

# FCC Rules Regulating Radio-Television

(Selected sections amended to Sept. 1, 1964. Compiled with the cooperation of Pike & Fischer Inc., publisher of Pike & Fischer Radio Regulation.)

## ALLOCATIONS AND DEFINITIONS

### In am rules . . .

**§73.1 Standard broadcast station.**—The term "standard broadcast station" means a broadcasting 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.

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

**§73.3 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.

**§73.4 Dominant station.**—The term "dominant station" means a Class I station, as defined in §73.21, operating on a clear channel.

**§73.5 Secondary station.**—The term "secondary station" means any station except a Class I station operating on a clear channel.

**§73.6 Daytime.**—The term "daytime" means that period of time between local sunrise and local sunset.

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

**§73.8 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.

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

**§73.10 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.

**§73.11 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.

**§73.12 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.

**§73.13 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)**  
**§73.21 Classes of standard broadcast channels and stations.**

(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. Stations operating on these channels are classified as follows:

(1) 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 adjacent channels, and from stations on the same channel in accordance with the channel designation in §§73.25 or 73.182. The operating power shall not be less than 10 kilowatts nor more than 50 kilowatts. (Also see §73.25[a] for further power limitation.)

(2) Class II station. A Class II station is a secondary station which operates on a clear channel (see §73.25) 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. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with §73.182 (and §73.22 in the case of Class II-A stations). Class II stations are divided into three groups:

(i) Class II-A station. A Class II-A station is an unlimited time Class II station operating on one of the clear channels listed in §73.22 and assigned to a community within a state specified in the Table contained in that section. A Class II-A station shall operate with power of not less than 10 kilowatts nighttime nor more than 50 kilowatts at any time.

(ii) Class II-B station. A Class II-B station is an unlimited time Class II station other than those included in Class II-A. A Class II-B station shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts.

**NOTE:** The Class II station operating unlimited time on 760 kc at San Diego and the Class II station operating unlimited time on 750 kc at Anchorage, Alaska, shall be limited to a power of 10 kw. Both stations shall protect the I-A station on the same frequency to its 0.5 mv/m 50% skywave contour.

(iii) Class II-D station. A Class II-D station is a Class II station operating daytime or limited time. A Class II-D station shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts.

(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 to a given field intensity contour as a consequence of interference.

(1) 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 principal center of population and the rural area contiguous thereto. Class III stations are subdivided into two classes.

(i) 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 §73.182.

(ii) Class III-B station. A Class III-B station is a Class III station which operates with power not less than 0.5 kilowatt, nor more than 1 kilowatt night and 5 kilowatts daytime, and the service area of which is subject to interference in accordance with §73.182.

(c) Local channel. A local channel is one on which several stations operate with powers no greater than provided in this paragraph. The primary service area of a station operating on any such channel may be limited to a given field intensity contour as a consequence of interference. Such stations operate with power no greater than 250 watts nighttime, and power daytime no greater than 1 kilowatt (or no greater than 250 watts if the station is located 160 kilometers [62 miles] or closer to the Mexican border, or in the area of the state of Florida south of 28 degrees north latitude and between 80 and 82 degrees west longitude).

(1) 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 §73.182.

**NOTE 1:** Under NARBA the power ceiling for Class IV stations is 250 watts daytime as well as nighttime. The U.S.-Mexican Agreement permits such stations to operate with up to 1 kilowatt power daytime if they are located further than 100 kilometers [62 miles] from the Mexican border. Pursuant to the U.S.-Mexican Agreement and informal coordination with the other NARBA signatories, the Commission will consider applications for Class IV stations on local channels with daytime powers more than 250 watts, up to 1 kilowatt, if such station is to be located outside of the areas specified in paragraph (c) of this section, and if no objectionable interference would be caused (under the standards set forth in the pertinent international agreement) to a duly notified station in Mexico, Haiti, or any foreign country signatory to NARBA.

**NOTE 2:** All authorizations of new or changed Class I-B, Class II-B, Class II-D, Class III or Class IV facilities after October 30, 1961, are subject to whatever interference may be received from, or whatever overlap of 2.0 mv/m and 25 mv/m groundwave contours or overlap of 25 mv/m groundwave contours may be involved with previously or subsequently authorized Class II-A facilities.

**§73.22 Assignment of Class II-A stations.**  
(a) Table of assignments. One Class II-A station may be assigned on each channel listed in the following table within the designated state or states:

Channel (kc)	Existing Class I Station	State(s) in which Class II-A Assignment may be Applied for
670	WMAQ Chicago	Idaho
720	WGN Chicago	Nevada or Idaho
780	WBBM Chicago	Nevada
880	WCBS New York	No. Dakota, So. Dakota, or Nebraska
890	WLS Chicago	Utah
1920	KDKA Pittsburgh	New Mexico
1030	WBZ Boston	Wyoming
1100	KYW Cleveland	Colorado
1120	KMOX St. Louis	California or Oregon
1180	WHAM Rochester	Montana
1210	WCAU Philadelphia	Kansas, Nebraska or Oklahoma

(b) Minimum service to "white" areas. No Class II-A station shall be assigned unless at least 25% of its nighttime interference-free service area or at least 25% of the population residing therein receives no other interference-free nighttime primary service.

(c) Power. Class II-A stations shall operate with not less than 10 kw power nighttime.

(d) Protection. (1) Protection by Class II-A stations to other stations. The co-channel Class I-A station shall be protected by the Class II-A station to its 0.1 mv/m contour daytime and its 0.5 mv/m 50% skywave contour nighttime. All other stations of any class authorized on or before October 30, 1961, shall normally receive protection from objectionable interference from Class II-A stations as provided in §3.182.

(2) Protection to Class II-A stations. A Class II-A station shall normally receive daytime protection to its 0.5 mv/m groundwave contour and nighttime protection to the contour to which it is limited by the co-channel Class I-A station.

(e) Applications not complying with this section. Applications for Class II-A stations which do not meet the requirements of paragraphs (b) and (c) of this section will be returned without further consideration.

**§73.23 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 domi-

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nant 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 §73.71.) 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.

**§73.24 Broadcast facilities; showing required.**—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:

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

(b)(1) That a proposed new daytime station (or change in frequency of an existing daytime station) complies with the standards of station separation set forth in §73.37.

