

# FCC Rules Regulating Radio-Television

(Selected sections amended to July 1, 1960. Compiled with the cooperation of Pike & Fischer Inc., publisher of Pike & Fischer Radio Regulation.)

## ALLOCATIONS AND DEFINITIONS

### In am rules . . .

**§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 535-1605 kilocycles, inclusive.

**§3.2 Standard broadcast band.**—The term "standard broadcast band" means the band of frequencies extending from 535-1605 kilocycles.

**§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. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

**§3.4 Dominant station.**—The term "dominant station" means a class I station, as herein-after 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 term "sunrise and sunset" means for each particular location and during any particular month, the time of sunrise and sunset as specified in the instrument of authorization.

**§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 ground wave 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 sky wave 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 ground wave but beyond the primary service area and subject to some interference and fading.

**§3.12 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.

**§3.13 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.

### Allocations—(am)

**§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 operate with powers not in excess of 1 kilowatt daytime, and 250 watts nighttime. 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.

NOTE: The power ceiling for Class IV stations under the North American Regional Broadcasting Agreement (NARBA) is 250 watts. The Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band would permit daytime operation of Class IV stations with a maximum power of 1 kilowatt in all areas of the United States more than 100 kilometers (62 miles) from the United States/Mexican border. Pursuant to the U.S./Mexican Agreement and informal coordination with the other NARBA signatories, the Commission will consider applications proposing the use of daytime power in excess of 250 watts by a Class IV station providing such station is located more than 100 kilometers (62 miles) from the U. S. Mexican border, or if located in the State of Florida, providing that such station is not located south of 28 degrees north latitude and between 80 and 82 degrees west longitude. (See Note under Section 3.28(b).)

**§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 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 section 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 section 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 kilowatt nor more than 50 kilowatts. Whenever necessary, a class II station shall use a directional antenna or other means to avoid interferences with class I stations and with other class II stations, in accordance with §3.182.

EDITOR'S NOTE: Since 1945 the FCC has been considering various changes in the Clear Channel assignments, including the question of a daytime skywave. On April 15, 1958, FCC issued a Notice of Further Rule-Making in which it proposed to breakdown various clear channels. This is still pending FCC action.

(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 district 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 §3.182.

(2) Class III-B station: A "class III-B station" is a class III station which operates with a power not less than 0.5 kilowatt and not 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.

NOTE: 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.

(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 and not more than 0.25 kilowatt nighttime, and 1 kilowatt daytime, and its service area is subject to interference in accordance with Section 3.182.

**§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 with facilities authorized before Nov. 30, 1959. 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. Daytime stations operating on local channels with a power of 0.1 kw or 0.25 kw may, upon notification to the Commission and to the Engineer in Charge of the radio 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 Section 3.71.) Specified hours stations operating on local channels with a power of 0.1 kw or 0.25 kw, except those sharing time with other stations may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

**§3.24 Broadcast facilities; showing required.**—(a) Applications for new stations or for modifications of existing authorizations shall be filed on FCC Form 301; for licenses, on FCC Form 302; for renewal of licenses, on FCC Form 303.

(b) An authorization for a new standard broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made in regard to the following, among others:

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

(2) 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 §§3.182 and 3.186).

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

(4) 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 pos-

## NAB Radio Code CONTINUED

b) The advertising of beer and wines is acceptable only when presented in the best of good taste and discretion, and is acceptable subject to existing laws.

c) The advertising of fortune-telling, occultism, spiritualism, astrology, phrenology, palm-reading, numerology, mind-reading, or character-reading is not acceptable.

d) All advertising of products of a personal nature, when accepted, should be treated with special concern for the sensitivities of the listeners.

e) The advertising of tip sheets, publications, or organizations seeking to advertise for the purpose of giving odds or promoting betting or lotteries is unacceptable.

2. An advertiser who markets more than one product should not be permitted to use advertising copy devoted to an acceptable product for purposes of publicizing the brand name or other identification of a product

which is not acceptable.

3. Care should be taken to avoid presentation of "bait-switch" advertising whereby goods or services which the advertiser has no intention of selling are offered merely to lure the customer into purchasing higher-priced substitutes.

### D. Contests

Contests should offer the opportunity to all contestants to win on the basis of ability and skill, rather than chance.

All contest details, including rules, eligibility requirements, opening and termination dates, should be clearly and completely announced or easily accessible to the listening public; and the winners' names should be released as soon as possible after the close of the contest.

When contestants are required to submit items of product identification or other evidence of purchase of product, reasonable facsimiles thereof should be made acceptable.

All copy pertaining to any contest (except that which is required by law) associated with

the exploitation or sale of the sponsor's product or service, and all references to prizes or gifts offered in such connection should be considered a part of and included in the total time limitations heretofore provided.

All such broadcasts should comply with pertinent federal, state, and local laws and regulations.

### E. Premiums and Offers

The broadcaster should require that full details of proposed offers be submitted for investigation and approval before the first announcement of the offer is made to the public.

A final date for the termination of an offer should be announced as far in advance as possible.

If a consideration is required, the advertiser should agree to honor complaints indicating dissatisfaction with the premium by returning the consideration.

There should be no misleading descriptions or comparisons of any premiums or gifts which will distort or enlarge their value in the minds of the listeners.

sesses other qualifications sufficient to provide a satisfactory public service.

(5) 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 of this subpart and §3.188.)

(6) That the facilities sought are subject to assignment as requested under existing international agreements and the rules and regulations of the Commission.

(7) That the population within the 1 v/m contour does not exceed 1.0 percent of the population within the 25 mv/m contour; Provided, however, that where the number of persons within 1 v/m contour is 300 or less the provisions of this subparagraph are not applicable.

(8) That, in the case of an application for a Class II station, the proposed station would radiate, during two hours following local sunrise and two hours preceding local sunset, in any direction toward the 0.1 mv/m groundwave contour of a co-channel United States Class I station, no more than the maximum radiation values permitted under the provisions of §3.187.

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

(c) [Deals with procedures to be followed by applicants seeking new or changed facilities in the vicinity of National Radio Astronomy Observatory, Green Bank, Pocahontas County, W. Va.]

**§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:

(a) To each of the channels below, except as provided in the note to this paragraph (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. There also may be assigned to these frequencies class I stations operating unlimited time in Alaska, Hawaii, Virgin Islands and Puerto Rico, which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States. The power of the class I stations on these channels shall not be less than 50 kilowatts.

NOTE: On the frequency 770 kc, two class I stations may be assigned.

(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, 1540, 1550, and 1560 kilocycles.

NOTE: Class I and II stations on 1540 kilocycles shall 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 such stations operating nighttime (i.e., sunset to sunrise at the location of the class II station) shall be located not less than 650 miles from the nearest point of land in the Bahama Islands.

(c) For class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 per cent time skywave at any point on Canadian 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: 540, 690, 740, 860, 990, 1010, and 1580 kilocycles.

NOTE: A station on 1010 kilocycles shall also protect a class I-B station at Havana, Cuba.

(d) In continental United States, 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 Mexican border, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, for class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 per cent time skywave at any point on the said border: 730, 800, 900, 1050, 1220 and 1570 kilocycles.

NOTE: See North American Regional Broadcasting Agreement for use of 1050 kc by a station in New York (Appendix I, Table IV).

NOTE: See agreement with Mexico for further use of 1220 kc.

(e) On the frequency 770 kilocycles, two Class I stations may be assigned.

