

HOW TO APPLY FOR A BROADCAST STATION LICENSE

Pertaining to AM, FM, Television and Related Services

Any qualified citizen, firm or group may apply to the Federal Communications Commission for authority to construct a commercial standard, frequency modulation or television broadcast station.

Licensing of these facilities is prescribed by the Communications Act of 1934, which sets up certain basic requirements. In general, applicants must satisfy the Commission that they are legally, technically and financially qualified, and that operation of the proposed station would be in the public interest, convenience and necessity.

The application procedure is substantially the same whether the facility sought is an FM, television or standard broadcast station.

The licensing procedure is detailed in Part 1 of the Commission's "Rules Relating to Organization and Practice and Procedure," while station operation is covered by Part 3, "Rules Governing Broadcast Services," and "Standards of Good Engineering Practice."

Selecting a Frequency

The Communications Act recognizes broadcasting as a competitive industry and invests the Commission with the responsibility of allocating facilities so as to provide a fair, efficient and equitable distribution of radio service.

Standard broadcast stations operate on "local," "regional," or "clear" channels. Local stations are of 100 to 250 watts power and serve smaller communities; stations of 500 watts to 5 kilowatts cover larger centers of population and surrounding areas; stations of 10 to 50 kilowatt maximum power are for large area coverage, particularly at night.

To determine whether an AM frequency is available for assignment in a particular area, it is necessary for the applicant to have a channel study made by a competent engineer. The Commission's engineering personnel cannot undertake to make such studies for prospective applicants.

In the case of FM, the Commission has tentatively allocated geographic blocks of frequencies to accommodate Class A stations (community) and Class B stations (metropolitan and rural). Except in the larger cities, the demand for FM stations has not yet exceeded the supply of available frequencies.

Television channels are apportioned for "metropolitan," "community," and "rural" service. For more than a year, however, TV applications have been held up pending a review of engineering standards and allocations, final action on which is expected in 1950.

Applying for a Construction Permit

Once a prospective licensee has decided the type of station he wants to apply for, the next step is to make application for a construction permit. This application must be in writing, on a form (No. 301) supplied by the Commission. This form requires information about the citizenship and character of the applicant, as well as his financial, technical and other ability to construct and operate a station, plus details about the transmitting apparatus to be used and the proposed new service. Triplicate copies are required, two of which must be executed under oath or affirmation.

Application Processing

Applications are, in turn, studied by the Commission's Engineering, Law, and Accounting Bureaus, which make their respective recommendations to the Commission. The system of processing is so designed that applications are considered by different categories in the order in which received.

If, upon examination of an application, the Commission determines that there are no engineering conflicts and that all other requirements are met, the application is granted and a construction permit is issued.

Television and FM stations are permitted interim operation with less than the prescribed power.

All construction authorizations are subject to approval of transmitter site and antenna system by Civil Aeronautics Administration.

Hearings

However, where it appears that interference would be caused to another station above the degree prescribed in the Commission's "Standards of Good Engineering Practice," or if other serious questions are involved, a hearing is usually required before a determination can be made. Sometimes, also, a hearing is necessary because two or more applicants request the same frequency.

In designating an application for hearing, the Commission gives public notice of the issues raised for the information of the applicant and other

CONCERNING FCC RULES & REGULATIONS

"How to Apply for a Broadcast Station License" is a comprehensive and concise statement prepared with the assistance of the FCC Law Bureau which explains in lay language the procedures involved in making application for the various types of broadcast licenses.

Published in easy reference form starting on page 462 are excerpts of the FCC Rules and Regulations most frequently used. Further information concerning rules and regulations may be obtained at the office of the Secretary, FCC, New Post Office Bldg., Washington 25, D. C.

parties who may be concerned. Prior to the hearing, requests may be made for enlargement of the issues, to amend the application, or to permit other parties to intervene.

Usually the hearing date is not fixed until after the applicant agrees to such a hearing and has filed for his appearance. It may, however, be designated in the original notice. The notice generally allows the applicant a period of 30 days or more in which to prepare. Even after being designated for hearing, an applicant may find it possible to satisfy the issues raised by amending his application, especially if there are engineering considerations.

Hearings are customarily conducted by an examiner. Individual or partnership applicants may appear in person or by counsel, but corporation applicants must be represented by attorney.

Request for Argument

Within 20 days after the close of the hearing, each party, as well as the FCC general counsel, has the privilege of filing proposed findings of fact and conclusions in support of his contentions. After review of evidence and statements, the hearing examiner issues an initial decision.

If he wishes to contest the initial decision, the applicant or any other interested party has 20 days from the announcement of the decision to file exceptions and ask for oral argument before the Commission. In all cases heard by an examiner the Commission will hear oral argument on request of either party. After oral argument the Commission may adopt, modify or reverse the examiner's initial decision. Within 20 days thereafter, any party involved may petition for rehearing.

If no exceptions are filed and the Commission does not initiate a review, the examiner's initial decision becomes effective 40 days after it is issued, unless otherwise ordered by the Commission.

Construction Permit

When and if an application meets statutory and other requirements, it is granted and a construction permit is issued. The latter specifies a date for commencement and another for completion of construction. A maximum of 60 days from date of grant is provided in which construction shall begin, and a maximum of six months thereafter as the time for completion (or 8 months in all). If the permittee is unable to build his station within the time specified he can apply (on Form 701) for additional time, stating the reasons. Upon completion of construction, the permittee can engage in equipment tests.

License

The final step is to apply (on Form 302) for the actual license. The applicant must show compliance with all terms, conditions, and obligations set forth in the application and the construction permit. After applying for a license, the holder of a construction permit can conduct program tests. A station license is then issued if no new cause or circumstance has come to the attention of the Commission that would make operation of the station contrary to the public interest.

Standard and FM stations are licensed for the statutory limit of three years; television stations for one year. Applications for renewal of license are made on Form 303.

(FCC Rules and Regulations on Page 462)