, Kans.						
Knoxville	91	1,202,777		4	1	
Lancaster	94	110,356	6		1	
Lansing	100	88,101	10,12		2	
Lincoln	95	126,724	3,6,8,10		4	
Little Rock	3	2,004,596	2,4,5,7,9,11,13		7	
Los Angeles	33	434,408	5,9		2	
Louisville	45	334,969	6		1	
Lowell						
Lawrence	137	74,830	4,7,10		3	
Haverhill	101	78,319	9		1	
Macon	118	81,932		1	1	
Madison	37	332,177	2,4,5,7,9		5	
Manchester	38	250,337	2,4,5,7		4	
Memphis	15	700,336	3,6,8,11		4	
Miami	11	911,077	2,4,5,7,9		5	
Milwaukee						
Minneapolis	119	144,906	3,5,9,11		4	
St. Paul	126	93,697	6,10		2	
Mobile	56	241,769	4,5,7,9		4	
Montgomery	39	308,228		6	1	
Nashville	31	510,030	2,4,6,7,10		5	
New Haven	1	11,690,520	2,4,5,7,9,11,13		7	
New Orleans						
New York	47	330,396	4,7,11,13		4	
Norfolk	52	221,229	2,4,5,9		4	
Portsmouth	40	287,269	3,6,7		3	
Newport News	69	162,506	3,6,12		3	
Oklahoma City	4	2,898,644	3,6,10,12		4	
Omaha	84	121,828	2,4,5,7		4	
Council Bluffs	8	1,994,060	3,6,8,10		4	
Peoria						
Philadelphia						
Phoenix						
Pittsburgh						

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(b) Only the first 140 metropolitan districts are listed in the table below. Stations in other metropolitan or city areas not listed in the table will not be assigned closer than 150 miles on the same channel or 75 miles on adjacent channels, except upon an adequate showing that public interest, convenience, or necessity would be better served thereby or that by using lower power or by other means equivalent protection is provided.

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Schenectady												
Troy	43	325,142	-	8	-	1						
Allentown												
Bethlehem												
Easton	111	114,094	9	-	1	-						
Altoona												
Amarillo							136	53,463	2, 4, 5, 7	-	4	-
Asheville							132	76,324	5, 7, 12	-	3	-
Atlanta	25	442,294	2, 5, 8, 11	-	4	-						
Atlantic City	83	100,096	-	8	-	1						
Augusta, Ga.	135	87,809	6, 12	-	2	-						
Austin	106	106,193	8, 10, 12	-	3	-						
Baltimore	13	1,046,692	2, 11, 13	-	3	-						
Beaumont	90	138,608	3, 6, 8, 10	-	4	-						
Port Arthur												
Binghamton	75	145,156	12	-	1	-						
Birmingham	42	407,851	4, 9, 13	-	3	-						
Boston	5	2,350,514	2, 4, 7, 9, 13	-	5	-						
Bridgeport, Conn.	53	216,621	-	1	-	1						
Buffalo	14	857,719	4, 7, 9, 13	-	4	-						
Niagara												
Canton, Ohio	63	200,352	-	1	-	1						

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			Metropolitan	Community	Metropolitan	Community
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Charleston, W. Va.	88	136,332	7, 11, 13	-	3	-
Charlotte	99	112,986	3, 9, 11	-	4	-
Chattanooga	76	193,215	3, 6, 10, 12	-	4	-
Chicago	2	4,499,126	2, 4, 5, 7, 9, 11, 13	-	7	-
Cincinnati	16	789,309	2, 4, 7, 11	-	4	-
Cleveland	9	1,214,943	2, 4, 5, 7, 9	-	5	-
Columbia	117	89,555	2, 4, 8	-	3	-
Columbus, Ga.	133	92,478	3, 12	-	2	-
Columbus, Ohio	29	365,796	3, 6, 8, 10	-	4	-
Corpus Christi	121	70,677	3, 6, 8, 10	-	4	-
Dallas	27	376,548	4, 8, 12	-	3	-
Davenport	67	174,995	2, 4, 5, 9	-	4	-
Rock Island						
Molme	44	271,513	5, 13	-	2	-
Dayton	122	65,764	2	-	1	-
Denver	26	384,372	2, 4, 5, 7, 9	-	5	-
Des Moines	59	183,973	2, 5, 9	-	3	-
Detroit	6	2,295,867	2, 4, 5, 7	-	4	-
Duluth	72	157,098	3, 3, 8, 10	-	4	-
Superior						
Durham	139	69,683	4, 7	-	2	-
El Paso	105	115,801	2, 4, 5, 7	-	4	-
Eric	95	134,039	12	-	1	-
Evansville, Ind.	93	141,614	2, 11	-	2	-
Fall River	55	272,648	-	1	-	1
New Bedford						
Flint	64	188,554	11	-	1	-
Fort Wayne	81	134,385	2, 4, 7, 9	-	4	-
Fort Worth	51	207,677	2, 5, 10	-	3	-
Fresno	79	97,504	2, 4, 5, 7	-	4	-
Galveston	131	71,677	9, 11, 13	-	3	-
Grand Rapids	57	209,873	7, 9	-	2	-
Greensboro	130	73,055	2, 10	-	2	-
Hamilton	110	112,686	9	-	1	-
Middletown						
Harrisburg	70	173,367	8	-	1	-
Hartford	20	502,193	8, 10	-	2	-
New Britain						
Houston	21	510,397	2, 4, 5, 7	-	4	-
Huntington, W. Va.	92	170,979	5	-	1	-
Ashland, Ky.						
Indianapolis	24	455,357	3, 6, 8, 12	-	4	-
Jackson	128	88,003	2, 4, 5, 7	-	4	-
Jacksonville	66	195,619	2, 4, 6, 8	-	4	-
Johnstown, Pa.	100	151,781	13	-	1	-
Kalamazoo	112	77,213	3	-	1	-
Kansas City, Mo.	17	634,093	2, 4, 5, 9	-	4	-
Kansas City, Kans.	87	151,829	2, 4, 8, 11	-	4	-
Lancaster						
Lansing	91	132,027	-	4	-	1
Lansing	94	110,356	6	-	1	-
Lincoln	109	88,191	10, 12	-	2	-
Little Rock	98	126,724	3, 6, 8, 10	-	4	-
Los Angeles	3	2,904,596	2, 4, 5, 7, 9, 11, 13	-	7	-
Louisville	33	434,408	5, 9	-	2	-
Lowell	45	334,969	6	-	1	-
Lawrence						
Haverhill	137	74,830	4, 7, 10	-	3	-
Macon	101	78,349	9	-	1	-
Madison	118	81,932	-	1	-	1
Manchester	37	332,477	2, 4, 5, 7, 9	-	5	-
Memphis	38	250,537	2, 4, 5, 7	-	4	-
Miami	15	790,336	3, 6, 8, 1	-	4	-
Milwaukee	11	911,077	2, 4, 5, 7, 9	-	5	-
Minneapolis						
St Paul	119	144,906	3, 5, 9, 11	-	4	-
Mobile	126	93,697	6, 10	-	2	-
Montgomery	56	241,769	4, 5, 7, 9	-	4	-
Nashville	39	308,223	-	6	-	1
New Haven	31	540,030	2, 4, 6, 7, 10	-	5	-
New Orleans	1	11,690,520	2, 4, 5, 7, 9, 11, 13	-	7	-
New York						
Northeastern New Jersey	47	330,396	4, 7, 11, 13	-	4	-
Norfolk	52	221,229	2, 4, 5, 9	-	4	-
Portsmouth						
Newport News	40	287,269	3, 6, 7	-	3	-
Oklahoma City	69	162,566	3, 6, 12	-	3	-
Omaha	4	2,898,644	3, 6, 10, 12	-	4	-
Council Bluffs	84	121,823	2, 4, 5, 7	-	4	-
Peoria	8	1,994,060	3, 6, 8, 10	-	4	-
Philaedlpha	84	121,823	2, 4, 5, 7	-	4	-
Phoenix	8	1,994,060	3, 6, 8, 10	-	4	-
Pittsburgh	8	1,994,060	3, 6, 8, 10	-	4	-