(2) That a proposed change in daytime facilities (other than a change in frequency or a Class IV station increasing daytime power) does not involve overlap of contours prohibited by §73.37 with any other station in any area where there is not already such overlap between the two stations.

(3) That a proposed new nighttime operation or change in frequency of any existing nighttime operation (except Class IV stations) would (i) not cause objectionable interference to any existing station (see §73.182(o)); and (ii) provide a first primary AM service to at least 25 percent of the area within the proposed interference free nighttime service area.

(4) That a proposed change in nighttime facilities (other than a change in frequency) would not cause objectionable interference to any other station (see §73.182(o)).

NOTE: The preceding provisions of this paragraph (b) shall not be applied to applications for new Class II-A stations or to applications accepted for filing before July 13, 1964. With respect to such applications, a showing must be made that:

(a) 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. (For special provisions concerning interference from Class II-A stations to stations of other classes authorized after October 30, 1961, see Note 2 to §73.21 and §73.22(d). For determining objectionable interference, see §§73.182 and 73.186.)

(b) The proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree.

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

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

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations of this subpart and §73.188.)

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

(g) That the population within the 1 m/v contour does not exceed 1.0 per cent of the population within the 25 m/v contour: Provided, however, that where the number of persons within the 1 m/v contour is 300 or less the provisions of

this subparagraph are not applicable.

(h) 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 ground-wave contour of a co-channel United States Class I station, no more than the maximum radiation values permitted under the provisions of §73.187.

(i) That, in the case of an application for a Class II-A station (see §73.22), 25% or more of the area or population within the nighttime interference-free service contour of the proposed station receives no nighttime interference-free primary service from another station.

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

**§73.25 Clear channels: Classes 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) On each of the following channels, one Class I station will be assigned, operating with power of 50 kw: 640, 650, 660, 670, 700, 720, 750, 760, 780, 820, 830, 840, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, 1200 and 1210 kc. In addition, on the channels listed in this paragraph, Class II stations may be assigned as follows:

(1) On 670, 720, 780, 880, 890, 1020, 1030, 1100, 1120, 1180 and 1210 kc, one Class II-A unlimited time station, assigned and located pursuant to the provisions of §73.22.

(2) On the channel 750 kc, an unlimited time Class II station located at Anchorage.

(3) On the channel 760 kc, an unlimited time Class II station located at San Diego.

(4) On any of the channels listed in this paragraph (to the extent consistent with the assignments provided in subparagraphs [1], [2], and [3] of this paragraph), unlimited time Class II stations located in Alaska, Hawaii, Virgin Islands, or Puerto Rico, which will not deliver more than 5 microvolts per meter groundwave day or night or microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States excluding Alaska.

(5) On any of the channels listed in this paragraph (to the extent consistent with the Class I, Class II-A, and Anchorage and San Diego Class II assignments provided in this paragraph, and, in the case of limited time stations, subject to the restrictions contained in §73.38), limited time and daytime only stations, as follows:

(i) In Alaska, Hawaii, Puerto Rico and Virgin Islands.

(ii) Within the continental United States excluding Alaska, where the station would operate with facilities authorized as of October 30, 1961.

NOTE 1: In view of special circumstances arising from the provision of pre-sunrise broadcast service on 640 kc at Ames, Iowa, applications will be accepted for broadcast operations on 640 kc between 6:00 a.m. central standard time and local sunrise at Ames, Iowa, with not to exceed 1 kw power: Provided, that such applications will be acted upon only after and in light of the decision reached in Docket No. 11290.

NOTE 2: In view of special circumstances arising from the provision of a service during some nighttime hours by a Class II station operating on 830 kc at New York, N. Y., (i.e. from 6:00 a.m. to local sunrise and from sunset at Minneapolis to 10:00 p.m. E.S.T.), applications will be accepted for such operation: Provided, that they will be acted upon only after and in light of the decision reached in Docket No. 11227.

NOTE 3: On the frequency 770 kc, two Class I stations may be assigned.

NOTE 4: See NARBA concerning priority for Canadian Class I-B and Cuban I-C assignments on 640 kc.

NOTE 5: See NARBA concerning Cuban Class II-E assignments on 660, 670, 760, 780, 830, 1020, 1030 and 1120 kc.

NOTE 6: See U.S.-Mexican Agreement concerning Mexican use of 660, 760 and 830 kc.

(b) To each of the following channels there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1540, 1550 and 1560 kilocycles.

NOTE 1: See NARBA and the U.S.-Mexican Agreement concerning a Cuban Class II-F assignment on, and Mexican use of, 1030 kc.

NOTE 2: Class I and Class II stations on 1540 kc shall deliver not over 5 micro-

volts 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 percent time skywave at any point on the Canadian border, and provided that such station operating nighttime (i.e. sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest point on the Canadian border, 690, 740, 860, 990, 1010, and 1580 kilocycles.

NOTE: See NARBA concerning priority for Cuban Class I-B assignment on 1010 kcs, Class I-C assignments on 690 and 860 kcs, and Class I-D assignment on 740 kcs.

(d) The frequencies 730, 800, 900, 1050, 1220 and 1570 kilocycles, for Class II stations which operate daytime only, which will not deliver at any point on the Mexican border over 5 microvolts per meter groundwave, and which operate with no more than the following powers:

(1) If not located within the areas specified in subparagraph (2) of this paragraph, 5 kilowatts.

(2) If operating on any of the following frequencies within the following specified areas, no more than one kilowatt:

(i) 800 kcs: less than 1319 kilometers (820 miles) from Ciudad Juarez, Chihuahua.

(ii) 1050 kcs: less than 998 kilometers (620 miles) from Monterrey, Nuevo Leon.

(iii) 1570 kcs: less than 998 kilometers (620 miles) from Ciudad Acuna, Coahuila.

NOTE: See the U.S./Mexican Agreement concerning specific U.S. unlimited time Class II assignments on each of the following channels: 730, 800, 900, 1050 and 1220 kcs.

(e) The frequency 540 kilocycles, for Class II stations which will not deliver a signal of more than 5 microvolts per meter groundwave or 25 microvolts per meter 10% skywave at any point on the Canadian border, nor more than 10 microvolts per meter daytime or 50 microvolts per meter nighttime at any point on the Mexican border: Provided, that stations operating at night shall be located:

(1) Within the continental United States including Alaska; and

(2) Not less than 650 miles from the nearest point on the Canadian border; and

(3) North of the parallel 35° N. if west of the meridian 93° W., or north of the parallel 30° N. if east of said meridian.

