

# FCC RULES AND REGULATIONS FOR TELEVISION SERVICES

Selected Sections as Amended to Jan. 1, 1952.

Compiled With the Co-operation of Pike & Fischer Inc., publishers of Pike & Fischer Radio Regulations.

## Classification of TV Stations and Allocation of Frequencies

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

Channel No.	Megacycles	Channel No.	Megacycles
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

\* [EDITOR'S NOTE: By order adopted May 5, 1948, effective June 14, 1948, FCC deleted TV channel No. 1 by allocating 44-50 mc to non-government fixed and mobile services. The sharing of Channels 2-13 by non-television services was eliminated at the same time. At end of 1951, FCC had pending a proposal to allocate 70 channels in the 470-890 mc area for commercial television operation, and to revise the existing TV rules and standards.]

### Multiple Ownership

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

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

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

[EDITOR'S NOTE: The FCC has proposed an amendment to this section which would permit stock interest in more than five TV stations in the following degrees:

If the Number of Stations Controlled is	Then the Maximum Number of Stations with Interest less than Control May Be:
5	0
4	1 or 2
3	3 or 4
2	5 or 6
1	7 or 8
0	9 or 10

### Studio Location

§3.604 Metropolitan Stations.—[EDITOR'S NOTE: This section will be revised when the FCC issues its final rules and standards in Docket 8736. However, the pertinent rule regarding studio location may be the same as it is at present:

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

### Operating Schedules

§3.661 Time of operations.—(a) All television 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 12 hours per week during the first 18 months of the station's operations; not less than two hours daily in any five broadcast days per week and not less than a total of 16 hours, 20 hours and 24 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 28 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 presentations, 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

(Continued on page 208)

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# FCC RULES AND REGULATIONS FOR TELEVISION SERVICES

(Continued from page 206)

## Network Rules

district in which the station is located shall be notified in writing immediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

(b) (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 3.662; 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 transmissions 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 pictures 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 subsection.

(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 subsection, except for the specific purposes and periods specified in subsection (b) (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 transmissions are integral parts of the same program having a substantial relationship to each other, within the meaning of subsection (b) (2). Mood music unrelated to the visual transmission is not consistent with this subsection.

(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 subsection.

(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 subsection.

(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 subsection.

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

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

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

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

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

## Operator Requirements

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

**§3.631 Exclusive affiliation of station.**—No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied with a network organization<sup>2</sup> under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

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

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

**§3.634 Option time.**—No license shall be granted to a television broadcast station which options<sup>3</sup> for network programs any time subject to call on less than 56 days' notice, or more time than total of three hours<sup>4</sup> within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 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.<sup>5</sup> Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

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

**§3.636 Network ownership of stations.**—No license shall be granted to a network organization or to any person directly or indirectly controlled by or under common 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.

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

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

[EDITOR'S NOTE: FCC proposed additional "temporary" rules, "to remain effective while the scarcity of television broadcast stations persists," designed to balance competition among TV networks. FCC suggested this might be

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

<sup>3</sup> 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.

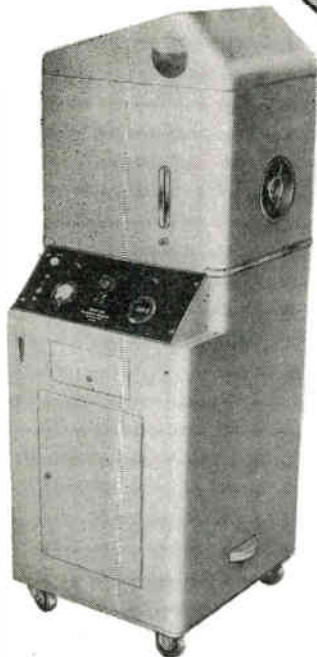
<sup>4</sup> All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time, or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

<sup>5</sup> 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.