Metropolitan district (U. S. Census 1940)	Sales rank	Population	Channel Nos		Total stations	
			Metropolitan	Community	Metropolitan	Community
Portland, Maine.....	89	106,566	3,8	---	2	---
Portland, Oreg.....	22	406,406	3,6,8,10,12	---	5	---
Providence, R. I.....	18	711,500	11	---	1	---
Pueblo.....	140	62,039	3,6,8,10	---	4	---
Racine.....	97	135,075	---	1	---	1
Kenosha.....	73	175,355	---	5	---	1
Reading.....	48	245,674	3,6,8,10	---	4	---
Richmond.....	104	110,593	5,9,12	---	3	---
Roanoke.....	28	411,970	2,6,11	---	3	---
Rochester.....	102	105,259	12	---	1	---
Rockford.....	54	158,999	3,6,10	---	3	---
Sacramento.....	77	153,388	3,8,13	---	3	---
Saginaw.....	129	86,991	13	---	1	---
St. Joseph.....	10	1,367,977	4,5,7,9,13	---	5	---
St. Louis.....	58	204,488	2,4,5,7,9	---	5	---
Salt Lake City.....	50	319,010	2,4,5,7,9	---	5	---
San Antonio.....	49	256,268	3,6,8,10	---	4	---
San Diego.....	7	1,428,525	2,4,5,7,9,11	---	6	---
San Francisco.....	78	129,367	13	---	1	---
Oakland.....	114	117,970	3,5,9,11	---	4	---
San Jose.....	30	629,581	11	1	1	1
Savannah.....	19	452,639	2,5,7,11	---	4	---
Scranton.....	96	112,225	2,4,6,8	---	4	---
Wilkes-Barre.....	107	87,791	4,9,11,13	---	4	---
Seattle.....	80	147,022	---	1	---	1
Shreveport.....	71	141,370	2,4,5,7,9	---	5	---
Sioux City.....	103	89,484	8,10	---	2	---
South Bend.....	32	394,623	3	1	1	1
Spokane.....	134	70,514	2,4,5,9	---	4	---
Springfield, Ill.....	125	77,406	---	1	---	1
Springfield, Mass.....	108	79,337	8	---	1	---
Holyoke.....	46	258,352	5,8,10	---	3	---
Springfield, Mo.....	74	156,018	4,9,13	---	3	---
Springfield, Ohio.....	61	209,693	2,4,5,7	---	4	---
Stockton.....	116	83,370	4	---	1	---
Syracuse.....	34	341,663	13	---	1	---
Tacoma.....	123	77,749	7,11	---	2	---
Tampa.....	60	200,128	---	1	---	1
St. Petersburg.....	65	188,562	3,6,8,10	---	4	---
Terre Haute.....	68	197,128	3,13	---	2	---
Toledo.....	138	71,114	3,6,9,11	---	4	---
Topeka.....	12	907,816	4,5,7,9	---	4	---
Trenton.....	85	144,822	12	---	1	---
Tulsa.....	120	67,050	3,6,13	---	3	---
Utica.....	82	196,340	12	---	1	---
Rome.....	86	127,308	2,4,5,9	---	4	---
Waco.....	62	188,974	---	7	---	1
Washington.....	124	109,833	6,8	---	2	---
Waterbury.....	41	306,194	5	---	1	---
Waterloo.....	113	92,627	---	1	---	1
Wheeling.....	36	372,428	13	---	1	---
Wichita.....						
Wilmington.....						
Winston-Salem.....						
Worcester.....						
York.....						
Youngstown.....						