**§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: 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

NOTE: See North American Regional Broadcasting Agreement for special provisions concerning the assigning of class II stations in

other countries of North America to 560, 570, 590, 630 and 1270 kcs. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said agreement.

**§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, 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 provisions of this Part for the respective classes of stations involved. (For determining objectionable interference see §§3.182 and 3.186.)

(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.

NOTE: Pending action with respect to ratification and entry into force of the North American Regional Broadcasting Agreement, Washington, 1950 (referred to herein as NARBA) and the agreement between the U.S.A. and the United Mexican States Concerning Radio Broadcasting in Standard Broadcast Band (referred herein to as the U.S./Mexican Agreement), no assignment for a standard broadcast station will be made which would be inconsistent with the terms of those agreements, except for the power ceiling permitted for Class IV stations on local channels, pursuant to Section 3.21 (c) [EDITOR'S NOTE: This paragraph still is in the FCC rules although both NARBA and the Mexican agreement were ratified in the spring of 1960 by the Senate.]

(c) Upon showing that a need exists, a class II, III or IV station may be assigned to a channel available for such class, even though interference will be received within its normally protected contour; provided: (1) no objectionable interference will be caused by the proposed station 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; and (2) primary service will be provided to the community in which the proposed station is to be located; and (3) the interference received does not affect more than 10% of the population in the proposed station's normally protected primary service area. However, in the event that the nighttime interference received by the proposed station would exceed this amount, then an assignment may be made if the proposed station would provide either a standard broadcast nighttime facility to a community not having such a facility or if 25% or more of the nighttime primary service area of the proposed station is without primary nighttime service.

**§3.29 Class IV stations on regional channels.**—No license will be granted for the operation of a class IV station on a regional channel, provided, however, that class IV stations presently authorized to operate on regional channels will not be required to change frequency or power but will not be protected against interference from class III stations.

**In fm rules . . .**

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

[EDITOR'S NOTE: The band is 88-108 mc. Non-commercial educational fm occupies 88-92 mc. Class A commercial channels are shown in §3.203 (b), below. The rest are class B.]

**§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. The second area—Area II—comprehends the remainder of the United States not included in Area I.

NOTE: 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.

**§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 coverage of

a class A station shall be not more than the equivalent of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the technical standards of this subpart.

(For the purpose of determining equivalent coverage, the 1 mv/m contour should be used. A class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of §3.311 shall determine the minimum coverage of a class A station. Class A station 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, except as provided in paragraphs (c) and (d) of this section, are designated as class A channels and are assigned for use by class A stations:

Frequency	Channel	Frequency	Channel	Frequency	Channel
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.

(c) In Hawaii, the frequency band 98-108 mc is allocated for non-broadcast use. The frequencies 98.1 through 107 mc, inclusive, (channels 251 through 300 inclusive) will not be assigned in Hawaii for use by fm broadcast stations.

(d) In Alaska the frequency band 88-108 mc is allocated to Government radio services and the non-Government fixed service only. The frequencies 88-1 mc through 99.9 mc (channels 201 through 260 inclusive) will not be assigned in Alaska for use by fm broadcast stations.

**§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 be 1 kw or greater. The signal intensity requirements of §3.311 shall determine the minimum coverage of a class B station. In the following sub-sections, antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the technical standards of this subpart.

(1) The coverage of a class B station in Area I shall be not more than the equivalent of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain. A class B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts. [NOTE: for the purpose of determining equivalent coverage, the 1 mv/m contour should be used.]

(2) The coverage of a class B station in Area II shall normally be not more than the equivalent of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain. 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. [NOTE: For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.]

(b) The following frequencies, except as provided in paragraphs (c) and (d) of this section, are designated as class B channels and are assigned for use by class B stations.

[EDITOR'S NOTE: Class B channels are those channels between 92 mc and 108 mc which are not designated as class A channels in §3.203 (b).]

(c) In Hawaii the frequency band 98-108 mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 mc inclusive (channels 251 through 300 inclusive) will not be assigned in Hawaii for use by fm broadcast stations.

(d) In Alaska the frequency band 88-100 mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 mc through 99.9 mc (channels 201 through 260 inclusive) will not be assigned in Alaska for use by fm broadcast stations.

In tv rules . . .

§3.603. Numerical designation of television channels.—(a)

Channel No.	Frequency band (Megacycles)	Channel No.	Frequency band (Megacycles)
2	54-60	43	644-650
3	60-66	44	650-656
4	66-72	45	656-662
5	76-82	46	662-668
6	82-88	47	668-674
7	174-180	48	674-680
8	180-186	49	680-686
9	186-192	50	686-692
10	192-198	51	692-698
11	198-204	52	698-704
12	204-210	53	704-710
13	210-216	54	710-716
14	470-476	55	716-722
15	476-482	56	722-728
16	482-488	57	728-734
17	488-494	58	734-740
18	494-500	59	740-746
19	500-506	60	746-752
20	506-512	61	752-758
21	512-518	62	758-764
22	518-524	63	764-770
23	524-530	64	770-776
24	530-536	65	776-782
25	536-542	66	782-788
26	542-548	67	788-794
27	548-554	68	794-800
28	554-560	69	800-806
29	560-566	70	806-812
30	566-572	71	812-818
31	572-578	72	818-824
32	578-584	73	824-830
33	584-590	74	830-836
34	590-596	75	836-842
35	596-602	76	842-848
36	602-608	77	848-854
37	608-614	78	854-860
38	614-620	79	860-866
39	620-626	80	866-872
40	626-632	81	872-878
41	632-638	82	878-884
42	638-644	83	884-890

(b) In Alaska and Hawaii the frequency bands 10-82 mc and 82-88 mc are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be assigned in Alaska and Hawaii for use by television broadcast stations.

§3.606. Table of Assignments. (a) The following Table of Assignments contains the channels assigned to the listed communities in the United States, its Territories, and Possessions. Channels designated with an asterisk are assigned for use by non-commercial educational broadcast stations only. A station on a channel identified by a plus or minus mark is required to operate with its carrier frequencies offset 10 kc above or below, respectively, the normal carrier frequencies.

[EDITOR'S NOTE: Channel assignments by cities are reprinted in the tv station directory and are not repeated here.]

§3.607. Availability of channels.—(a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments and only in the communities listed therein. Applications which fail to comply with this requirement whether or not accompanied by a petition to amend the Table, will not be accepted for filing provided, however, that applications specifying channels which accord with publicly announced Commission orders changing the Table of Assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

(b) A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community. In addition, a channel assigned to a community listed in the Table of Assignments and not designated for use by noncommercial educational stations only, is available upon application in any other community within 15 miles thereof which, although listed in the Table, is assigned only a channel designated for use only by noncommercial educational stations. Where channels are assigned to two or more communities listed in combination in the Table of Assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the United States Department of Commerce entitled "Air Line Distances Between Cities in

the United States." (This publication may be purchased from the Government Printing Office, Washington, D. C.) If said publication does not contain the coordinates of either or both communities, the coordinates of the main post office in either or both of such communities shall be used. The method to be followed in making the measurements is set forth in Section 3.611 (d).

§3.609. Zones. (a) For the purpose of allocation and assignment, the United States is divided into three zones as follows:

(1) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point on the Virginia, West Virginia boundary line located at North Latitude 37° 49' and West Longitude 80° 12' 30"; thence westerly along the southern boundary lines of the States of West Virginia, Ohio, Indiana and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois to a point at the junction of the Illinois, Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian, thence north along this meridian to the 43.5° parallel; thence east along this parallel to the 71st meridian, thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Figure 1 of §3.699.)