NOTE: See §2.106(a) of this chapter with respect to use of 540 kcs.

**§73.26 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 NARBA concerning Cuban Class I-C assignment on 550 kc, Class I-D assignments on 570, 590, 630, 920, 950 and 980 kcs, and Class III-E assignments on 790, 910 and 1150 kcs.

**§73.27 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.

NOTE: See NARBA concerning Cuban Class IV-E assignments on 1240 and 1340 kcs.

**§73.28 Assignment of stations to channels.**—(a) With respect to applications for new Class II-A stations, and other applications accepted for filing before July 13, 1964, 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 §§73.22 and 73.182 through 73.186.)

(b) Except as provided in §73.21(c) concerning Class IV stations, no assignment of a standard broadcast station will be made which would be inconsistent with the provisions of NARBA or the U.S./Mexican Agreement. Similarly, as long as protection for U.S. assignments from Haitian assignments continues, no U.S. assignment of a standard broadcast station will be made which would cause objectionable interference (under the standards set forth in NARBA) to a duly notified Haitian sta-

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tion. (The Haitian stations considered to be duly notified are those notified and accepted in accordance with past agreements, and those subsequently notified in accordance with the procedures and understandings which have pertained thus far.) In all cases where an individual 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 NARBA and the U.S./Mexican Agreement shall be observed.

**NOTE:** In general, an application for a standard broadcast station assignment, the grant of which would be consistent with the provisions of NARBA and the U.S./Mexican Agreement and would not cause objectionable interference to a duly notified station in Haiti, will be considered and acted upon by the Commission in accordance with its rules and established procedure for action upon such applications. However, in particular cases such applications may also present considerations of an international nature which require that a different procedure be followed. In such cases the procedure to be followed will be determined by the Commission in the light of the special considerations involved.

With respect to applications for facilities which would involve conflict with NARBA only as to a country which has signed but not completed formal ratification of that agreement, and facilities which would cause objectionable interference to a duly notified Haitian station, special provisions of a procedural nature are contained in §1.352 of this chapter.

(c) Engineering standards now in force domestically differ in some respects from those specified for international purposes. The engineering standards specified for international purposes (in NARBA and the U.S./Mexican Agreement) will be used to determine: (1) the extent to which interference might be caused by a proposed station in the United States to a station in another country of the North American Region; and (2) whether the United States should register an objection to any new or changed assignment notified by another country of the North American Region. The domestic standards in effect in the United States will be used to determine the extent to which interference exists or would exist from a foreign station where the value of such interference enters into a calculation of: (1) the service to be rendered by a proposed operation in the United States; or (2) the permissible interfering signal from one station in the United States to another United States station.

(d) With respect to applications for new Class II-A stations, and other applications accepted for filing before July 13, 1964, the following shall apply: 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, subject to the following conditions: (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; (2) Primary service will be provided to the community in which the proposed station is to be located; (3) The interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area; however, in the event that the nighttime interference received by a proposed Class II or III 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 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service. This subparagraph (3) shall not apply to existing Class IV stations on local channels applying for an increase in power above 250 watts, nor to new Class IV stations proposing power in excess of 250 watts with respect to population in the primary service area outside the equivalent 250 watt, 0.5 mv/m contour.

**§73.29 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 . . .

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

**EDITOR'S NOTE:** [The band is 88-108 mc. Noncommercial educational fm occupies 88-92 mc.]

**§73.202. Table of Assignments.**—(a) General. The following Table of Assignments contains the channels (other than noncommercial educational channels) assigned to the listed communities in the 48 conterminous United States. Channels designated with an "A" are for Class A FM stations. All other listed channels are for Class B stations in Zones I and I-A and for Class C stations in Zone II.

**EDITOR'S NOTE:** Channel assignments by cities are reprinted in the AM-FM Directory and are not repeated here.]

**§73.203. Availability of channels.**—(a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct FM broadcast stations in the 48 conterminous states only on the channels assigned in the Table of Assignments (§73.202(b)) only only in 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 25 miles of the listed community. 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 Distance Between Cities in the United States." (This publication may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402). 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 the communities shall be used. The method to be followed in making the measurements is set forth in §73.208(b).

**§73.204. International agreements and other restrictions on use of channels.**

(a) Authorizations issued by the Commission for fm broadcast facilities will be subject to the provisions of any agreements entered into by the United States with Canada concerning fm assignments and authorizations. The Commission may decide after consultation with Canada that an application should not be granted; or if, pursuant to an agreement providing for timely objection after grant, Canada files such objection, the Commission may on its own motion set aside the grant pending consideration. The Commission will give notice of the filing of such objections.

(b) The frequency 89.1 mcs (ch. 206) is reserved in the New York City metropolitan area for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kilowatts, and the Commission will make no assignments which would cause objectionable interference with such use.

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

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

**§73.205. Zones.**

For the purpose of allocation and assignment, the United States is divided into three zones as follows:

(a) 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 the 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.

(b) Zone IA consists of that portion of the State of California which is located south of the 40th parallel.

(c) Zone II consists of Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the rest of the United States which is not located in either Zone I or Zone IA.

**§73.206. Classes of commercial channels, and stations operating thereon.**

(a) **Class A channels and stations.**

(1) Except as provided in §73.202, the following frequencies are designated as Class A channels and are assigned for use, in all zones, by Class A stations only:

Pre- quency (mc)	Chan- nel No.	Fre- quency (mc)	Chan- nel No.
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

(2) A Class A station is a station which operates on a Class A channel, and is designed to render service to a relatively small community, city, or town, and the surrounding rural area.

(3) A Class A station will not be authorized to operate with effective radiated power greater than 3 kilowatts (4.8 dbk), and the coverage of a Class A station shall not exceed that obtained from 3 kilowatts effective radiated power and antenna height above average terrain of 300 feet. For provisions concerning minimum facilities, and concerning reduction in power where antenna height above average terrain exceeds 300 feet, see §73.211.

(b) **Class B-C channels and Class B and Class C stations.**

(1) Except for the channels specified in paragraph (a)(1) of this section, all of the channels listed in §73.201 from 222 through 300 (92.3 through 107.9 mcs) are classified as Class B-C channels, and (subject to the restrictions set forth in §73.204) are assigned for use in Zones I and I-A by Class B stations only, and for use in Zone II by Class C stations only (there are no Class C stations in Zones I or I-A and no Class B stations in Zone II).