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.611 **Application for television stations.**—If the application is for a new station or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

§ 3.612 **Full disclosures.**—Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and

things required to be disclosed by the application forms.

§ 3.613 **Installation or removal of apparatus.**—Application for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.614 **Period of construction.**—Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.615 **Forfeiture of construction permits: Extension of time.**—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.616 **Equipment tests and proof of performance.**—(a) Upon completion of construction of a television station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the Rules and Regulations and Standards of Good Engineering Practice Concerning Television Broadcast Stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 90 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Within the 90-day period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations shall be submitted to the Commission. The Commission may grant extensions of time upon showing of reasonable need therefor.

§ 3.617 **Program tests.**—(a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the Rules and Regulations and Standards of Good Engineering Practice Concerning Television Broadcast Stations, and after an application for station license has been filed with the Commission showing the equipment to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when action may appear to be in the public in-

terest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or section 3.616 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.618 **Normal license period.**—All television broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time, and will be issued for a normal license period of 1 year.

§ 3.619 **License, simultaneous modification and renewal.**—When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.620 **Renewal of license.**—(a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of a television broadcast station will be considered unless there is on file with the Commission, the information currently required by sections 1.341–1.344, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of a television station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.621 **Temporary extension of station licenses.**—Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing tele-

vision license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in nowise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.622 **Repetitious applications.**—(a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new television broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.623 **Assignment or transfer of control.**—(a) *Voluntary.*—Application for consent to voluntary assignment of a television station construction permit or license or for consent to voluntary transfer of control of a corporation holding a television station construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.*—In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly

or indirectly in control of a corporation, which is a permittee or licensee:

(1) the Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such television station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.631 **Exclusive affiliation of station.**—No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied with a network organization¹ under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.632 **Territorial exclusivity.**—No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.633 **Term of affiliation.**—No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms,

¹ The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided*, That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within 6 months prior to the commencement of such period.

§ 3.634 **Option time.**—No license shall be granted to a television broadcast station which options¹ for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours² within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.³ Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.635 **Right to reject programs.**—No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or

¹ As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

² All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

³ These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

from substituting a program of outstanding local or national importance.

§ 3.636 **Network ownership of stations.**—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control⁴ of a network organization, for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.637 **Dual network operation.**—No license shall be issued to a television broadcast station affiliated with a network organization which maintains more than one network of television broadcast stations: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.638 **Control by networks of station rates.**—No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.639 **Use of common antenna site.**—No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) which is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

⁴ The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

§ 3.640 **Multiple ownership.**—(a) No person (including all persons under common control)¹ shall, directly or indirectly, own, operate, or control more than one television broadcast station that would serve substantially the same service area as another television broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one television broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among television broadcast stations or provide a television broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than five television broadcast stations to constitute the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

RULES RELATING TO EQUIPMENT

§ 3.651 **Transmitter power.**—The rated power and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.652 **Frequency monitors.**—The licensee of each television broadcast station shall have in operation at the transmitters frequency monitors independent of the frequency control of the transmitters.

§ 3.653 **Modulation monitors.**—The licensee of each television broadcast station shall have in operation at the transmitter a modulation monitor for the aural transmitter. There shall also be sufficient monitoring equipment for the visual signal to determine that the signal complies with the Standards of Good

¹ The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

Engineering Practice Concerning Television Broadcast Stations.

§ 3.654 **Required transmitter performance.**—The construction, installation, operation, and performance of the television broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.655 **Auxiliary transmitter.**— Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of a television station, a license therefor may be issued provided that:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification² work on the main transmitters necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the fre-

² This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with sec. 1.324.

frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.656 **Alternate main transmitters.**—The licensee of a television broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.657 **Changes in equipment and antenna system.**—Licensees of television broadcast stations shall observe the following provisions with regard to change in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 301) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing *informal* request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice Concerning Television Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.661 **Time of operation.**—(a)¹ All television broadcast stations will be licensed for unlimited time operation. Each licensed television station shall maintain a regular program operating schedule of not less than 2 hours in any given broadcast day, and it shall render not less than 28 hours program service per week. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes, and for purposes incidental to or connected with the operation of the visual transmitter.

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

¹ The requirements of sec. 3.661 (a) are waived until March 31, 1948.

§ 3.662 **Experimental operation.**—Television broadcast stations may conduct technical experimentation directed to the improvement of technical phases of operation and for such purposes may utilize a signal other than the standard television signal subject to the following conditions:

(a) That the licensee complies with the provisions of section 3.661 with regard to the minimum number of hours of transmission with a standard television signal.

(b) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmissions of a standard television signal by other television broadcast stations.

(c) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

§ 3.663 **Station inspection.**—The licensee of any television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.664 **Station license, posting of.**—The original of each station license shall be posted in the transmitter room.

§ 3.665 **Operator requirements.**—One or more licensed radio-telephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of a television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.666 **Operating power; how determined.**—The operating power, and the requirements for maintenance thereof, of each television broadcast station shall be determined by the methods prescribed in the Standards of

Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.667 **Modulation.**—The percentage of modulation of the aural transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.668 **Frequency tolerance.**—The operating frequencies of the aural and visual transmitters of a television broadcast station shall be maintained within 0.002 percent of the assigned frequencies.

§ 3.669 **Inspection of tower lights and associated control equipment.**—The licensee of any television station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.681 **Logs.**—The licensee of each television station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identi-

fication announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical reproduction, either visual or aural, is used, the entry shall show the exact nature thereof, and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the aural transmitter (total plate current and plate voltage).