(2) Zone II consists of that portion of the United States which is not located in either Zone I or Zone III, and Puerto Rico, Alaska, Hawaiian Islands and the Virgin Islands.

(3) Zone III consists of that portion of the United States located south of a line, drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum), beginning at a point on the east coast of Georgia and the 31st parallel and ending at the United States-Mexican border, consisting of arcs drawn with a 150 mile radius to the north from the following specified points:

North Latitude	West Longitude
a) 29°40'00"	83°24'00"
b) 30°07'00"	84°12'00"
c) 30°31'00"	86°30'00"
d) 30°48'00"	87°58'30"
e) 30°00'00"	90°38'30"
f) 30°04'30"	93°19'00"
g) 29°46'00"	95°05'00"
h) 28°43'00"	96°30'30"
i) 27°52'30"	97°32'00"

When any of the above arcs pass through a city, the city shall be considered to be located in Zone II. (See Figure 2 of §3.699.)

§3.610. Separations. (a) The provisions of this section relate to assignment separations and station separations. Petitions to amend the Table of Assignments (§3.606(b)) (other than those also expressly requesting amendment of this section or §3.609) will be dismissed and all applications for new television broadcast stations or for changes in the transmitter sites of existing stations will not be accepted for filing if they fail to comply with the requirements specified in paragraphs (b), (c) and (d) of this section.

NOTE: Licensees and permittees of television broadcast stations which were operating on April 14, 1952 pursuant to one or more separations below those set forth in §3.610 may continue to so operate, but in no event may they further reduce the separations below the minimum. As the existing separations of such stations are increased, the new separations will become the required minimum separations until separations are reached which comply with the requirements of §3.610. Thereafter, the provisions of said section shall be applicable.

(b) Minimum co-channel assignment and station separations:

(1)	Channels	Channels
Zone	2-13	14-83
I	170 miles	155 miles
II	190 miles	175 miles
III	220 miles	205 miles

(2) The minimum co-channel mileage separation between a station in one zone and a station in another zone shall be that of the zone requiring the lower separation.

(c) Minimum assignment and station adjacent channel separations applicable to all zones:

(1) Channels 2-13	Channels 14-83
60 miles	55 miles

[EDITOR'S NOTE: On Jan. 7, 1960, the FCC proposed to amend this section and §3.683, 3.684, 3.685 and 3.686 to permit additional vhf channels to be added to selected markets at reduced adjacent channel mileage separations. Current 60 mile separation requirement would be reduced to 40 miles for adjacent vhf channels.]

(2) Due to the frequency spacing which exists between Channels 4 and 5, between Channels 6 and 7, and between Channels 13 and 14, the minimum adjacent channel separations specified above shall not be applicable to these pairs of channels (see §3.603).

(d) In addition to the requirements of paragraphs (a), (b) and (c) of this section, the minimum assignment and station separations between stations on Channels 14-83, inclusive, as set forth in Table IV of §3.698 must be met in either rule making proceedings looking towards the amendment of the Table of Assignments (§3.606(b)) or in licensing proceedings. No channel listed in column (1) of Table IV of §3.698 will be assigned to any city, and no application for an authorization to operate on such a channel will be granted unless the mileage separations indicated at the top of columns (2)-(7), inclusive, are met with respect to each of the channels listed in those columns and parallel with the channel in column (1).

(e) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to co-channel mileage separations where the transmitter is located in a different zone from that in which the channel to be employed is located.

§3.614. Power and antenna height requirements.—(a) Minimum requirements. Applications will not be accepted for filing if they specify less than—10 dbk (100 watts) visual effective radiated power in any horizontal direction. No minimum antenna height above average terrain is specified.

(b) Maximum power. Applications will not be accepted for filing if they specify a power in excess of that provided for in this paragraph. Except as provided in subparagraph (1) below, the maximum effective radiated powers of television broadcast stations operating on the channels set forth below with antenna heights not in excess of 2000 feet above average terrain shall be as follows:

Channel Nos.	Maximum visual effective radiated power in db above one kilowatt (dbk)
2-6	20 dbk (100 kw)
7-13	25 dbk (316 kw)
14-83	37 dbk (5000 kw)

(1) In Zone I, on Channels 2-13, inclusive, the maximum powers specified above for these channels may be used only with antenna heights not in excess of 1000 feet above average terrain. Where antenna heights exceeding 1000 feet above average terrain are used on Channels 2-13, or antenna heights exceeding 2000 feet above average terrain are used on Channels 14-83, the maximum power shall be based on the chart designated as Figure 3 of §3.699.

NOTE: This limitation shall not apply to any licensee or permittee in Zone I who received an authorization after March 22, 1951, to relocate its transmitter site and construct a new tower and antenna to a height in excess of 1000 feet above average terrain and who constructed or who had substantially completed construction of said tower and antenna prior to April 14, 1952. In such case, maximum power may be utilized at the height above average terrain specified in the authorization. The limitation shall apply, however, where the tower or other principal supporting structure had been constructed prior to the date of such authorization.

(2) In Zones II and III, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2000 feet above average terrain shall be based on the chart designated as Appendix III, Figure 2b.

(3) The effective radiated power in any horizontal or vertical direction may not exceed the maximum values permitted by this section and Appendix III, Figures 2(a) and 2(b).

(4) The maximum effective radiated power in any direction above the horizontal plane shall be as low as the state of the art permits and may not exceed the effective radiated power in the horizontal direction in the same vertical plane.

(c) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to maximum antenna heights and powers for vhf stations when the transmitter is located in Zone I and the channel to be employed is located in Zone II, or the transmitter is located in Zone II and the channel to be employed is located in Zone I.

[Note: The maximum visual effective radiated power of television broadcast stations operating on channels 14-83 within 250 miles of the Canadian-U. S. border may not be in excess of 30 dbk (1,000 kw).]

MULTIPLE OWNERSHIP

In am rules . . .

§3.35 Multiple ownership—No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

(1) such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

(2) such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of area served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations.

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

NOTE: In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1% or more of the outstanding voting stock.

**In fm rules . . .**

**§3.240 Multiple ownership.**—No license for an fm broadcast station shall be granted to any party (including all parties under common control) if:

(1) such party directly or indirectly owns, operates, or controls another fm broadcast station which serves substantially the same service area; or

(2) such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other fm broadcast station if the grant of such license would result in a concentration of control of fm broadcasting in a manner inconsistent with public interest, convenience or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven fm broadcast stations.

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

NOTE: In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1% or more of the outstanding voting stock.

**In tv rules . . .**

**§3.636. Multiple ownership.**—(a) No license for a television broadcast station shall be granted to any party (including all parties under common control) if:

(1) such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

(2) such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven television broadcast stations, no more than five of which may be in the vhf band.

(b) Paragraph (a) of this section is not applicable to non-commercial educational stations.