(2) A Class B station is a station which operates on a Class B-C channel in Zone I or Zone I-A, and is designed to render service to a sizable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area.

(3) With respect to Class B stations authorized after September 10, 1962, no such station will be authorized with effective radiated power greater than 50 kilowatts (17 dbk), and the coverage of a Class B station authorized after that date shall not exceed that obtained from 50 kilowatts effective radiated power and 500 feet antenna height above average terrain. For provisions concerning minimum power, and concerning reduction in power where antenna height above average terrain exceeds 500 feet, see §73.211.

(4) A Class C station is a station which operates on a Class B-C channel in Zone II, and is designed to render service to a community, city, or town, and large surrounding area.

(5) With respect to Class C stations authorized after September 10, 1962, no such station will be authorized with effective radiated power greater than 100 kilowatts (20 dbk), and the coverage of a Class C station authorized after that date shall not exceed that obtained from 100 kilowatts effective radiated power and antenna height above average terrain of 2,000 feet.



# FCC RULES

Class of Sta.	Class of Station and Frequency Separation (kc/s)																
	Class A			Class B			Class C			10-watt educational							
	Co-ch.	200	400	600	Co-ch.	200	400	600	Co-ch.	200	400	600	Co-ch.	200	400	600	
Class A	65	40	15	15	—	65	40	40	—	105	65	65	—	30	15	15	
Class B					150	105	40	40		170	135	65	65	—	—	40	40
Class C										180	150	65	65	—	—	65	65
10-watt educational														—	—	—	—

NOTE: Intermediate frequency amplifiers of most fm broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency of 10.6 or 10.8 megacycles removed from that of the other, will be avoided if possible.

For provisions concerning minimum power, and reduction in power where antenna height above average terrain exceeds 2,000 feet, see §73.211.

### §73.207. Minimum mileage separations between co-channel and adjacent-channel stations on commercial channels.

(a) Petitions to amend the Table of Assignments (§73.202(b)) (other than those expressly requesting amendment of this section or §73.205) will be dismissed and no application for a new station, change in the channel of an existing station, or (except as provided in paragraph (b) of this section) increase in antenna height or effective radiated power, or change in location of an existing station will be accepted for filing unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent-channel stations (both existing and proposed) as the distances specified in this paragraph. Proposed stations of the respective classes shown in the left-hand column of the table (above) shall be located no less than the distance shown from co-channel stations and first adjacent-channel stations (200 kc/s removed) and second and third adjacent-channel stations (400 and 600 kc/s removed) of the classes shown in the remaining columns of the table. The distances shown between stations of different classes apply regardless of which is the proposed station under consideration (e.g., distances shown from a new Class A station to an existing Class C station are also the distances between a new Class C and an existing Class A station.) The distances between Class B and Class C stations apply only across zone lines. The adjacent-channel spacings listed also apply: (1) To applications for noncommercial educational facilities on channels 218, 219, or 220, with respect to other stations on channels 221, 222, or 223; (2) to applications for facilities on channels 221, 222, or 223 with respect to noncommercial educational stations on channels 218, 219, or 220 (for classification of noncommercial educational stations, see §73.504).

(b) Where an existing station is located less than the minimum distances specified in paragraph (a) of this section with respect to co-channel or adjacent-channel stations:

(1) It may apply for increases in antenna height, or in effective radiated power up to the maximum specified in §3.204 for its class, if the application for increase is accompanied by a request to decrease power or antenna height so that the station's 1 mv/m contour (located pursuant to Figure 1 of §3.333) will be no further from the station's transmitter than with its present facilities.

(2) It may apply for permission to move transmitter site, but this will not be granted if it would increase the amount by which the station is located at substandard separation.

(c) The zone in which the transmitter of an fm station is located or proposed to be located determines the applicable rules with respect to minimum required spacings.

### §73.209. Protection from interference.

(a) Permittees and licensees of fm broadcast stations are not protected from any interference which may be caused by the grant of a new station, or of authority to modify the facilities of an existing station, in accordance with the provisions of this subpart.

(b) The nature and extent of the protection from interference accorded to FM broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart.

### §73.211. Power and antenna height requirements.

(a) Minimum requirements.

(1) Except as provided in paragraph (b) (2) of this section, the minimum effective radiated power shall be:

Class A	100 watts (—10 dbk)
Class B	5 kw (7 dbk)
Class C	25 kw (14 dbk)

(2) No minimum antenna height above average terrain is specified.

(b) Maximum power and antenna height.

(1) The maximum effective radiated power in any direction, and maximum antenna height for equivalence purposes, shall be as follows for the various classes of stations:

	Maximum power	Maximum antenna height (feet above average terrain)
Class A	3 kw (4.8 dbk)	300
Class B	50 kw (17.0 dbk)	500
Class C	100 kw (20.0 dbk)	2,000

(2) Antenna heights may be used exceeding those specified in this paragraph for equivalence purposes, provided effective radiated power is reduced in the amount determined by use of the appropriate curves in Figure 3 of §73.333. Where, under Figure 3 of §73.333, effective radiated power must be reduced to an amount less than the normal minimum specified in paragraph (a)(1) of this section for the class of station involved, the effective radiated power determined by Figure 3 of §73.333 shall be the minimum for the station involved.

(c) Determination of applicable rules. The zone in which the transmitter of an fm station is located or proposed to be located determines the applicable rules with respect to the class of station, and thus the minimum and maximum requirements as to facilities.

(d) Existing stations. Pending resolution of the issues in Docket No. 14185, stations authorized as of September 10, 1962, which do not conform to the requirements of this section, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section, except that the minimum power specified in paragraph (a) of this section shall not apply to an application to increase facilities.