(ii) Transmission line current or voltage of both transmitters.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of sec. 3.669 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communications Station (CAA) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.682 **Logs, retention of.**—Logs of television broadcast stations shall be retained by the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.683 **Logs, by whom kept.**—Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.684 **Log form.**—The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.685 **Correction of logs.**—No log or portion thereof shall be erased, obliterated, or wil-

fully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.686 **Rough logs.**—Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.687 **Station identification.**—(a) A licensee of a television broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour. The announcement at the beginning and ending of each time of operation shall be by both aural and visual means. Other announcements may be by either aural or visual means.

(b) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.688 **Mechanical reproductions.**—(a) Each program which consists in whole or in part of one or more mechanical reproductions, either visual or aural, shall be accompanied by an appropriate announcement to that effect either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used. No such announcement shall be required where a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper.

(b) The exact form of identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood. The licensee shall not attempt affirmatively to create the impression that any program

being broadcast by mechanical reproduction consists of live talent.

§ 3.689 **Sponsored programs, announcement.**—(a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or

services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the television broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.690 **Broadcasts by candidates for public office.**—(a) *Legally qualified candidate.*—A “legally qualified candidate” means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

- (1) Has qualified for a place on the ballot, or
- (2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.*—No station licensee is required to permit the use of its facilities by any legally qualified candidate for public

office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.*—The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.*—Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.691 **Rebroadcast.**—(a) The term “rebroadcast” means reception by radio of the program¹ of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a relay broadcast station or studio transmitter link is not considered a rebroadcast.

(b) The licensee of a television broadcast station may, without further authority of the Commission, rebroadcast the program of a United States television broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received

¹ As used in this section, program includes any complete program or part thereof.

from the licensee of the station originating the program.¹

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in

(b) above without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.²

Subpart F—Rules Governing International Broadcast Stations

DEFINITION OF INTERNATIONAL BROADCAST STATIONS AND ALLOCATION OF FACILITIES

§ 3.701 **Defined.**—The term “international broadcast station” means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned [between 6000 and 21700 kilocycles] for broadcasting by international agreement.)

§ 3.702 **Frequency assignments.**—(a) The following groups of frequencies are allocated for assignment to international broadcast stations:

Group A	Group B	Group C	Group D	Group E	Group F
Kilocycles	Kilocycles	Kilocycles	Kilocycles	Kilocycles	Kilocycles
6040	9530	11710	¹ 15130	17750	21460
6060	^{1 2} 9550	^{1 2} 11730	15150	17760	^{1 2} 21500
6080	9570	11790	15210	17780	21520
6100	9590	11820	15250	17800	21540
¹ 6120	9650	11830	15270	17830	21570
6140	9670	11870	15330		21590
6170		11890	15350		21610
6190					21630
					21650

¹ Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that the authorizations for these frequencies may be modified by the Commission to delete these frequencies without advance notice or hearing.

² Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that there shall be no commercial or advertising announcements of any kind in the programs broadcast through the medium of these frequencies, and that the names of program sponsors shall not be broadcast.

(b) Additional frequencies allocated by international agreement may be assigned to international broadcast stations subject to the conditions that no objectionable interference results to the service of foreign international broadcast stations which, in the opinion of the Commission, have priority of assignment.

(c) Any frequency licensed to an international broadcast station shall also be available for assignment to other international broadcast stations, provided no objectionable interference

¹ The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a television broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

is caused to the service of any United States international broadcast station.

(d)² An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) without a showing of technical necessity.

(e)³ Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.711 **Application for international broadcast stations.**—Each applicant for a construction permit for a new international broadcast station, change in facilities of any existing international broadcast station, or international station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new international station, Form FCC No. 309 should be filed; for an international station license, Form FCC No. 310 should be filed; for modification of an international station license or for change in facilities of an existing international station, Form FCC No. 312 should be filed.

§ 3.712 **Full disclosures.**—Each application shall contain full and complete disclosures with regard to the real party or parties in interest,

² By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, sec. 3.691 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by U. S. Government radio stations.

³ Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.713 **Installation or removal of apparatus.**—Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.714 **Period of construction.**—Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.715 **Forfeiture of construction permits; extension of time.**—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.716 **Equipment tests.**—(a) Upon completion of construction of an international station in exact accordance with the terms of the

construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) The Commission may grant extensions of time upon showing of reasonable need therefor.

§ 3.717 **Program tests.**—(a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and after an application for station license has been filed with the Commission showing the equipment to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or section 3.716 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.718 **Normal license period.**—All international broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time and will be issued for a normal license period of 1 year expiring November 1.

§ 3.719 **License, simultaneous modification and renewal.**—When an application is

granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.720 **Renewal of license.**—(a) Unless otherwise directed by the Commission, each application for renewal of an international station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of an international broadcast station will be considered unless there is on file with the Commission, the information currently required by sections 1.341–1.344, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an international station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.721 **Temporary extension of station licenses.**—Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing international license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in nowise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.722 **Repetitious applications.**—(a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new international broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.723 **Assignment or transfer of control.**—(a) *Voluntary.*—Application for consent to voluntary assignment of an international station construction permit or license or for consent to voluntary transfer of control of a corporation holding an international station construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.*—In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee.

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such international station permit or license or for involuntary transfer of control of such corpora-

tion to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.731 **Licensing requirements; necessary showing.**—A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necessary program sources are available to the applicant to render an effective international service.

(c) That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.¹

(d) That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.

(e) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(f) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(g) That the public interest, convenience and necessity will be served through the operation of the proposed station.

RULES RELATING TO EQUIPMENT

§ 3.751 **Power requirement.**—No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.

§ 3.752 **Frequency control.**—The transmit-

ter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 percent of the assigned frequency.