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

NOTE 2: In applying the provisions of paragraph (a) of this section to the stockholders of

TABLE IV\*

(1) Channel	(2) 20 miles (I.P. beat)	(3) 20 miles (Intermod- ulation)	(4) 55 miles (Adjacent channel)	(5) 60 miles (Oscil- lator)	(6) 60 miles (Sound image)	(7) 75 miles (Picture image)
14	22	16-19	15	21	28	29
15	23	17-20	14,16	22	29	30
16	24	14,18-21	15,17	23	30	31
17	25	14-15,19-22	16,18	24	31	32
18	26	14-16,20-23	17,19	25	32	33
19	27	14-17,21-24	18,20	26	33	34
20	28	15-18,22-25	19,21	27	34	35
21	29	16-19,23-26	20,22	28,14	35	36
22	30,14	17-20,24-27	21,23	29,15	36	37
23	31,15	18-21,25-28	22,24	30,16	37	38
24	32,16	19-22,26-29	23,25	31,17	38	39
25	33,17	20-23,27-30	24,26	32,18	39	40
26	34,18	21-24,28-31	25,27	33,19	40	41
27	35,19	22-25,29-32	26,28	34,20	41	42
28	36,20	23-26,30-33	27,29	35,21	42,14	43
29	37,21	24-27,31-34	28,30	36,22	43,15	44,14
30	38,22	25-28,32-35	29,31	37,23	44,16	45,15
31	39,23	26-29,33-36	30,32	38,24	45,17	46,16
32	40,24	27-30,34-37	31,33	39,25	46,18	47,17
33	41,25	28-31,35-38	32,34	40,26	47,19	48,18
34	42,26	29-32,36-39	33,35	41,27	48,20	49,19
35	43,27	30-33,37-40	34,36	42,28	49,21	50,20
36	44,28	31-34,38-41	35,37	43,29	50,22	51,21
37	45,29	32-35,39-42	36,38	44,30	51,23	52,22
38	46,30	33-36,40-43	37,39	45,31	52,24	53,23
39	47,31	34-37,41-44	38,40	46,32	53,25	54,24
40	48,32	35-38,42-45	39,41	47,33	54,26	55,25
41	49,33	36-39,43-46	40,42	48,34	55,27	56,26
42	50,34	37-40,44-47	41,43	49,35	56,28	57,27
43	51,35	38-41,45-48	42,44	50,36	57,29	58,28
44	52,36	39-42,46-49	43,45	51,37	58,30	59,29
45	53,37	40-43,47-50	44,46	52,38	59,31	60,30
46	54,38	41-44,48-51	45,47	53,39	60,32	61,31
47	55,39	42-45,49-52	46,48	54,40	61,33	62,32
48	56,40	43-46,50-53	47,49	55,41	62,34	63,33
49	57,41	44-47,51-54	48,50	56,42	63,35	64,34
50	58,42	45-48,52-55	49,51	57,43	64,36	65,35
51	59,43	46-49,53-56	50,52	58,44	65,37	66,36
52	60,44	47-50,54-57	51,53	59,45	66,38	67,37
53	61,45	48-51,55-58	52,54	60,46	67,39	68,38
54	62,46	49-52,56-59	53,55	61,47	68,40	69,39
55	63,47	50-53,57-60	54,56	62,48	69,41	70,40
56	64,48	51-54,58-61	55,57	63,49	70,42	71,41
57	65,49	52-55,59-62	56,58	64,50	71,43	72,42
58	66,50	53-56,60-63	57,59	65,51	72,44	73,43
59	67,51	54-57,61-64	58,60	66,52	73,45	74,44
60	68,52	55-58,62-65	59,61	67,53	74,46	75,45
61	69,53	56-59,63-66	60,62	68,54	75,47	76,46
62	70,54	57-60,64-67	61,63	69,55	76,48	77,47
63	71,55	58-61,65-68	62,64	70,56	77,49	78,48
64	72,56	59-62,66-69	63,65	71,57	78,50	79,49
65	73,57	60-63,67-70	64,66	72,58	79,51	80,50
66	74,58	61-64,68-71	65,67	73,59	80,52	81,51
67	75,59	62-65,69-72	66,68	74,60	81,53	82,52
68	76,60	63-66,70-73	67,69	75,61	82,54	83,53
69	77,61	64-67,71-74	68,70	76,62	83,55	84,54
70	78,62	65-68,72-75	69,71	77,63	84,56	85,55
71	79,63	66-69,73-76	70,72	78,64	85,57	86,56
72	80,64	67-70,74-77	71,73	79,65	86,58	87,57
73	81,65	68-71,75-78	72,74	80,66	87,59	88,58
74	82,66	69-72,76-79	73,75	81,67	88,60	89,59
75	83,67	70-73,77-80	74,76	82,68	89,61	90,60
76	84,68	71-74,78-81	75,77	83,69	90,62	91,61
77	85,69	72-75,79-82	76,78	84,70	91,63	92,62
78	86,70	73-76,80-83	77,79	85,71	92,64	93,63
79	87,71	74-77,81-84	78,80	86,72	93,65	94,64
80	88,72	75-78,82-85	79,81	87,73	94,66	95,65
81	89,73	76-79,83	80,82	88,74	95,67	96,66
82	90,74	77-80	81,83	89,75	96,68	97,67
83	91,75	78-81	82	90,76	97,69	98,68

\*UHF mileage separations, see Sec. 3.610(d) page C-16.

a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1% or more of the outstanding voting stock.

**STUDIO LOCATION ORIGINATIONS**

**In am rules . . .**

**§3.30 Station location and program origination.**—(a) Except as provided in paragraph (b) of this section, each standard broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision, which will be specified in the station license and the station will be considered to be located in such place. Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located, provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and no. number) of a station's programs or in the case of a station affiliated with a network two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that such place meets all the requirements of the Rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs

contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) 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.

**§3.31 Authority to move main studio.**—The licensee of a 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, unless such move is to the location of the station's transmitter, without first securing a modification of construction permit or license. The licensee shall promptly notify the Commission of any other change in location of the main studio.

**In fm rules . . .**

**§3.205**—[EDITOR'S NOTE: In substance the same as §3.30, above, except that subsection (c) reads as follows:

"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 technical standards of this subpart; provided, however, upon special showing of need, authoriza-

tion 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.”]

**In tv rules . . .**

**§3.613 Main studio location.**—(a) The main studio of a television broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political subdivision. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-to-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(b) In cases where an adequate showing is made that there is good cause for locating a main studio outside the principal community to be served and that to do so would not be inconsistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. The licensee or permittee of a television broadcast station shall not move his main studio outside the principal community in which it is located without first securing a modification of construction permit or license. Such a licensee or permittee shall notify the Commission promptly of any change of the location of the main studio within the community. In any case where the main studio is located outside the principal community to be served, the licensee or permittee of a television broadcast station shall not move his main studio without first securing a modification of construction permit or license.

**OPERATING SCHEDULES**

**For am stations . . .**

**§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 charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

[EDITOR'S NOTE: On April 22, 1960 the FCC proposed to change this section to permit daytime-only stations to sign-off at 6 p.m. local time during the summer months when it would not be economically feasible for stations to remain on air til normal sign-off time. This section, plus §3.261 (fm) and §3.651 (tv), also would be amended to allow stations to go off air for short periods in emergencies without notifying FCC. Stations still would have to operate required minimum daily hours in such cases if commission is not notified.]

**§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.

**§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.

**§3.79 License to specify sunrise and sunset hours.**—If the licensee of a broadcast station is required to commence or cease operation, or to change the mode of operation of the station at the times of sunrise and sunset at any particular location, the controlling times of each month of the year are set forth in the station's instrument of authorization. Uniform sunrise and sunset times are specified for all of the days of each month, based upon the actual times of sunrise and sunset for the fifteenth day of that month adjusted to the nearest quarter hour. In accordance with a standardized procedure described therein, actual sunrise and sunset time are derived by interpolation in the tables of the 1946 American Nautical Almanac, issued by the Nautical Almanac Office of the United States Naval Observatory.

**§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 consid-

ered 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 location. 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 licensee; 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 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 transmission 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 four 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 interference as determined by the standard broadcast technical standards of this subpart by use of its daytime facilities within the 0.5 mv/m 50% 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 undue 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.