(Continued on page 210)

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# FCC RULES AND REGULATIONS FOR TELEVISION SERVICES

(Continued from page 208)

done by limiting the number of program hours which stations in one-, two- and three-station markets might accept from any one network, or, affirmatively, by setting a minimum number of hours to be taken from each network. Following this proposal, the networks in conjunction with AT&T worked out an arrangement to share intercity networking facilities. But, as of Jan. 1 the FCC's proposal was still pending.]

## Common Antenna Site

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

## Reports to Be Filed<sup>6</sup>

**§1.341 Financial report, broadcast licensees and permittees.**—(a) Each licensee of a broadcast station (standard, FM, television, and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before April 1 of each year on Form 324, together with supporting schedules, a balance sheet showing its financial condition as of December 31 of the preceding calendar year and an income statement for said calendar year.

(b) Each licensee of a broadcast station (standard, FM, television, and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before Feb. 1 of each year on Form 324A an estimate of the station's total broadcast revenues and total broadcast expenses for the preceding calendar year.

**§1.342 Filing of contracts.**—Each licensee or permittee of a broadcast station (standard, FM, television, and international) shall file with the Commission within 30 days of execution thereof verified copies of all documents, instruments, contracts (the substance of oral contracts or understandings shall be reported in writing) together with amendments, supplements, and changes therein and cancellations thereof relating to ownership, management or control of licensee or permittee of station, or of any of licensee's or permittee's stock, rights or interests therein; the use, management, or operation of licensed facilities; and agreements relating to network service, transcription service or bulk time sales (amounting to two hours or more per day); including but not limited to: (a) Articles of partnership, association, or incorporation; (b) By-laws affecting character of organization, control, number or powers of its officers or directors, the classification or voting rights of any stock; (c) Any document, instrument, or contract relating to or affecting ownership of licensee or permittee, rights or interests therein, its stock or voting rights thereto; (d) Management contracts, network contracts, transcription network contracts, and time sales to brokers.

**§1.343 Ownership reports, broadcast licensees and permittees.**—(a) *Annual ownership reports.* The licensee or permittee of each broadcast station (standard, FM, television, and international) shall file on or before April 1 of each year on FCC Form 323 an annual ownership report and shall show the following information as of December 31 of the preceding calendar year.

- (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 interests of each partner.<sup>7</sup>
- (3) In the case of a corporation or association: (i) Capitalization, with a description of the classes and voting power of stock authorized and the shares of each class issued and outstanding; (ii) the name, residence, citizenship, and stockholdings of officers and directors, and stockholders; (iii) full information with respect to the interest and identity of any person whether or not a stockholder of record, having any interest, direct or indirect, in the licensee or permittee 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 permittee, or holds 25% or more of the stock of the licensee or permittee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock in X held by each) as is required in the case of the licensee or permittee, together with full information as to the identity and citizenship of the person authorized to vote licensee's or permittee's stock.
- (c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25% or more of the stock

<sup>6</sup>EDITOR'S NOTE: Regarding reports filed in compliance with these sections, §0.206(c) provides, in part: "The information filed under §1.341 and network and transcription contracts filed pursuant to §1.342 shall not be open to public inspection."

<sup>7</sup>Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license.

of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the stock of Y and so on back to natural persons.

- (d) Full information as to family relationship or business association between two or more officials and/or stockholders.
- (4) In the case of all licensees or permittees: (i) the name, residence, position and date of appointment of operating personnel determining program policy (such as general manager, program director, etc.); (ii) a list of all contracts still in effect required to be filed with the Commission by Section 1.342 showing the date of execution and expiration of each contract; (iii) any interest which the licensee may have in any other broadcast station.

(b) *Interim ownership reports.* An interim ownership report shall be filed by each licensee or permittee on FCC Form 323A describing any change in information required in the annual ownership report (the application or construction permit in the case of a permittee who has not filed an annual ownership report) from that previously reported within 30 days after any such change occurs, including without limitation:

- (1) Any change in capitalization or organization.
- (2) Any change in officers and directors or in operating personnel determining program policy.
- (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, (iii) acquisition of licensee's or permittee's stock by the issuing corporation.
- (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 above.