§ 3.753 **Antenna.**—The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

§ 3.754 **Frequency monitors.**—(a) The licensee of each international broadcast station shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

§ 3.755 **Modulation monitors.**—The licensee of each international broadcast station shall have in operation at the transmitter a modulation monitor.

§ 3.756 **Required transmitter performance.**—The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

§ 3.757 **Auxiliary transmitters.**— Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of an international station, a license therefor may be issued provided that:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

¹ See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, art. 7. Prior to September 1, 1939, and thereafter see Cairo General Radio Regulations, art. 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

(2) The transmission of regular programs during maintenance or modification¹ work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in case of operation in accordance with paragraph (e) of this section during any week, the test in that week may be omitted provided the operation under paragraph (e) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (e).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.758 **Alternate main transmitters.**—The licensee of an international broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of good engineering practice.

§ 3.759 **Changes in equipment and antenna system.**—Licensees of international broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

¹This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with Section 1.324.

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(b) Specific authority, upon filing formal application (Form FCC No. 312) therefor, is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.761 **Time of operation.**—(a) All international broadcast stations will be licensed for unlimited time operation except as may be directed by the Commission from time to time. In an emergency, however, when due to causes beyond the control of the licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) Persons desiring to enter into a voluntary sharing arrangement of an international channel may file application therefore with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.762 **Station inspection.**—The licensee of any international broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.763 **Station license, posting of.**—The original of each station license shall be posted in the transmitter room.

§ 3.764 **Operator requirements.**—One or more licensed radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an international broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 3.765 **Operating power; how determined.**—The operating power, and its maintenance, of each international broadcast station shall be in conformity with good engineering practice.

§ 3.766 **Modulation.**—The percentage of modulation of the transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 50 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.767 **Frequency tolerance.**—The operating frequencies of international broadcast station transmitters shall be maintained within .005% of the assigned frequencies.

§ 3.768 **Inspection of tower lights and associated control equipment.**—The licensee of any international station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or Office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.781 **Logs.**—The licensee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b)¹ Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(1) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of 2 years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(2) If the broadcast is in a language other than English the licensee shall furnish the Commission upon request such record and scripts together with complete translations in English.

¹ Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

(*c*) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage).

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(*d*) When an antenna or antenna-supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of section 3.768 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements.

§ 3.782 **Logs, retention of.**—Logs of international broadcast stations shall be retained by

the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.783 **Logs, by whom kept.**—Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.784 **Log form.**—The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.785 **Correction of logs.**—No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.786 **Rough logs.**—Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.787 **Station identification.**—(*a*) A licensee of an international broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour.

(*b*) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

(*c*) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, sym-

phony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.788 **Service; commercial or sponsored program.**—(a)¹ A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding, and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs: *Provided*, That—

(1) Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

(2) In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with paragraph (c) of this section.

(3) In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with paragraph (c) of this section.

(4) In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with paragraph (c) of

this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided*, The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency: *And provided further*, That in the case of chain broadcasting² the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

§ 3.789 **Sponsored programs, announcement of.**—(a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made

¹ The Commission on July 14, 1939, suspended the operation of sec. 3.788 (a) until further order of the Commission.

² See sec. 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association, or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at one of the international broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.790 **Rebroadcasts.**¹—(a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, noncommercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.² (See sec. 3.788 concerning commercial announcements.)

(b) No licensee of an international broadcast station shall rebroadcast the programs of any other class of United States radio station without written authority having first been obtained from the Commission.

(c) A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American continent without permission from the Commission: *Provided*, That the station rebroadcasting the programs cannot be received consistently in the United States.

§ 3.791³ **Supplemental report with renewal application.**—A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

¹ The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

² The notice and certification of consent must be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

³ Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 3-1

PART 3 -- RULES GOVERNING RADIO BROADCAST SERVICES
(Edition revised to January 16, 1948)

Directions for altering text:

Substitute the following text for the present text of Section 3.218, Normal license period, at page 22, column 2:

§3.218 Normal license period.--
(a) All initial licenses covering construction permits for new FM broadcast stations will be issued so as to expire at the hour of 3 a.m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 92.1, 92.7, 93.5, 94.3, 95.3, 95.9, 96.7, 97.7, 98.3, 99.3 Mcs., June 1.

(2) For stations operating on the frequencies 100.1, 100.9, 101.7, 102.3, 103.1, 103.9, 104.9, 105.5, 106.3, 107.1 Mcs., September 1.

(3) For stations operating on the frequencies 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1, 102.5, 102.7, 102.9, 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3, 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 Mcs., December 1.

(4) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7, 94.9, 95.1, 95.5, 95.7, 96.1, 96.3, 96.5, 96.9, 97.1, 97.3, 97.5, 97.9, 98.1, 98.5, 98.7, 98.9, 99.1, 99.5, 99.7, 99.9 Mcs., March 1.

(b) All renewals of Fl. broadcast station licenses will be issued so as to expire at the hour of 3 a.m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 92.1, 92.7, 93.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 100.1, 100.9, 101.7 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1, 102.5, 102.7 Mcs., December 1, 1948.

(4) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7 Mcs., March 1, 1949.

(5) For stations operating on the frequencies 94.3, 95.3, 95.9 Mcs., June 1, 1949.

(6) For stations operating on the frequencies 102.3, 103.1, 103.9 Mcs., September 1, 1949.

(7) For stations operating on the frequencies 102.9, 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3 Mcs., December 1, 1949.

(8) For stations operating on the frequencies 94.9, 95.1, 95.5, 95.7, 96.1, 96.3, 96.5, 96.9, 97.1, 97.3 Mcs., March 1, 1950.

(9) For stations operating on the frequencies 96.7, 97.7, 98.3, 99.3 Mcs., June 1, 1950.

(10) For stations operating on the frequencies 104.9, 105.5, 106.3, 107.1 Mcs., September 1, 1950.