(e) Restrictions imposed by section 3.187 on daytime operations shall apply to pre-sunrise operation under this section.

**§3.88 Blanketing interference.**—The licensee of each broadcast station is required to satisfy all reasonable complaints of blanketing interference with the 1 v/m contour.

**For fm stations . . .**

**§3.261 Time of operation.**—All fm broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6 a.m. to midnight consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the fm broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see § 3.293-3.295) shall not be included in meeting this 36-hour broadcast requirement. 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.

**§3.262 Experimental operation.**—The period between 1:00 a.m. and 6:00 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 by the Commission.

**For tv stations . . .**

**§3.651 Time of operation.**—(a) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: not less than two hours daily in any five broadcast days per week and not less than a total of twelve hours per week during the first eighteen months of the station's operation; not less than two hours daily in any five broadcast days per week and not less than a total of sixteen hours, twenty hours and twenty-four hours per week for each successive six month period of operation, respectively; and not less than two hours in each of the seven days of the week and not less than a total of twenty-eight hours per week thereafter. "Operation" includes the period during which a station is operated pursuant to special temporary authority or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentation, shall not be considered in computing periods of program service. If, in the event of an emergency due to causes beyond the control of a licensee, it becomes impossible to continue operation, 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 and operation is resumed.

(b) Noncommercial educational television 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 account when considering the renewal of noncommercial educational television broadcast licenses.

(c) (1) The aural transmitter of a television station shall not be operated separately from the visual transmitter except for the following purposes:

(i) For actual tests of station equipment or actual experimentation in accordance with Section 3.666; and

(ii) For emergency "fills" in case of visual equipment failure or unscheduled and unavoidable delays in presenting visual programs. In such situations the aural transmitter may be used to advise the audience of difficulties and to transmit for a short period program material of such nature that the audience will be enabled to remain tuned to the station; for example, music or news accompanying a test pattern or other visual presentation.

(2) During periods of transmission of a test pattern on the visual transmitter of a television station, aural transmission shall consist only of a single tone or series of variable tones. During periods when still pictures or slides are employed to produce visual transmissions which are accompanied by aural transmissions, the aural and visual transmission shall be integral parts of a program or announcement and shall have a substantial relationship to each other. Provided, That nothing herein shall preclude the transmission of a test pattern, still picture or slides for the following purposes and periods:

(i) To accompany aural announcements of the station's program schedule and aural news broadcasts or news commentaries, for a total period not to exceed one hour in any broadcast day.

(ii) To accompany aural transmissions for a period of time not to exceed fifteen minutes immediately prior to the commencement of a programming schedule.

Examples: (1) Duplication of am or fm programs on the aural transmitter of a television station while the same program is broadcast

on the visual transmitter (i.e., a "simulcast") is consistent with this paragraph.

(2) Duplication of am or fm programs on the aural transmitter of a television station while a test pattern is broadcast on the visual transmitter is not consistent with this paragraph, except for the specific purposes and periods specified in paragraph (c) (2).

(3) A travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture, and a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events, are examples of programs in which the aural and visual transmission are integral parts of the same program having a substantial relationship to each other, within the meaning of paragraph (c) (2). Mood music unrelated to the visual transmission is not consistent with this paragraph.

(4) The broadcast of a test pattern accompanied by a musical composition for the purpose of demonstration, sale, installation or orientation of television receivers, or receiving antennas is not consistent with this paragraph.

(5) Music accompanying the transmission of a test pattern upon which is visually imposed a moving text consisting of continuous program material, such as a running newscast or news commentary, is consistent with this paragraph.

(6) Music accompanying the transmission of a test pattern upon which is visually imposed a clock indicating the time of day, or a text that is changed at spaced intervals, is not consistent with this paragraph.

**OPERATOR REQUIREMENTS**

**In am rules . . .**

§3.93 Operator requirements.—(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) through (4) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. (A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a CONELRAD Radio Alert is called, make adjustments necessary to effect operation on a CONELRAD authorization: Provided, that the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish CONELRAD operation.) Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

(4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates an fm broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the standard broadcast station may concurrently be employed to satisfy the requirements of § 3.265 (c) or 3.565 (c): Provided, that the duties of such operator or operators concerning the fm broadcast transmitting equipment shall in no wise interfere with the proper performance of his duties with respect to the standard broadcast transmitter.

(d) 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 the rules and regulations governing such other stations: Provided, however, that such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.

**In fm rules . . .**

§3.265 Operator requirements.

[EDITOR'S NOTE: Substantially the same as §3.93.]

**In tv rules . . .**

§3.661. 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 FCC Form 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 no wise interfere with the operation of the broadcast transmitter.

**FACSIMILE**

§3.266 Facsimile broadcasting and multiplex transmission.—(a) Fm broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in §3.318 during periods not devoted to fm aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a.m. and midnight (no limit for the hours between midnight and 7 a.m.) and may not be counted toward the minimum operation required by section 3.261. The Commission shall be notified by the licensee of the fm broadcast station of its intent to transmit such facsimile.

(b) Fm broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in §3.318: provided that the transmission of such facsimile does not reduce the quality of aural programs simultaneously transmitted by the licensee below that required by the technical standards of this subpart and that no degradation of such aural programs will result from such facsimile transmissions when received on fm receivers not equipped with filter or other additional equipment.

**NETWORK AFFILIATION**

**In am rules . . .**

§3.131 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 organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See Chapter VII, J of Report on Chain Broadcasting.)

§3.132 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 section 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.

§3.133 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 organization for a period longer than two years; provided, that a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

§3.134 Option time.—No license shall be granted to a standard broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8:00 a.m. to 1:00 p.m.; 1:00 p.m. to 6:00 p.m.; 6:00 p.m. to 11:00 p.m.; 11:00 p.m. to 8:00 a.m. (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.) Such

option 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.

NOTE: 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.

NOTE: 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.

§3.135 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.

§3.136 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 control 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. (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.)

NOTE: 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.

§3.137 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 section 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.

§3.138 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.

**In fm rules . . .**

§3.231-3.238, inclusive—

[EDITOR'S NOTE: Same as §3.131-3.138, above, with the following exceptions: (1) references are to fm rather than standard stations and networks; and (2) the section on "Network Ownership of Stations" is changed to read as follows:

§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 control 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. 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.]

**In tv rules . . .**

§3.658. Affiliation agreements.—(a) 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 organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

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

(b) 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 in the same community from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station located in a different community 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 community upon the program of the network organization. As employed in this paragraph the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

**(c) 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, 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.

**(d) Option time.** No license shall be granted to a television broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours 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. (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.) Such options may not be exclusive as against other network organizations and may not prevent nor hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

**NOTE 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.

**NOTE 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.

**(e) 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, (1) 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 (2) 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.

**(f) 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 control 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. (The word "control" as used in this section, 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.)

**(g) 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 section 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.

**(h) 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.

**(i) No license shall be granted to a television broadcast station which is represented for the sale of non-network time by a network organization or by an organization directly or indirectly controlled by or under common control with a network organization, if the station has any contract, arrangement or understanding, express or implied, which provides for the affiliation of the station with such network organization: provided, however, that this rule shall not apply until December 31, 1961, to television broadcast stations so represented on October 30, 1959; and provided further, that this rule shall not be applicable to stations licensed to a network organization or to a subsidiary of a network organization.**

**COMMON ANTENNA SITE**

**§3.635. 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.

**REPORTS TO BE FILED**

**All broadcast stations . . .**

**§1.341 Financial report.**—Each licensee or permittee of a commercially operated standard, FM, television, or international broadcast station (as defined in Part 3 of this chapter) shall file with the Commission on or before April 1 of each year, on FCC Form 324, broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of Dec. 31 of such calendar year.