*Provided, however,* that in the case of a 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 above), such change need not be reported in the interim report unless that corporation directly or indirectly owns 25% or more of the voting stock in the licensee or permittee.<sup>8</sup>

(c) *Exceptions.* Where information is required under paragraphs (a) or (b) of this section with respect to a corporation having more than 50 stockholders, such information need be filed only with respect to stockholders who are officers or directors of the corporation, or of other stockholders who have 1% or more of the stock of the corporation.

**§1.344 Definitions of terms used in Sections 1.341-1.343.**—As used in Sections 1.341-1.343:

(a) "Stock" shall include any interest, legal or beneficial in, or right or privilege in connection with stock.

(a) "Officer" and "director" shall include the comparable officials in unincorporated associations.

(c) "Contract" shall include any agreement (including, without limitation, an option, trust, or pledge) or any modification thereof, express or implied, oral or written.

## License Renewals

**§1.320 Application for renewal of license; broadcast and non-broadcast.**—(a) Unless otherwise directed by the Commission, each application for renewal of license of a Standard Broadcast, FM Broadcast and Television Broadcast Station and an Auxiliary Broadcast Station (Remote Pickup Broadcast, Broadcast STL, Television Pickup, Television STL and Television Inter-city Relay) shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of a non-broadcast station shall be filed at least 60<sup>9</sup> days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station will be considered unless there is on file with the Commission the information currently required by Sections 1.341-1.344, reference to which by date and file number shall be included in the application.

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

(c) The following application forms should be used:

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

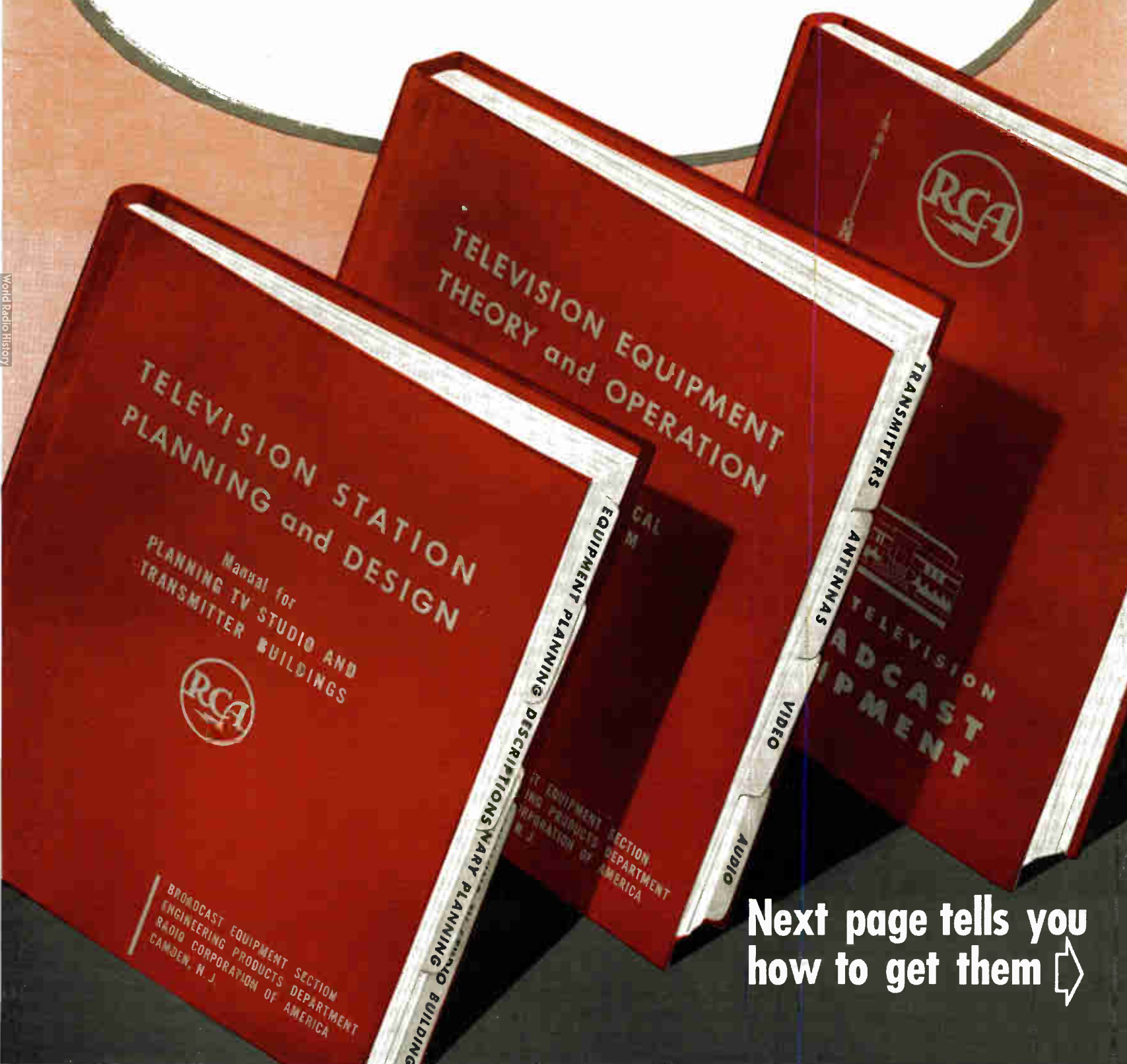
**§3.618 Normal license period.**—All television broadcast station licenses will be issued for a normal license period of one year. Licenses will be issued to expire at the hour of 3:00 a.m., Eastern Standard Time, in accordance with the following schedule and at one year intervals thereafter:

<sup>8</sup>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 Sec. 310(b) of the Communications Act.

<sup>9</sup>The 60-day requirement does not apply to Amateurs.

(Continued on page 213)

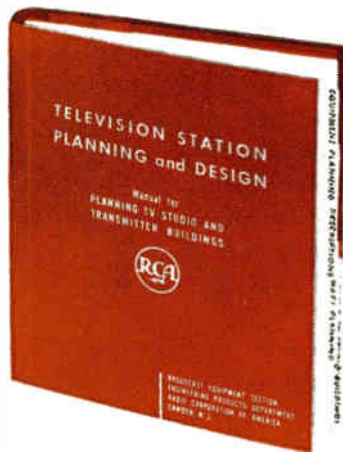
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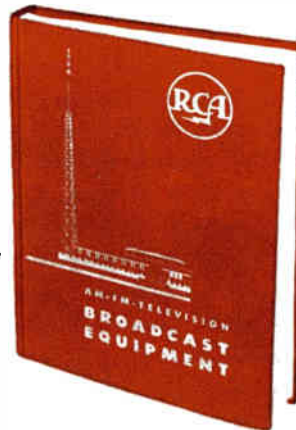
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**RADIO CORPORATION of AMERICA**  
ENGINEERING PRODUCTS DEPARTMENT  
CAMDEN, N. J.

# FCC RULES AND REGULATIONS FOR TELEVISION SERVICES

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[EDITOR'S NOTE: Expiration dates for licenses began August 1951 for stations in Delaware, Pennsylvania, Tennessee, Kentucky, Indiana and Texas, are listed chronologically thereafter for stations in groups of other states down to June 1952 for stations in Arkansas, Louisiana, Mississippi, Kansas, Oklahoma, Nebraska, New Jersey and New York.]

## Station Identification

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

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

## Sponsored Programs (Announcement of)

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

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

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

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

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

[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 bring 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

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

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

## Political Broadcasts

§3.690 *Definitions.*—(a) A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a conven-

tion of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who

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

(2) is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (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 public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities. *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

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

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

## Rebroadcasts<sup>10</sup>

§3.691 *Rebroadcast.*—(a) The term "rebroadcast" means reception by radio of the program<sup>11</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a relay broadcast station or studio transmitter link is not considered a rebroadcast.

