

# FEDERAL COMMUNICATIONS COMMISSION

## Part 3—Rules Governing Radio Broadcast Services

(Revised to January 6, 1949)

### TITLE 47—TELECOMMUNICATION

#### Chapter I—Federal Communications Commission

##### PART 3—RADIO BROADCAST SERVICES

NOTE: The following is a reprinting of Part 3, Rules Governing Radio Broadcast Stations, of the Commission's rules and regulations. This compilation includes all outstanding amendments to Part 3 up to and including the Commission's order adopted January 6, 1949.

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AUTHORITY: §§ 3.1 to 3.791 issued under 48 Stat. 1081-1092, as amended; 47 U. S. C. 301 et seq.

## SUBPART A—RULES GOVERNING STANDARD BROADCAST STATIONS

### DEFINITIONS<sup>1</sup>

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

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

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

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

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

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

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

§ 3.8 *Sunrise and sunset.* The terms "sunrise and sunset" mean, for each particular location and during any particular month, the average time of sunrise and sunset as specified in the license of a broadcast station. (For tabulation of average sunrise and sunset times for each month at various points in the United States, see "Average Sunrise and Sunset Times.")

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

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

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

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

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

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

§ 3.12 *Main studio.* The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points.

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

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

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

(b) *Effective field.* The term "effective field" or "effective field intensity" is the root-mean-square (RMS) value of

the inverse distance fields at a distance of 1 mile from the antenna in all directions in the horizontal plane.

(c) *Operating power.* "Operating power" is the power that is actually supplied to the radio station antenna.

(d) *Maximum rated carrier power.* "Maximum rated carrier power" is the maximum power at which the transmitter can be operated satisfactorily and is determined by the design of the transmitter and the type and number of vacuum tubes used in the last radio stage.

(e) *Plate input power.* "Plate input power" means the product of the direct plate voltage applied to the tubes in the last radio stage and the total direct current flowing to the plates of these tubes, measured without modulation.

(f) *Antenna power.* "Antenna input power" or "antenna power" means the product of the square of the antenna current and the antenna resistance at the point where the current is measured.

(g) *Antenna current.* "Antenna current" means the radio-frequency current in the antenna with no modulation.

(h) *Antenna resistance.* "Antenna resistance" means the total resistance of the transmitting antenna system at the operating frequency and at the point at which the antenna current is measured.

(i) *Modulator stage.* "Modulator stage" means the last amplifier stage of the modulating wave which modulates a radio-frequency stage.

(j) *Modulated stage.* "Modulated stage" means the radio-frequency stage to which the modulator is coupled and in which the continuous wave (carrier wave) is modulated in accordance with the system of modulation and the characteristics of the modulating wave.

(k) *Last radio stage.* "Last radio stage" means the oscillator or radio-frequency-power amplifier stage which supplies power to the antenna.

(l) *Percentage modulation (amplitude).* "Percentage modulation" with respect to an amplitude modulated wave means the ratio of half the difference between the maximum and minimum amplitudes of the amplitude modulated wave to the average amplitude expressed in percentage.

(m) *Maximum percentage modulation.* "Maximum percentage of modulation" means the greatest percentage of modulation that may be obtained by a transmitter without producing in its output harmonics of the modulating frequency in excess of those permitted by these regulations.

(n) *High level modulation.* "High level modulation" is modulation produced in the plate circuit of the last radio stage of the system.

(o) *Low level modulation.* "Low level modulation" is modulation produced in an earlier stage than the final.



(p) *Plate modulation.* "Plate modulation" is modulation produced by introduction of the modulating wave into the plate circuit of any tube in which the carrier frequency wave is present.

(q) *Grid modulation.* "Grid modulation" is modulation produced by introduction of the modulating wave into any of the grid circuits of any tube in which the carrier frequency wave is present.

#### ALLOCATION OF FACILITIES

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

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

(c) *Local channel.* A local channel is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

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

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

(c) *Class III station.* A Class III station is a station which operates on a regional channel and is designed to render

service primarily to a metropolitan district<sup>1</sup> and the rural area contiguous thereto. Class III stations are subdivided into two classes.