**§1.342 Filing of contracts.**—Each licensee or permittee of a standard, FM, television, or international broadcast station (as defined in Part 3 of this chapter), whether operating or intending to operate on a commercial or non-commercial basis, shall file with the Commission copies of the following contracts, instruments, and documents together with amendments, supplements, and cancellations, within 30 days of execution thereof. The substance of oral contracts shall be reported in writing.

(a) Contracts relating to network service. All network affiliation contracts, agreements, or understandings between a station and a national, regional, or other network shall be filed. Transcription agreements or contracts for the supplying of film for the television stations which specify option time must be filed. This section does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, nor contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements.

(b) Contracts relating to ownership or control. Contracts, instruments, or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights, or interests therein, or relating to changes in such ownership or control. This paragraph shall include but is not limited to the following:

(1) Articles of partnership, association, and incorporation, and changes in such instruments;

(2) Bylaws, and any instruments effecting changes in such bylaws;

(3) Any agreement, document, or instrument (i) providing for the assignment of a license or permit or (ii) affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting), such as: (a) Agreements for transfer of stock; (b) Instruments for the issuance of new stock; or (c) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted: Provided, however, that when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1% or more of the corporation's voting stock; in cases where the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold 1% or more of the corporation's stock, the only information required to be filed is the name of any person voting 1% or more of the stock by proxy, the number

of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy;

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.; or

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by §1.343.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(d) Contracts relating to Subsidiary Communications Authorization Operation, except contracts granting licenses or permittees engaged in SCA the right to broadcast copyright music.

(e) Time sales contracts. Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station.

(f) Contracts relating to personnel.

(1) The following contracts, agreements, or understandings shall be filed: management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee station; management contracts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses, or any similar agreements.

(2) The following contracts, agreements, or understandings need not be filed: agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel; contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

**§1.343 Ownership reports.**—(a) Each licensee of a standard, FM, or television station (as defined in Part 3 of this chapter), whether operating or intending to operate on a commercial or non-commercial basis, shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: Provided, however, that licensees owning more than one standard, FM, or television broadcast station need file only one Ownership Report at three-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) In the case of an individual, the name of such individual;

(2) In the case of a partnership, the names of the partners and the interest of each partner;

**NOTE:** Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may be made upon FCC Form 316 (Short Form).

(3) In the case of a corporation, association, trust, estate, or receivership, the data applicable to each:

(i) The name, residence, citizenship, and stock-holdings of officers, directors, stockholders, trustees, executors, administrators, receivers, and members of any association;

(ii) Full information as to family relationship or business association between two or more officials, and/or stockholders, trustees, executors, administrators, receivers, and members of any association;

(iii) Capitalization with a description of the classes and voting power of stock authorized by the corporate charter or other appropriate legal instrument and the number of shares of each class issued and outstanding; and

(iv) Full information on FCC Form 323 with respect to the interest, and identity of any person having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock;

For example:

(a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25% or more of the number of issued and outstanding shares of either voting or non-voting stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock [by class] in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock, in case of voting stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25% or more of the number of issued and outstanding shares of either

voting or non-voting stock of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the number of issued and outstanding shares of either voting or non-voting stock of Y and so on back to natural persons.

(4) In the case of all licensees:  
 (i) A list of all contracts still in effect required to be filed with the Commission by §1.342 showing the date of execution and expiration of each contract; and  
 (ii) Any interest which the licensee may have in any other broadcast station.

(b) A permittee shall file an Ownership Report (FCC Form 323) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portions of paragraph (a) of this section.

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation:

- (1) Any change in capitalization or organization;
- (2) Any change in officers and directors;
- (3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as:
  - (i) A transfer of stock;
  - (ii) Issuance of new stock or disposition of treasury stock; or
  - (iii) Acquisition of licensee's or permittee's stock by the issuing corporation; or
- (4) Any change in the officers, directors, or stockholders of a corporation other than the licensee or permittee such as X, Y, or Z corporation described in the example in paragraph (a)(3) of this section.

NOTE: Before any change is made in the organization, capitalization, officers, directors, or stockholders of a corporation other than licensee or permittee, which results in a change in the control of the licensee or permittee, prior Commission consent must be received under Section 310(b) of the Communications Act and §1.329. A transfer of control takes place when an individual, or group in privity, gains or loses affirmative or negative (50%) control. See instructions on FCC Form 323 "Ownership Report."

(d) Exceptions: Where information is required under paragraphs (a), (b), or (c) of this section with respect to a corporation or association having more than 50 stockholders or members, such information need be filed only with respect to stockholders or members who are officers or directors of the corporation or association, or to other stockholders or members who have 1% or more of either the voting or non-voting stock of the corporation or voting rights in the association.

**LICENSE RENEWALS**

**General . . .**

**§1.328 Application for renewal of license.—**

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed except that applications for renewal of license of an experimental or developmental broadcast station or a television broadcast translator station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the Commission the information, if any, currently required by §§1.341 to 1.343, inclusive, for the particular class of station. The renewal application shall include a reference by date and file number to such information on file.

(c) Whenever the Commission regards an application for a renewal of 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.

(d) The following application forms shall be used:

[EDITOR'S NOTE: There follows a list of forms to be used in filing for license renewals.]

**In am rules . . .**

**§3.34 Normal license period.—**(a) All standard broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a.m., Eastern Standard Time, in accordance with the following schedule, and three-year intervals thereafter:

[EDITOR'S NOTE: Expiration dates for licenses are grouped geographically.]

[EDITOR'S NOTE: On March 3, 1960, the FCC proposed to amend this section to permit it to issue am licenses for a period less than three years. Similar changes also were proposed for fm, §3.218, and tv, §3.630 (below, stations.)]

*applied ingenuity in broadcast magnetic tape devices*

**AUTOMATIC SYSTEM OF DELAYED TAPE RECORDING**

**N.Y. 6 PM**

A new field of recorded programming has been created by Telectro's development of an automatic delayed tape recording/reproducing system for the National Broadcasting Co. The new system relays broadcast programs to time zones one hour or more behind the area in which the "live" program originated.

**CHI. 6 PM**

System records the original program and "holds" or delays the signal for one or more hours before it is released over the network. Equipment is foolproof, reliable, and completely automatic. The Recorder's frequency response is 25-10,000 c/s ±2db at 7½ ips; or 25-15,000 c/s ±2db at 15 ips. Play-back pre-amplifier features signal-to-noise ratio of better than 60 db below one per-cent tape distortion. For full technical details write to Broadcast Products Division.

**Automatic Network Relay**

**Model 938 Studio Console**

**TELECTRO INDUSTRIES CORP.**  
 35-18 37th Street, Long Island City 1, New York



**In fm rules . . .**

**§3.218 Normal license period.**—(a) All fm broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a.m., Eastern Standard Time, in accordance with the following schedule and at three-year intervals thereafter:

[EDITOR'S NOTE: Expiration dates for licenses are grouped geographically.]

**In tv rules . . .**

**§3.630. Normal license period.** (a) All television broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a.m., Eastern Standard Time, in accordance with the following schedule and at three year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1957.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1957.