(11) For stations operating on the frequencies 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 Mcs., December 1, 1950.

(12) For stations operating on the frequencies 97.5, 97.9, 98.1, 98.5, 98.7, 98.9, 99.1, 99.5, 99.7, 99.9 Mcs., March 1, 1951. (Amendment 3-1)

Substitute the following text for the present text of Section 3.518, Normal license period, at page 34, column 1:

§3.518 Normal license period.--

(a) All initial licenses covering construction permits for new Non-commercial Educational FM broadcast stations will be issued so as to expire at the hour of 3 a.m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5, 88.7, 88.9, 89.1, 89.3, 89.5, 89.7 and 89.9 Mcs., June 1.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5, 90.7, 90.9, 91.1, 91.3, 91.5, 91.7 and 91.9 Mcs., September 1.

(b) All renewals of Noncommercial Educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a.m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 88.7, 88.9, 89.1 Mcs., June 1, 1949.

(4) For stations operating on the frequencies 90.7, 90.9, 91.1 Mcs., September 1, 1949.

(5) For stations operating on the frequencies 89.3, 89.5, 89.7, 89.9 Mcs., June 1, 1950.

(6) For stations operating on the frequencies 91.3, 91.5, 91.7, 91.9 Mcs., September 1, 1950. (Amendment 3-1)

Effective date of this amendment: May 1, 1948.

Notice of erratum: §3.206, at page 21, column 1, add: studio" means the after the word "main.

Substitute the following text for the present text of Section 3.518, Normal license period, at page 34, column 1:

§3.518 Normal license period.—

(a) All initial licenses covering construction permits for new Non-commercial Educational FM broadcast stations will be issued so as to expire at the hour of 3 a.m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5, 88.7, 88.9, 89.1, 89.3, 89.5, 89.7 and 89.9 mcs., June 1.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5, 90.7, 90.9, 91.1, 91.3, 91.5, 91.7 and 91.9 mcs., September 1.

(b) All renewals of Noncommercial Educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a.m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 88.7, 88.9, 89.1 Mcs., June 1, 1949.

(4) For stations operating on the frequencies 90.7, 90.9, 91.1 Mcs., September 1, 1949.

(5) For stations operating on the frequencies 89.3, 89.5, 89.7, 89.9 Mcs., June 1, 1950.

(6) For stations operating on the frequencies 91.3, 91.5, 91.7, 91.9 mcs., September 1, 1950. (Amendment 3-1)

Effective date of this amendment: May 1, 1948.

Notice of erratum: §3.206, at page 21, column 1, add: studio" means the after the word "main.

FEDERAL COMMUNICATION COMMISSION
Washington 25, D. C.

AMENDMENT NO. 3-11

PART 3--RULES GOVERNING RADIO BROADCAST SERVICES
(Edition revised to January 16, 1948)

Directions for altering text:

Substitute the following text for the present text of Section 3.23, Time of operation of the several classes of stations, at page 3, column 1:

§3.23 Time of Operation of the several classes of stations.—The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(a) Unlimited time permits operation without a maximum limit as to time.

(b) Limited time is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. (For exact time of sunset at any location see Average Sunrise and Sunset Times.) Daytime stations operating on local channels may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

(d) Sharing time permits operation during hours which are so restricted by the station license as to require a division of time with one or more

other stations using the same channel.

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in Sec. 3.71.) Specified hours stations operating on local channels except those sharing time with other stations may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license. (Amendment 3-11)

Effective date of this amendment: Adopted by the Commission December 9, 1948; published in the Federal Register December 18, 1948.

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 3-12

PART 3 -- RULES GOVERNING RADIO BROADCAST SERVICES
(Edition revised to January 16, 1948)

Directions for altering text:

Substitute the following text for the present text of §3.15, Combined audio harmonics, at page 2, column 1, and delete §3.16, Effective field:

§3.15 Technical definitions.--(a) Combined audio harmonics. The term "combined audio harmonics" means the arithmetical sum of the amplitudes of all the separate harmonic components. Root sum square harmonic readings may be accepted under conditions prescribed by the Commission.

(b) Effective field. The term "effective field" or "effective field intensity" is the root-mean-square (RMS) value of the inverse distance fields at a distance of 1 mile from the antenna in all directions in the horizontal plane.

(c) Operating power. "Operating power" is the power that is actually supplied to the radio station antenna.

(d) Maximum rated carrier power. "Maximum rated carrier power" is the maximum power at which the transmitter can be operated satisfactorily and is determined by the design of the transmitter and the type and number of vacuum tubes used in the last radio stage.

(e) Plate input power. "Plate input power" means the product of the direct plate voltage applied to the tubes in the last radio stage and the total direct current flowing to the plates of these tubes, measured without modulation.

(f) Antenna power. "Antenna input power" or "antenna power" means the product of the square of the antenna current and the antenna resistance at the point where the

current is measured.

(g) Antenna current. "Antenna current" means the radio-frequency current in the antenna with no modulation.

(h) Antenna resistance. "Antenna resistance" means the total resistance of the transmitting antenna system at the operating frequency and at the point at which the antenna current is measured.

(i) Modulator stage. "Modulator stage" means the last amplifier stage of the modulating wave which modulates a radio-frequency stage.

(j) Modulated stage. "Modulated stage" means the radio-frequency stage to which the modulator is coupled and in which the continuous wave (carrier wave) is modulated in accordance with the system of modulation and the characteristics of the modulating wave.

(k) Last radio stage. "Last radio stage" means the oscillator or radio-frequency-power amplifier stage which supplies power to the antenna.

(l) Percentage modulation (amplitude). "Percentage modulation" with respect to an amplitude modulated wave means the ratio of half the difference between the maximum and minimum amplitudes of the amplitude modulated wave to the average amplitude, expressed in percentage.