### In TV rules . . .

### §73.603. Numerical designation of television channels—(a)

Chan- nel No.	Frequency band (Mega- cycles)	
1	54-60	41.....632-638
2	60-66	42.....638-644
3	66-72	43.....644-650
4	72-78	44.....650-656
5	78-82	45.....656-662
6	82-88	46.....662-668
7	174-180	47.....668-674
8	180-186	48.....674-680
9	186-192	49.....680-686
10	192-198	50.....686-692
11	198-204	51.....692-698
12	204-210	52.....698-704
13	210-216	53.....704-710
14	476-476	54.....710-716
15	476-482	55.....716-722
16	482-488	56.....722-728
17	488-494	57.....728-734
18	494-500	58.....734-740
19	500-506	59.....740-746
20	506-512	60.....746-752
21	512-518	61.....752-758
22	518-524	62.....758-764
23	524-530	63.....764-770
24	530-536	64.....770-776
25	536-542	65.....776-782
26	542-548	66.....782-788
27	548-554	67.....788-794
28	554-560	68.....794-800
29	560-566	69.....800-806
30	566-572	70.....806-812
31	572-578	71.....812-818
32	578-584	72.....818-824
33	584-590	73.....824-830
34	590-596	74.....830-836
35	596-602	75.....836-842
36	602-608	76.....842-848
37	608-614	77.....848-854
38	614-620	78.....854-860
39	620-626	79.....860-866
40	626-632	80.....866-872
		81.....872-878
		82.....878-884
		83.....884-890

(b) In Alaska and Hawaii the frequency bands 76-82 mc and 82-88 mc are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be as-

signed in Alaska and Hawaii for use by television broadcast stations.

§73.606. 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 noncommercial 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.]

§73.607. 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 designed 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 §73.611(d).

§73.609. 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 of 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 §73.699.)

(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 bor-

der, 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 §73.699.)

**§73.610. Separations.**—(a) The provisions of this section relate to assignment separations and station separations. Petitions to amend the Table of Assignments (§73.606(b)) (other than those also expressly requesting amendment of this section or §73.609) 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 §73.610 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 §73.610. Thereafter, the provisions of said section shall be applicable.

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

Zone	Channels 2-13	Channels 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:

Channels 2-13	Channels 14-83
60 miles	55 miles

(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 §73.603).

(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 §73.698 must be met in either rule making proceedings looking towards the amendment of the Table of Assignments (§73.606(b)) or in licensing proceedings. No channel listed in column (1) of Table IV of §73.698 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.

**§73.614. 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 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 §73.699.

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 Figure 4 of §73.699.

(3) The effective radiated power in any horizontal or vertical direction may not exceed the maximum values permitted by this section and Figures 3 and 4 of §73.699.

(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).]

TABLE IV\*

(1) Channel	(2) 20 miles (I.F. 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	54
70	78,62	65-68,72-75	69,71	77,63	56	55
71	79,63	66-69,73-76	70,72	78,64	57	56
72	80,64	67-70,74-77	71,73	79,65	58	57
73	81,65	68-71,75-78	72,74	80,66	59	58
74	82,66	69-72,76-79	73,75	81,67	60	59
75	83,67	70-73,77-80	74,76	82,68	61	60
76	68	71-74,78-81	75,77	83,69	62	61
77	69	72-75,79-82	76,78	70	63	62
78	70	73-76,80-83	77,79	71	64	63
79	71	74-77,81-84	78,80	72	65	64
80	72	75-78,82-85	79,81	73	66	65
81	73	76-79,83	80,82	74	67	66
82	74	77-80	81,83	75	68	67
83	75	78-81	82	76	69	68

\*UHF mileage separations, see Sec 73.610(d).

## FCC RULES

### MULTIPLE OWNERSHIP

#### In AM rules . . .

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

(a) Such party directly or indirectly owns, operates, or controls one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mv/m groundwave contours of the existing and proposed stations, computed in accordance with §73.183 or §73.186.

(b) 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 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 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.

NOTE 3: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control (except those applications for assignment of license or transfer of control listed in §1.540(b) of this chapter). Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity. Paragraph (a) of this section will not be applied to Class TV stations requesting power increases.

#### In FM rules . . .

**§73.240. Multiple ownership.**—(a) 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 one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mv/m contours of the existing and proposed stations, computed in accordance with §73.313.

(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 the 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.

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

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a)(1) will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control (except those applications for assignment of license or transfer of control listed in §1.540(b) of this chapter). Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be transferred or assigned to a single person, group, or entity.

#### In TV rules . . .

**73.636. 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 one or more television broadcast stations and the grant of such license will result in overlap of the Grade B contours of the existing and proposed stations, computed in accordance with §73.684.

(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 in 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 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.

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a)(1) will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control (except those applications for assignment of license or transfer of control listed in §1.50(b) of this chapter). Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be transferred or assigned to a single person, group, or entity.

NOTE 4: Paragraph (a)(1) of this section will not be applied to television stations which are primarily "satellite" operations. Television "satellite" operations will be considered on a case by case basis in order to determine whether such overlap exists with a commonly owned station as to be against the public interest. Whether or not a particular station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case.

### STUDIO LOCATION ORIGINATIONS

#### In AM rules . . .

**§73.30 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, political subdivision, or community 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 not number) of a station's programs or in the case of a station affiliated with a network 2/3 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, political subdivision, or community only where a satisfactory showing is made that each such place meets all the requirements of the rules and regulations of this subpart with substantial number of local live programs that the station can and will originate a respect to the location of main studios; 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, political subdivision or community. 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 rules and regulations of this subpart.

**§73.31. 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 . . .

**§73.210**—[EDITOR'S NOTE: In substance the same as §73.30, above, except that subsection (c) reads as follows:

(c) The transmitter of each FM broadcast station shall be so located that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 decibels above one microvolt per meter, or 3.16 millivolts per meter, will be provided over the entire principal community to be served.

#### In TV rules . . .

**§73.613 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 . . .**

**§73.71 Minimum operation schedule.**—(a) All standard broadcast stations are required to maintain an operating schedule of not less than two-thirds of the total hours they are authorized to operate between 6 a.m. and 6 p.m., local standard time, and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local standard time, on each day of the week except Sunday: Provided, however, that stations authorized for daytime operation only need comply only with the minimum requirement for operation between 6 a.m. and 6 p.m.

(b) In the event that causes beyond the licensee's control make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

**§73.72 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.

**§73.73 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 §§73.71 and 73.72.

**§73.79 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.

**§73.80 Secondary station; filing of operating schedule.**—The license of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return one copy to the licensee authorized to operate limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in §73.77.

**§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.

**§73.82 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.

**§73.83 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.

**§73.84 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 licensees; provided, however, that when the license specifies average time of sunrise and sunset, local standard time shall be observed. In no event shall a station licensed for daytime only operate on regular schedule prior to local sunrise, or shall a station licensed for greater daytime power than nighttime power or for a different radiation pattern for daytime operation than for nighttime operation operate with the daytime power or radiation pattern prior to local sunrise.