(3) For stations located in North Carolina, South Carolina, December 1, 1957.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1958.

(5) For stations located in Alabama and Georgia, April 1, 1958.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1958.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1958.

(8) For stations located in Ohio and Michigan, October 1, 1958.

(9) For stations located in Illinois and Wisconsin, December 1, 1958.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1956.

(16) For stations located in Washington, Oregon, Alaska, Guam, and Hawaii, February 1, 1957.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, April 1, 1957.

(18) For stations located in New Jersey and New York, June 1, 1957.

**STATION IDENTIFICATION**

**In am rules . . .**

**§3.117 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, operatic production or forum 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 an 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 time specified in paragraph (a) (2) 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 paragraph (a) (2) 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 paragraph (a) (2) 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 in §3.287 of the Commission's Rules Governing Fm Broadcast Stations.

**In fm rules . . .**

**§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 radio broadcasting 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 identification announcements 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:

[EDITOR'S NOTE: Remainder is identical with paragraphs (b), (c), (d), (e), and (f) of §3.117 above.]

**In tv rules . . .**

**§3.652. Station identification.**— (a) A licensee of a television broadcast station shall make station identification announcements (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.

**SPONSORED PROGRAMS  
(Announcement of)**

**In am rules . . .**

**§3.119 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 five 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 member 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.

[EDITOR'S NOTE: On Feb. 8, 1960, the FCC proposed changes in this section and identical fm and tv rules (below) which would require licensees to adopt procedures to prevent their employees from accepting payola. On the same date, new rules were proposed which would prohibit fixed quiz and audience participation shows.]

**In fm rules . . .**

**§3.289.** [EDITOR'S NOTE: Identical with §3.119 above.]

**In tv rules . . .**

**§3.654** [EDITOR'S NOTE: Identical with §3.119 above.]

[EDITOR'S NOTE: In a statement issued in 1950, the FCC warned that the sponsor or his product must be identified by a distinctive name and not by one merely descriptive of the type of business or product. The following are acceptable, the Commission said: "Henry Smith offers you . . ." or "Smith Stove Co. offers you . . ." or "Ajax Pens brings you . . ." The following are not acceptable: "Write to the Comb Man . . ." or "Send your money to Nylons, Box— . . ." or "This program is sponsored by your Sink Man . . ."]

**RECORDINGS and TRANSCRIPTIONS  
(Identification of)**

**In am rules . . .**

**§3.118 Mechanical reproductions.**—(a) No mechanically reproduced program consisting of a speech, news event, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used that it is a mechanical reproduction or a mechanically reproduced program; Provided, however, That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically reproduced or series of mechanical reproductions, including a mechanical reproduction used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper, need not be announced as provided in subsection (a), but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

(c) The requirements of subsection (a) are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a.m. and 10:00 p.m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual period in which daylight saving time will be effective 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.

**In fm rules . . .**

**§3.288**—[EDITOR'S NOTE: Identical with §3.118, above.]

**In tv rules . . .**

**§3.653** [EDITOR'S NOTE: Identical with §3.118 above.]

**POLITICAL BROADCASTS**

**For am, fm and tv . . .**

**§3.120 Definitions.**—(a) 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 by sticker, by writing in his name on the ballot, or other method, and (1) has been duly nominated by a political party which is commonly known and regarded as such, or (2) 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

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.—(1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, 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: inspections.—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 request, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years.

(e) A request for equal opportunities must be submitted to the licensee within one week of the day on which the prior use occurred.

(f) A candidate requesting such equal opportunities of the licensee, or complaining of non-compliance to the Commission, shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

[EDITOR'S NOTE: In fm this is §3.290; in tv, §3.657.]

**REBROADCASTS**

**In am rules . . .**

**§3.121 Rebroadcast.**—(a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.

NOTE: As used in this section, program includes any complete program or part thereof, or any signals if other than A-3 emission. 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 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.

NOTE: The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard 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.

(c) (1) The licensee of a standard broadcast station located within a state or the District of Columbia may, without further authority of the Commission, rebroadcast a noncommercial 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 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 or high frequency broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.

NOTE: The broadcasting of a program relayed by a remote pickup broadcast station (section 4.401) is not considered a rebroadcast. Informal application may be employed. By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, section 3.121 (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 U.S. Government radio stations.

(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 facilities 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. [See §1.327.]

**In fm rules . . .**

**§3.291**—[EDITOR'S NOTE: Identical in terms with §3.121, above, with two exceptions: Paragraph (e) of §3.121 is deleted in §3.291, and Paragraph (b) relates to rebroadcast of programs of U.S.: "standard, fm or noncommercial educational" stations.]

**In tv rules . . .**

**§3.655. Rebroadcast.**—(a) The term "rebroadcast" as used below means reception by radio of the program of a television broadcast station, and the simultaneous or subsequent retransmission of such programs by a broadcast station. The broadcasting of a program relayed by an auxiliary broadcast station licensed to the television broadcast station is not considered a rebroadcast. (As used in this section, program includes any complete program or part thereof.)

(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 from the licensee of the station originating the program.

NOTE 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 such rebroadcast practice if begun during a license period.

NOTE 2: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, Section 3.655(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.

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section 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.

**REVOICATIONS, MODIFICATIONS, SUSPENSIONS**

**(All Classes of Station Licenses)**

**§1.61 Notice of violations.**—(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what

steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

**§1.62 Revocation of station licenses and construction permits and issuance of cease and desist orders.**—(a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in Section 312(a) of the Communications Act, or a cease and desist order should be issued for any of the reasons specified in Section 312(b) of the Communications Act, the Commission will, except in cases of wilfulness or those in which the public health, interest, or safety require otherwise, either by notice of violation as provided for in §1.61 or by any other written warning, call to the attention of the licensee or permittee the facts or conduct which may warrant revocation of the license or construction permit or the issuance of a cease and desist order, and the Commission will accord to the licensee or permittee a reasonable opportunity to demonstrate or achieve compliance with the said warning. In case of failure to timely comply therewith or in cases of wilfulness or those in which public health, interest or safety requires, the Commission will issue an order directing the licensee, permittee, or person to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the licensee, permittee, or person to appear before the Commission at a time and place stated in the order, but in no event less than 30 days after the receipt of such order, and give evidence upon the matter specified therein: except, that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to be heard, the licensee, permittee, or person, in person or by his attorney, shall, within 30 days of the receipt of the order or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee, permittee or person fails to file such an appearance within the time specified in this paragraph the right to a hearing shall be deemed waived.

(d) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of this subpart and Subpart B of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order times less than those specified in §§1.153 and 1.154 within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument.

(e) Where a hearing is waived and no written statement has been filed within 30 days of the receipt of the order to show cause or such shorter period of time as may be specified therein, the allegations of fact contained in the order to show cause will be deemed as correct and the Hearing Examiner will issue an initial decision invoking the sanctions specified in the order to show cause.

(f) Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the order to show cause or within such shorter period of time as may be specified therein. The Hearing Examiner may, if the statement contains, with particularity, factual allegations denying or, in the Hearing Examiner's opinion, justifying the facts upon which the show cause order is based, call upon the submitting party to furnish additional information, and the Hearing Examiner shall request all opposing parties to file an answer to the written statement and/or additional information. The Hearing Examiner will then, unless he orders that further pleadings be filed, close the record and issue, on basis of the procedure lineated in this paragraph, an initial decision.

(g) Corrections or promise to correct the condition complained of in the order to show cause shall not preclude the issuance of an order to cease and desist.

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the licensee, permittee or person.