(m) Maximum percentage modulation. "Maximum percentage of modulation" means the greatest percentage of modulation that may be obtained by a transmitter without producing in its output harmonics of the modulating frequency in excess of those permitted by these regulations.

(n) High level modulation. "High level modulation" is modulation produced in the plate circuit of the

last radio stage of the system.

(o) Low level modulation. "Low level modulation" is modulation produced in an earlier stage than the final.

(p) Plate modulation. "Plate modulation" is modulation produced by introduction of the modulating wave into the plate circuit of any tube in which the carrier frequency wave is present.

(q) Grid modulation. "Grid modulation" is modulation produced by introduction of the modulating wave into any of the grid circuits of any tube in which the carrier frequency wave is present. (Amendment 3-12)

Substitute the following text for the present text of §3.34, Normal license period, at pages 5 and 6:

§3.34 Normal license period.--(a) All standard broadcast station licenses will be issued for a normal license period of 3 years. Licenses will be issued to expire at the hour of 3 a.m., eastern standard time, in accordance with the following schedule, and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, November 1, 1946.

(2) For stations operating on the frequencies 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580 kilocycles, May 1, 1945.

(3) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, May 1, 1946.

(4) For stations operating on the frequencies 910, 920, 930, 950, 960, 970, 980, 1150, 1250 kilocycles, May 1, 1947.

(5) For stations operating on the frequencies 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360 kilocycles, November 1, 1945.

(6) For stations operating on the frequencies 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1490, 1590, 1600 kilocycles, November 1, 1947.

(7) For stations operating on the frequency 1230 kilocycles, February 1, 1946.

(8) For stations operating on the frequency 1240 kilocycles, August 1, 1946.

(9) For stations operating on the frequency 1340 kilocycles, February 1, 1947.

(10) For stations operating on the frequency 1400 kilocycles, August 1, 1947.

(11) For stations operating on the frequency 1450 kilocycles, February 1, 1948.

(12) For stations operating on the frequency 1490 kilocycles, August 1, 1948.

(b) Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date for licenses of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license will be issued for the unexpired period of the current license term only.

(c) When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission. (Amend. 3-12)

Add the following text of new §§3.166, 3.167, 3.168, 3.169, and 3.170, at page 15, column 1:

§3.166 Period of construction.--Each construction permit for a radio station in the standard broadcast service will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and with the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§3.167 Equipment test.--Upon completion of construction of a radio station in the standard broadcast service in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days; Provided, That:

(a) The engineer in charge of the district in which the station is located, is notified 2 days in advance of the beginning of tests.

(b) The Commission also shall be notified 2 days in advance of the beginning of tests, which shall be conducted only between 1 a.m. and 6 a.m. local standard time unless otherwise specifically authorized. Equipment tests shall not be conducted during the frequency monitoring period when the station is required to remain silent.

(c) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

§3.168 Service or program test.--

(a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating

condition, the permittee is authorized to conduct service or program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days; Provided, That:

(1) The engineer in charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests.

(2) The Commission also shall be notified 2 days in advance of the beginning of tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) Service or program tests will not be authorized after expiration date of the construction permit.

§3.169 Authorization for tests not to be construed as license.--The authorization for tests embodied in sections 3.167 and 3.168 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§3.170 Station inspection.--The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour. (Amendment 3-12)

Substitute the following text for the present text of §3.182, Logs, retention of, at page 16, column 1:

§3.182 Logs, retention of.--Logs of standard broadcast stations shall be retained by the licensee for a period of two years, Provided, however, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; Provided, further, That logs incident to or involved in any claim or complaint of which the

licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. (Amendment 3-12)

Add the following text of new §3.271 at page 28, column 1:

§3.271 Discontinuance of operation.-- The licensee of each station, except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation. (Amendment 3-12)

Substitute the following text for the present text of §3.282, Logs, retention of, at pages 28 and 29:

§3.282 Logs, retention of.--Logs of FII broadcast stations shall be retained by the licensee for a period of two years, Provided, however, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; Provided, further,

That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. (Amendment 3-12)

Add the following text of new §3.571 at page 37, column 2:

§3.571 Discontinuance of operation.-- The licensee of each station, except stations operating in Alaska shall notify the engineer in charge of the district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall in addition, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation. (Amendment 3-12)

Substitute the following text for the present text of §3.582, Logs, retention of, at page 38, column 2:

§3.582 Logs, retention of.--Logs of non-commercial, educational FII broadcast stations shall be retained by the licensee for a period of two years, Provided, however, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; Provided, further, That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. (Amendment 3-12)

add the following text of new §3.670, at page 48, column 2:

§3.670 Discontinuance of operation.-- The licensee of each station except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation. (Amendment 3-12)

Substitute the following text for the present text of §3.682, Logs, retention of, at page 49, column 2:

§3.682 Logs, retention of.--Logs of television broadcast stations shall be retained by the licensee for a period of two years, Provided, however, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; Provided, further, That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. (Amendment 3-12)

Effective date of this amendment: February 1, 1949.

add the following text of new §3.769 at page 57, column 2:

§3.769 Discontinuance of operation.-- The licensee of each station, except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation immediately forward the station license to the Washington, D. C., office of the Commission for cancellation. (Amendment 3-12)

Substitute the following text for the present text of §3.782, Logs, retention of, at page 58:

§3.782 Logs, retention of.--Logs of international broadcast stations shall be retained by the licensee for a period of two years, Provided, however, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; Provided, further, That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. (Amendment 3-12)

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 3-13

PART 3 -- RULES GOVERNING RADIO BROADCAST SERVICES
(Edition revised to January 16, 1948)

Directions for altering text:

Add the following text of new
Section 3.109 at page 14, column 2:

§3.109 Special rules relating to contracts providing for reservation of time upon sale of a station.—
(a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a standard broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control of the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this rule, February 15, 1949 involving a contract, arrangement or understanding of the type covered by subsection (a) hereof and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this rule. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, arrangement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(c) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time

reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right of termination. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

(Amendment 3-13)

Add the following text of new Section 3.241 at page 25, column 2:

§ 3.241 Special rules relating to contracts providing for reservation of time upon sale of a station.—(a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a FM broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this rule, February 15, 1949 involving a contract, arrangement or understanding of the type covered by subsection (a) hereof and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of

such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this rule. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserved the right to reject or refuse programs which he reasonably believed to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the

parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination

(Amendment 3-13)

Add the following text of new Section 3.641 at page 46, column 1:

§ 3.641 Special rules relating to contracts providing for reservation of time upon sale of a station.--(a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a television broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this rule, February 15, 1949 involving a contract, arrangement or understanding of the type covered by subsection (a) hereof and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this rule. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 336

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS
(Edition revised to January 9, 1946)

Directions for altering text:

Substitute the following text for the present text of paragraph M, Antenna height above average terrain, of Section 1, Definitions, at page 2:

M. Antenna height above average terrain.--(1) The term "antenna height above average terrain" means the height of the radiation center of the antenna above the terrain 2 to 10 miles from the antenna. (In general a different antenna height will be determined for each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.)

(2) Where circular or elliptical polarization is employed the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation. (Amendment 336)

Substitute the following text for the present text of paragraphs A, B, C and E of Section 2, Engineering Standards of Allocation, at pages 3, 4, and 4a:

A. Sections 3.202 to 3.206 inclusive of the Rules and Regulations describe the basis for allocation of FM broadcast stations, including the division of the United States into Areas I and II.

B. FM broadcast stations shall determine the extent of their 1 mv/m and 50 uv/m contours in accordance with the methods prescribed in these Standards.

C. Although some service is provided by tropospheric waves, the service area is considered to be only that served by the ground wave. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

Table I

<u>Area</u>	<u>Median Field Intensity</u>
City business or factory areas	1 mv/m
Rural areas	50 uv/m

A median field intensity of 3 to 5 mv/m should be placed over the principal city to be served and for class B stations, a median field intensity of 1 mv/m should be placed over the business district of cities of 10,000 or greater within the metropolitan district served. A field intensity of 5 mv/m should be provided over the main studio of a class B station except as otherwise provided in Section 3.205 of the Rules. The location of the main studio of a class A station is specified in Section 3.203 of the Rules. These figures are based upon the usual noise levels encountered in the several areas and upon the absence of interference from other FM stations. (Amendment 336)

* * * * *

E. The service area is predicted as follows:
 --Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to 10 miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities.) In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only

a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the chart showing signal intensities (fig. 1).

The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 per cent of the distance) in sectors and averaging these values.

To determine the distance to a particular contour, figure 1 concerning the range of FM broadcast stations should be used. This chart has been prepared for a frequency in the center of the band and is to be used for all FM broadcast channels, since little change results over this frequency range. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with figure 1 should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by figure 1 are based upon an effective radiated power of 1 kilowatt; to use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate gradation for power in line with the lower line of the top edge of the chart. The right edge of the scale is placed in line with the appropriate antenna height graduations and the chart then becomes direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the required contours must be determined and submitted with each application for these classes of FM broadcast stations. Each application shall include a map showing these contours, and for this purpose sectional aeronautical charts or other maps having a convenient scale may be used. The map shall show the radials along which the profile charts and expected field strengths have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted area and the area as limited or extended by terrain. Both areas should be measured as previously described; the area obtained by the regular prediction method should be given in the application form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

In determining the population served by FM broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 1 mv/m contour do not receive adequate service. Minor civil division maps (1940 census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour unless a more accurate count is available.
(Amendment 336)

Substitute the following text for the present text of Section 4, Interference Standards, at pages 6 and 7:

Field intensity measurements are preferable in predicting interference between FM broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see sec. 5). In lieu of measurements, the interference should be predicted in accordance with the method described herein.

Objectionable interference is considered to exist when the interfering signal exceeds that given by the ratios of Table II. In Table II the desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 1 per cent of the time.

TABLE II

<u>Channel Separation</u>	<u>Ratio of desired to undesired signals</u>
Same channel	10:1
200 kc.	2:1
400 kc.	To be determined
600 kc.	To be determined
800 kc. and above	No restriction ¹

Standards have not been established for channel separations in excess of 200 kc; various types of present FM receivers are under study by the Commission to provide data for determining such standards. Pending the completion of such studies and the promulgation of such standards, stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc, provided that stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc where necessary in order to provide an equitable and efficient distribution of facilities, and provided further that class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc. In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different from that requested in an application.

In predicting the extent of interference within the ground wave service area of a station, the tropospheric signal intensity (from co-channel and adjacent channel stations) existing for 1 per cent of the time shall be

¹ Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

employed. The 1 per cent values for 1 kilowatt of power and various antenna heights are given in figure 2, and values for other powers may be obtained by use of the sliding scale as for figure 1. The values indicated by figure 2 are based upon available data, and are subject to change as additional information concerning tropospheric wave propagation is obtained.²

In determining the points at which the interference ratio is equal to the values shown in Table II, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e.g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in the case of irregular terrain or the use of directional antenna systems

The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 50 uv/m contour.
(Amendment 336)

Effective date of this amendment: Adopted by the Commission June 12, 1947, and published in the Federal Register June 21, 1947.

²Fig. 2 will be available at some future date when sufficient measurements of tropospheric signals are available. Until that time, interference should be predicted on the basis of the ground wave chart (fig. 1).