**§73.85 Changes in time; agreement between licensees.**—Where the local time is not changed from standard 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.

**§73.86. 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.

**§73.87 Program transmission prior to local sunrise.**—(a) The provisions of §§73.6, 73.8, 73.9, 73.10, 73.23, 73.79 and 73.84 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 daylight 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 73.74, 73.77, and 73.78 shall be applicable to such agreements.

(2) Any Class II station which by use of its daytime facilities causes objectionable interference, as determined by the standard broadcast Technical Standards of this subpart or by the engineering standards of NARBA or the U.S./Mexican Agreement (whichever is controlling) within the 0.5 mv/m 50 percent time sky-wave contour of any Class I station of the United States, Mexico or any country party to NARBA, except (i) 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; (ii) where an agreement has been reached with the United States Class I station affected 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 or under the U.S./Mexican Agreement.

(4) Class IV stations authorized for operation with daytime power in excess of 250 watts.

(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 §73.71.

(e) Restrictions imposed by §73.187 on daytime operations shall apply to pre-sunrise operation under this section.

**EDITOR'S NOTE:** Further notice of proposed rulemaking adopted Nov. 28, 1962, would permit daytime-only stations in areas without unlimited time stations to begin operating at 6 a.m. or sunrise, whichever is earlier. Grants authorizing such operation would be conditioned on

stations limiting power to 500 w and to using directional antenna.

**§73.88 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 . . .**

**§73.242 Duplication of AM and FM programming.**—(a) After August 1, 1965, licensees of FM stations in cities of over 100,000 population (as listed in the latest U. S. Census Reports) shall operate so as to devote no more than 50 percent of the average FM broadcast week to programs duplicated from an AM station owned by the same licensee in the same local area. For the purposes of this paragraph, duplication is defined to mean simultaneous broadcasting of a particular program over both the AM and FM station or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station.

(b) Compliance with the non-duplication requirement shall be evidenced by such showing in connection with renewal applications as the Commission may require.

(c) Upon a substantial showing that continued program duplication over a particular station would better serve the public interest than immediate non-duplication, a licensee may be granted a temporary exemption from the requirements of paragraph (a) of this section. Requests for such exemption must be submitted to the Commission, accompanied by supporting data, at least 6 months prior to the time the non-duplication requirement of paragraph (a) of this section is to become effective as to a particular station. Such exemption, if granted, will ordinarily run to the end of the station's current license period, or if granted near the end of the license period, for some other reasonable period not to exceed 3 years.

**§73.261 Time of operation.**—(a) 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.

(b) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

**§73.262 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 . . .**

**§73.651 Time of operation.**—(a) (1) 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 2 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 operation; not less than 2 hours daily in any 5 broadcast days per week and not less than a total of 16 hours, 20 hours and 24 hours per week for each successive 6-month period of operation, respectively; and not less than a total of 28 hours per week thereafter.

(2) "Operation" includes the period during which a station is operated pursuant to temporary authorization 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.

(3) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in paragraph (a) (1) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the engineer in charge of the radio district in which the station is located shall be immediately notified in

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writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

(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 §73.666; 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:

(1) 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 test 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 . . .

§73.93 Operator requirements.—(a) One or more radio operators holding a valid radio-telephone 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) In cases where a station is authorized for non-directional operation with power not in excess of 10 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or

a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19, 1964, routine operation of transmitters of such stations may be performed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitting equipment shall be limited to the following:

(1) Those necessary to turn the transmitter on and off.

(2) Adjustments of external controls as may be required to compensate for voltage fluctuations in the power supply.

(3) Adjustments of external controls to maintain modulation of the transmitter within the prescribed limits.

(4) Adjustments of external controls necessary to effect routine changes in operating power which are required by the station's instrument of authorization.

(5) Adjustments of external control necessary to effect operation in accordance with a National Defense Emergency Authorization during an Emergency Action Condition.

It shall be the responsibility of the licensee to insure that the person who may be required to perform these tasks as well as to perform other duties (such as reading meters and making log entries), is properly instructed so as to be capable of performing the duties required of him at times when not under the immediate supervision of a radiotelephone first-class operator. Where necessary, printed step-by-step instructions shall be posted for those transmitter adjustments which the lesser grade operator is authorized to make. Should the transmitting apparatus be observed to be operating in any manner inconsistent with this subpart or the current instrument of authorization for the station at any time when an operator holding a valid radiotelephone first-class operator license is not immediately available and none of the above adjustments is effective in correcting the condition of improper operation, the emissions of the station shall be immediately terminated.

(c) If the routine operation of the transmitting apparatus at a standard broadcast station with power of 10 kw or less and non-directional antenna is performed by an operator other than a radiotelephone first-class operator pursuant to the provisions of paragraph (b) of this section, the licensee shall either employ one or more operators holding a valid radiotelephone first-class operator license as a full-time member of the station staff or, in the alternative, contract in writing for the services on a part-time basis of one or more such operators. The radiotelephone first-class operator or operators shall perform transmitter maintenance and shall be promptly available at all times to correct conditions of improper operation beyond the scope of authority of the lesser grade operator on duty. If such services are on a contract part-time basis, a signed copy of the agreement shall be kept in the files of the station and at the transmitter or control point and shall be made available for inspection upon request by any authorized representative of the Commission. A signed copy of the agreement shall also be forwarded to the Commission and to the Engineer in Charge of the radio district in which the station is located within 3 days after the agreement is signed.

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services of radiotelephone first-class operators on a part-time basis may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits is available to all applicants through the Commission's field offices.

(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.

(e) At all standard broadcast stations,

a complete inspection of all transmitting equipment in use shall be made by an operator holding a valid radiotelephone first-class operator license at least once each day, 5 days each week, with an interval of not less than 12 hours between successive inspections. This inspection shall include such tests, adjustments, and repairs as may be necessary to insure operation in conformance with the provisions of this subpart and the current instrument of authorization for the station.

#### In FM rules . . .

##### §73.265 Operator requirements.

[EDITOR'S NOTE: Substantially the same as §73.93.]

#### In TV rules . . .

§73.661. Operator requirements. One or more operators holding a valid radiotelephone first-class operator license shall be on duty at the place where the transmitting apparatus of each is located or at a remote control point established pursuant to the positions of §73.676, and in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. 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 license which he holds and the rules and regulations governing such other stations. However, such other duties shall in no wise impair or impede the required supervision of the television broadcast transmitter.