**§1.63 Modification of licenses or construction permits on motion of the Commission.**—(a) Whenever it appears that a station license or construction permit should be modified, the Commission will notify the licensee or permittee in writing of the proposed action and the grounds and reasons therefor and direct him to show cause why an order modifying the license or construction permit in the manner proposed by the Commission should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will notify the licensee or permittee that he may request, within a period of time to be stated in the order to show cause, that a hearing be held on the proposed modification. In case of timely request, a hearing will be held on the proposed modification, in no event less than 30 days after the receipt of the order to show cause, unless the Commission finds that safety of life or property require the fixing of a shorter period.

(c) In order to avail himself of the right to request a hearing and of the opportunity to appear and give evidence upon the matters specified in the order to show cause, the licensee or permittee, in person or by his attorney shall, within the period of time as may be specified in the order to show cause, file with the Commission a written statement stating that he requests a hearing and will appear at the hearing and present evidence on the matter specified in the order to show cause. Such written statement must contain a detailed response to the matter specified in the order to show cause and the permittee or licensee shall be limited in the hearing to matters fairly encompassed within the issues raised by the response.

(d) The right to request a hearing shall, unless a good cause is shown in a petition to be filed not later than 5 days before the lapse of the time specified in paragraph (c) of this section, be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section.

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(e) Where the right to request a hearing is waived and no written statement has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission accordingly.

(f) Where the right to request a hearing has been waived, a written statement may be filed within the period of time to be specified in the order to show cause, showing with particularity why the license or construction permit should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may, depending upon the facts alleged and proof offered, either call upon the submitting party to furnish additional information under oath, designate the proceeding for hearing, or issue without further proceedings an order modifying the construction permit or license as proposed in the order to show cause or in said written statement. The order to show cause will advise the person against whom it is directed of procedure set forth in this paragraph.

(g) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor, shall specify the effective date of the order and shall be served on the licensee or permittee.

#### (Of Operator Licenses)

**§1.72 Suspension of operator licenses.**—Whenever grounds exist for suspension of an operator license, as provided in Section 303(m) of the Communications Act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension in any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. Upon

may a modify or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

#### LOTTERIES

For all stations . . .

**§3.122 Lotteries.**—(a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement or of information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all such prizes." (See 18 U.S.C. §1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners, are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question.

**§1304 (of U. S. Criminal Code) Broadcasting Lottery information.**—Whoever broadcasts by means of any radio station for which a license is required by any law of the U. S., or who, operating any such station, knowingly permits the broadcasting of any advertisement or of information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Each day's broadcasting shall constitute a separate offense.

#### CENSORSHIP

For all stations . . .

**§326 (of Communications Act.)**—Nothing in this Act shall be understood to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.

#### INDECENT LANGUAGE

**§1464 (of U. S. Criminal Code) Broadcasting obscene language.**—Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

#### TRANSFERS and ASSIGNMENTS

Voluntary . . .

**§1.329 Applications for voluntary assignment or transfer of control.**—(a) Application for consent to the assignment of construction permit or license, or for consent to the transfer of control or a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control), or FCC Form 316 (Short Form). Such application should be filed with the Commission at least 45 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following assignment or transfer applications may be filed on FCC Form 316.

- (1) Assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;
- (2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;
- (3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;
- (4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;
- (5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests; or

interest in a partnership.

[EDITOR'S NOTE: In a statement issued by the FCC in 1948, licensees were warned that no transfers of station control are permitted until after Commission approval. The FCC also asked that licensees who are in doubt whether a transfer application is necessary bring ownership changes to the attention of the Commission to determine whether they are changes in control before consummating the transfer action.]

#### Involuntary transfers and assignments

**§1.330 Application for involuntary assignment of license.**—(a) The Commission shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

(b) Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such 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.

## Federal Communications Commission Executives and Staff Personnel

**Headquarters:** New Post Office Bldg., Washington 25, D. C. Executive 3-3620.

#### Commissioners and Assistants

FREDERICK W. FORD, Chmn, Room 7113. Republican; assumed office Aug. 29, 1957; term expires June 30, 1964. James D. Sheridan, special assistant; Paul M. McDonough, legislative assistant; John C. Conlin, legal assistant; Daniel Jacobson, engineering assistant; Emma C. Burke, confidential assistant; Helen Robinson, Angie R. Germaine; Ruth Hartman, Norma A. Budesheim, and Margaret White, secretaries.

ROSEL HERSCHEL HYDE, Comr, Room 7311. Republican; assumed office April 17, 1946; term expires June 30, 1966. James T. Barker, legal assistant; Vera F. Nordness, confidential assistant; Iona Wickham and Jane T. Hungerford, secretaries.

ROBERT TAYLOR BARTLEY, Comr, Room 7407. Democrat; assumed office March 6, 1952; term expires June 30, 1965. Philip S. Cross, legal assistant; Horace E. Stone, engineering assistant; Farrell McConigal, confidential assistant; Isolene Corbett, Ethel Lonergan and Corinne Totten, secretaries.

TUNIS AUGUSTUS MACDONOUGH CRAVEN, Comr, Room 7241. Democrat; assumed office July 2, 1956; term expires June 30, 1963. Robert M. Koteen, legal assistant; C. F. Heister, engineering assistant; Margaret S. Preston, confidential assistant; Elizabeth Lindsley, Elizabeth N. Harris, secretaries.

ROBERT EMMETT LEE, Comr, Room 6407. Republican; assumed office Oct. 6, 1953; term expires June 30, 1967. Thomas J. Dougherty, legal assistant; Robert G. Weston, engineering assistant; K. Lois Welch, confidential assistant; Phyllis Hancock and Rose Marie Borda, secretaries.

JOHN STORRS CROSS, Comr, Room 7207. Democrat; assumed office May 23, 1953; term expires June 30, 1962. Leonidas P. B. Emerson, legal assistant; Bruce S. Longfellow, engineering assistant; Rose E. Hahlen, confidential assistant; Frankie Fox, Lillian Watson, secretaries.

CHARLES HENRY KING, Comr, Room 7235. Republican; assumed office July 19, 1960; term expires June 30, 1961. Evelyn F. Eppley, legal assistant; Patricia C. Siemien, confidential assistant.

#### Office of Hearing Examiners

JAMES D. CUNNINGHAM, chief hearing examiner, Room 6353. Anne Janco, administrative assistant; Helen E. Neil, secretary; Jav A. Kyle, assistant chief hearing examiner. Hearing examiners: Basil P. Cooper, Thomas H. Donahue, Charles J. Frederick, Millard F. French, Walter W. Guenther, Isadore A. Honig, Annie Neal Hunting, H. Gifford Irion, David Kraushaar, Forest L. McClenning, Herbert Sharfman, Elizabeth C. Smith, Horace Stern.

#### Office of Opinions and Review

DONALD J. BERKEMEYER, chief, George K. Ashenden, assistant chief for engineering, Room 7349. Staff: Morton L. Berfield, Larry M. Berkow, Robert W. Geweke, Milton O. Gross, James A. Hudgens, Wallace E. Hutton, William Jensen, Eugene Kline, Jerome I. Livinson, Edward J. McCormick Jr., Edward D. McKenzie, Ronald K. Munday, Chester F. Naumowicz Jr., Walter L. Reitz Jr., Roy R. Russo, Sylvia B. Sternstein, Walter M. Strick, Donald E. Ward, David W. Warren Jr., attorneys. Earl G. Coston, Hideyuki Noguchi, engineers. Charles S. Borum, accountant.