(b) The licensee of a television broadcast station may, without further authority of the Commission, rebroadcast the program of a United States television broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>12</sup>

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in (b) above without written authority having first been obtained from the Commission upon application (Informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.<sup>13</sup>

## Revocations, Modifications, Suspensions

§1.401 *Notice of violations.*—Any licensee who appears to have violated any provision of the Communications Act of 1934 or of the Rules and Regulations of the Federal Communications Commission, shall be served with a notice calling the facts to his attention and requesting a statement concerning the matter. Within three days from receipt of such notice or such other period as may be specified, the licensee shall send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such three-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. 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 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 thereof. 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.

§1.402 *Revocation of licenses.*—Whenever it appears that grounds exist for

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<sup>10</sup> Proposed rule making proceedings (Docket 9809) for the purpose of clarification have been instituted by the Commission.

<sup>11</sup> As used in this section, program includes any complete program or part thereof.

<sup>12</sup> 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 television broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

<sup>13</sup> By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, section 3.691 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.



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revocation of license, as provided in Section 312(a) of the Act, the Bureau of Law after conferring with the other bureaus of the Commission prepares a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that a revocation proceeding should be instituted, an order of revocation will be issued effective not less than 15 days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within 15 days after receipt of said order. Upon the filing of such written request for hearing by said licensee, the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time set forth, the order of revocation shall become final and effective, without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the inspector in charge of the district in which the station is located.

**§1.403 Modification of licenses.**—Whenever it appears that public interest, convenience, and necessity would be served, or the provisions of the Communications Act, or if any treaty ratified by the United States will be more fully complied with, by the modification of any radio station construction permit or license, the Bureau of Law and Engineering after conferring with the other bureaus prepare a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that proceedings should be instituted, an order will be issued to show cause why such construction permit or license should not be modified. Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said construction permit or license is required to be modified. It shall require the licensee against whom it is directed, to appear at a place and time therein named to show cause why the proposed modification should not be made and the order of modification issued. If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

## OF OPERATOR LICENSES . . .

**§1.404 Suspension of operator licenses.**—Whenever it appears that grounds exist for suspension of an operator license, as provided in Section 303(m) of the Act, the Bureau of Law after conferring with the other bureaus of the Commission prepares a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that suspension proceedings should be instituted, a suspension order will be issued. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating 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 held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, 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

**§3.692<sup>14</sup> Lotteries and Give-Away Programs.**—(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 of or 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." (See U.S.C. §1304.)

(b) The determination whether a particular program comes within the provisions of subsection (a) depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of subsection (a) 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:

(1) 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; or

(2) such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast

<sup>14</sup> Effective date of the lottery rules was postponed by FCC until current court tests of their legality have been completed.

over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

**§1304 (of the 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 whoever, operating any such station, knowingly permits the broadcasting of any advertisement of or 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

**§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 . . .

**§1.321 Application for voluntary assignment or transfer of control; broadcast.**—(a) Applications for consent to the assignment of construction permit or license for an AM, FM, television or other broadcast station or for consent to the transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form No. 314 (Assignment of License), FCC Form No. 315 (Transfer of Control), or FCC Form No. 316 (Short Form). Such applications shall be filed with the Commission at least 60 days prior to contemplated effective date of assignment or transfer of control.

(b) *Pro forma* assignment or transfer applications shall be filed on FCC Form 316. Such cases are defined as cases in which:

(1) There is an 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) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an executor, administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the executor, administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an 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;

(7) There is an assignment of less than a controlling 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 there are changes in control before consummating the transaction.]

### INVOLUNTARY TRANSFERS AND ASSIGNMENTS . . .

**§1.323 Application for involuntary assignment or transfer of control; broadcast and non-broadcast.**—In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

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

(b) within thirty days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for 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. The procedure and forms to be followed are the same as those specified in Sections 1.321 and 1.322. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.