### FACSIMILE

§73.266 Facsimile broadcasting and multiplex transmission.—(a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in §73.318 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 §73.261. 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 §73.318; 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 . . .

§73.131 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.)

§73.132 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 organization.

§73.133 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.



**§73.134 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 3:00 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.

**§73.135 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.

**§73.136 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.

**§73.137 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.

**§73.138 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 . . .**

**§73.231-73.236, inclusive**—

**EDITOR'S NOTE:** Same as §§73.131-73.138, 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:

**§73.236 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 controls 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.)

work organization, or to any person directly or indirectly controlled by or under common controls 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 majority stock ownership but includes actual working control in whatever manner exercised.)

**In TV rules . . .**

**§73.658. 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 stations, 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 of up to two years may be entered into within 6 months prior to take commencement of such period.

(d) **Station commitment of broadcast time.** No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with any network organization, which provides for optioning of the station's time to the network organization, or which has the same restraining effect as time optioning. As used in this section, time optioning 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.

(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, with respect to programs offered or already contracted for pursuant to an affiliation contract, prevents or hinders the station from (1) rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest, or (2) substituting a program which in the station's opinion, is of greater 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 be applicable to stations licensed to a network organization or to a subsidiary of a network organization.

**COMMON ANTENNA SITE**

**§73.635. 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 . . .**

**§1.611 Financial report.**—Each licensee or permittee of a commercially operated standard, fm, television, or international broadcast station (as defined in Part 73 of this chapter) shall file with the Commission on or before April 1 of each year, on FCC Form 324, an annual financial report.

**§1.613 Filing of contracts.**—Each licensee or permittee of a standard, fm, television, or international broadcast station (as defined in Part 73 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

## FCC RULES

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 §1.615.

(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 or profits and a sharing in losses, of 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 except those contracts required to be filed under the provisions of §§73.93(c), 73.265(c), and 73.565(c); contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

**§1.615 Ownership reports.**—(a) Each licensee of a TV, FM or standard broadcast station (as defined in Part 73 of this chapter), other than noncommercial educational stations, 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 TV, FM, or standard broadcast station need file only one Ownership Report at 3-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 con-

trolling 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:

(a) 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 affirmation or negative (50%) control. See instruction 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.

(e) The provisions of this paragraph apply to all licensees and permittees of noncommercial educational TV, FM, or standard broadcast stations.

(1) Each licensee covered by this paragraph shall file an Ownership Report (FCC Form 323E): Provided, however, that licensees owning more than one non-commercial educational TV, FM, or standard broadcast station need file only one Ownership Report at 3-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:

(i) The following information as to all officers, members of governing board, and holders of 1 percent or more ownership interest (if any): Name, residence, office held, citizenship, principal profession or occupation, and by whom appointed or elected.

(ii) Full information on FCC Form 323E with respect to the interest and identity of any individual, organization, corporation, association, or any other entity which has direct or indirect control over the licensee or permittee.

(iii) A list of all contracts still in effect required by §1.342 to be filed with the Commission, showing the date of execution and expiration of each contract.

(iv) Any interest which the licensee or permittee or any of its officers, members of the governing board, and holders of 1 percent or more ownership interest (if any) hold in any other broadcast station.

(2) A permittee shall file an Ownership Report (FCC Form 323E) 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 this paragraph.

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

(i) Any change in organization;

(ii) Any change in officers or directors;

(iii) Any transaction affecting the ownership (direct or indirect) or voting rights with respect to the licensee or permittee (or with respect to any stock interest therein).

### LICENSE RENEWALS

#### General . . .

#### §1.539 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 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 §§1.611-1.615, 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 . . .

**§73.34 Normal license period.**—(a) Licenses for standard broadcast stations ordinarily will be issued for a period of three years and, when regularly renewed, at three year intervals thereafter: provided, however, that, if the Commission finds that the public interest, convenience and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. When regularly issued or renewed, 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 FM rules . . .**

**§73.218 Normal license period.**—(a) Licenses for fm broadcast stations ordinarily will be issued for a period of three years and, when regularly renewed, at three year intervals thereafter: Provided, however, that, if the Commission finds that the public interest, convenience and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. When regularly issued or renewed, 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 . . .**

**§73.630 Normal license period.**—(a) Licenses for television broadcast stations ordinarily will be issued for a period of three years and when regularly renewed, at three year intervals thereafter: Provided, however, that, if the Commission finds that the public interest, convenience and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. When regularly issued or renewed, 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 Florida, Puerto Rico, and Virgin Islands, February 1, 1964.

(2) For stations located in Alabama and Georgia, April 1, 1964.

(3) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1964.

(4) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1964.

(5) For stations located in Ohio and Michigan, October 1, 1964.

(6) For stations located in Illinois and Wisconsin, December 1, 1964.

(7) For stations located in Iowa and Missouri, February 1, 1965.

(8) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1965.

(9) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1965.

(10) For stations located in Texas, August 1, 1965.

(11) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1965.

(12) For stations located in California, December 1, 1965.

(13) For stations located in Washington, Oregon, Alaska, Guam and Hawaii, February 1, 1966.

(14) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, April 1, 1966.

(15) For stations located in New Jersey and New York, June 1, 1966.

(16) For stations located in Delaware and Pennsylvania, August 1, 1966.

(17) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1966.

(18) For stations located in North Carolina, South Carolina, December 1, 1966.

**STATION IDENTIFICATION**

**In AM rules . . .**

**§73.117 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 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 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 §73.287 of the Commission's Rules Governing Fm Broadcast Stations.

**In FM rules . . .**

**§73.287 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 §73.117 above.]

**In TV rules . . .**

**§73.652 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 . . .**

**§73.119 Sponsored programs, announcement of.**—(a) When a standard broadcast station transmits any matter for which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, such station, the station shall broadcast an announcement that such matter is sponsored, paid for, or furnished, either in whole or in part, and by whom or on whose behalf such consideration was supplied: Provided, however, that "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.

(b) The licensee of each standard broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report (concerning the providing or accepting of valuable consideration by any person for inclusion of any matter in a program intended for broadcasting) has been made to a standard broadcast station, as required by Section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such standard broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of

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

(e) 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 paragraph (d) of this section 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.

(f) 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 paragraph (d) of this section 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 the studios or general offices of one of the standard broadcast stations carrying the program in each community in which the program is broadcast.

(g) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, 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.

(h) Commission interpretations in connection with the foregoing rules may be found in the Commission's Public Notice entitled "Applicability of Sponsorship Identification Rules" and such supplements thereto as are issued from time to time.

**In FM rules . . .**

**§73.289 [EDITOR'S NOTE: Identical with §73.119 above.]**

**In TV rules . . .**

**§73.654 [EDITOR'S NOTE: Identical §73.119 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 . . .**

**§73.118 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



## FCC RULES

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 on-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 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 . . .**  
§73.288—[EDITOR'S NOTE: Identical with §73.118 above.]

**In TV rules . . .**  
§73.653—[EDITOR'S NOTE: Identical with §73.118 above.]

### POLITICAL BROADCASTS

#### For AM, FM and TV . . .

§73.120 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) make 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; 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 §73.290; in TV, §73.657].

### REBROADCASTS

#### In AM rules . . .

§73.121 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 §73.121, 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.

The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. Blanket authorizations for the rebroadcast of such programs have been filed with the commission by all Defense Network (FM) stations.

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 on 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 (§74.401) 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, §73.121(d) is sus-

pending 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.

(f) 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 . . .

§73.291—[EDITOR'S NOTE: Identical in terms with §73.121, above, with two exceptions: Paragraph (e) of §73.121 is deleted in §73.291, and Paragraph (b) relates to rebroadcast of programs of U.S.: "standard, FM or noncommercial educational" stations.]

#### In TV rules . . .

§73.655 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: 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.

(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. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. Blanket authorizations for the rebroadcast of such programs have been filed with the commission by all Defense Network (FM) stations.

NOTE: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, Section 73.655(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.

### REVOCATIONS, MODIFICATIONS, SUSPENSIONS

#### (All Classes of Station Licenses)

§1.87 Modification of license or construction permit 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 man-

ner 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.

**§1.89 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 acknowledgement made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgement 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. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state 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.

(2) 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.

EDITOR'S NOTE: FCC has warned licensees it will impose forfeitures for failure to respond to official notices of violation or failure to show the deficiency has been corrected.

**§1.91 Revocation and/or cease and desist proceedings: hearings.**—(a) If it appears that a station license or construction permit should be revoked and/or that a cease and desist order should be issued, the Commission will issue an order directing the person to show cause why an order of revocation and/or a cease and desist order, as the facts may warrant, should not be issued.

(b) An order to show cause why an order to show cause why an order of revocation and/or a cease and desist order should not be issued will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the person to whom it is directed (the respondent) to appear before the Commission at a hearing, at a time and place stated in the order, but not less than thirty days after the receipt of such order, and give evidence upon the matters specified in the order to show cause. However, if safety of life or property is involved, the order to show cause may specify a hearing date less than thirty days from the receipt of such order.

(c) To avail himself of such opportunity for hearing, the respondent, personally or by his attorney, shall file with the Commission, within thirty days of the service of the order or such shorter period as may be specified therein, a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the order. The Commission in its discretion may accept a late appearance. However, an appearance tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petition for acceptance of late appearance will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(d) Hearings on the matters specified in such orders to show cause shall accord with the practice and procedure prescribed in this subpart and Subpart B of this part, with the following exceptions:

(1) In all such revocation and/or cease and desist hearings, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; and (2) the Commission may specify in a show cause order, when the circumstances of the proceeding require expedition, a time less than that prescribed in §§1.276 and 1.277 within which the initial decision in the proceeding shall become effective, exceptions to such initial decision must be filed, parties must file requests for oral argument, and parties must file notice of intention to participate in oral argument.

(e) Correction or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or cease and desist order should be issued.

(f) Any order of revocation and/or cease and desist order issued after hearing 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 person to whom such order is directed.

**§1.92 Revocation and/or cease and desist proceedings: after waiver of hearing.**—

(a) After the issuance of an order to show cause, pursuant to §1.91, calling upon a person to appear at a hearing before the Commission, the occurrence of any one of the following events or circumstances will constitute a waiver of such hearing and the proceeding thereafter will be conducted in accordance with the provisions of this section.

(1) The respondent fails to file a timely written appearance as prescribed in §1.91(c) indicating that he will appear at a hearing and present evidence on the matters specified in the order.

(2) The respondent, having filed a timely written appearance as prescribed in §1.91

(c), fails in fact to appear in person or by his attorney at the time and place of the duly scheduled hearing.

(3) The respondent files with the Commission, within the time specified for a written appearance in §1.91(c), a written statement expressly waiving his rights to a hearing.

(b) When a hearing is waived under the provisions of paragraph (a) (1) or (3) of this section, a written statement signed by the respondent denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause may be submitted within the time specified in §1.91(c). The Commission in its discretion may accept a late statement. However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Chief Hearing Examiner (or the presiding officer if one has been designated) shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

(d) After a hearing proceeding has been terminated pursuant to paragraph (c) of this section, the Commission will act upon the matters specified in the order to show cause in the regular course of business. The Commission will determine on the basis of all the information available to it from any source, including such further proceedings as may be warranted, if a revocation order and/or a cease and desist order should issue, and if so, will issue such order. Otherwise, the Commission will issue an order dismissing the proceeding. All orders specified in this paragraph will include a statement of the findings of the Commission and the grounds and reasons therefor, will specify the effective date thereof, and will be served upon the respondent.

(e) Corrections or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or cease and desist order should be issued.

**§1.6 Availability of station logs and records for Commission inspection.**—(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the Chief of the law enforcement agency shall promptly certify in writing to the Federal Communications Commission that the removal of the logs or records will hinder law enforcement activities of the agency, and stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records may be released to the Federal Communications Commission.

**(Of Operator Licenses)**

**§1.85 Suspension of operator licenses.**—Whenever grounds exist for suspension of



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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 operators' 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 Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of said hearing. 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**

**§3.122 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 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 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 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**

**§1.540 Application 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 Form 316.

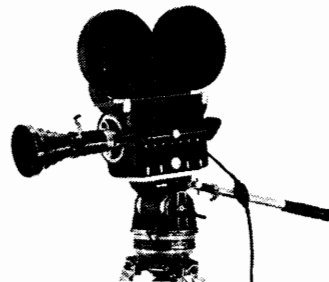
- (1) Assignment from individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;
- (2) Assignment from a corporation to its individual stockholders without effecting any substantial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

**§1.541 Application for involuntary assignment of license or transfer of control.**

—(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.

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