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

(2) *Class III-B station.* A class III-B station is a Class II station which operates with a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

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

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

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

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

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. (For exact time of sunset at any location see Average Sunrise and Sunset Times.) Daytime stations operating on local channels may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

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

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

§ 3.71.) Specified hours stations operating on local channels except those sharing time with other stations may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

§ 3.24 *Broadcast facilities; showing required.* An authorization for a new standard broadcast station or increase in facilities of an existing station<sup>2</sup> 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 affect a fair, efficient, and equitable distribution of radio service among the several states and communities.

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

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

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

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

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

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

#### FREQUENCY ALLOCATIONS BY CLASSES OF STATIONS

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

(a) To each of the channels below there will be assigned one Class I station

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

<sup>2</sup> Formal applications required. See Standards of Good Engineering Practice for form number.

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



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

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

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on said border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 690, 740, 860, 990, 1010<sup>a</sup> and 1580 kilocycles.

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

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

§ 3.26 *Regional channels: Classes III-A and III-B stations.* The following frequencies are designated as regional channels and are assigned for use by Class III-A and III-B stations: 550, 560,<sup>a</sup> 570,<sup>a</sup> 580, 590,<sup>a</sup> 600, 610, 620,<sup>a</sup> 630,<sup>a</sup> 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,<sup>a</sup> 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

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

<sup>a</sup> A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

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

<sup>a</sup> See agreement with Mexico for further use of this channel.

<sup>a</sup> See sec. 3.29 in regard to assigning Class IV station to regional channels.

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

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

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

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

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

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

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

§ 3.32 *Special experimental authorizations.* (a) Special experimental authorizations<sup>a</sup> may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor<sup>a</sup> and satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the

<sup>a</sup> Formal application required. See Standards of Good Engineering Practice for form number.

<sup>a</sup> Special authorizations which do not involve experimental operation may be granted pursuant to § 1.324 of this chapter.

work that can be accomplished under its regular license.

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

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

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

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

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

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

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

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

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

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

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

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

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

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800,



810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, November 1, 1946.

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

(3) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, May 1, 1946.

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

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

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

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

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

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

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

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

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

(b) Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date for licenses of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license will be issued for the unexpired period of the current license term only.

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

**§ 3.35 Multiple ownership.** No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled<sup>12</sup> by any person<sup>13</sup> where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a

<sup>12</sup> The word "control," as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

<sup>13</sup> The word "person," as used herein, includes all persons under common control.

showing that public interest, convenience, and necessity will be served through such multiple ownership situation.

#### EQUIPMENT

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

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

<sup>1</sup> The maximum rated carrier power must be distinguished from the operating power (See §§ 2.18 and 2.19.)

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

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

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

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

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

<sup>1</sup> Formal application required. See Standards of Good Engineering Practice for form number.

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

**§ 3.45 Radiating system.** (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (Also see Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.)

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

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

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

(e) The simultaneous use of a common antenna or antenna structure by more than one standard broadcast station, or by one or more standard broadcast stations and one or more stations of any other class or service may be authorized provided complete responsibility for maintaining the installation and for painting and illuminating the structure in accordance with paragraph (d) of this section and for compliance with the pertinent provisions of the Standards of Good Engineering Practice is assumed by one of the licensees. (See Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.)

**§ 3.46 Transmitter.** (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases

<sup>1</sup> Informal application may be made, except in controversial cases or in cases involving directional antenna; then formal application shall be made.



not otherwise specifically included in the regulations in this part.

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

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band "which cause or which, in accordance with the Standards of Good Engineering Practice, are considered as being capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

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

(e) The licensee of each standard "broadcast station shall make the following equipment performance measurements at yearly intervals. One such set shall be made during the four-month period preceding the date of filing application for renewal of station license:

(1) Data and curves showing over-all audio frequency response from 30 to 7500 CPS for approximately 25, 50, 85 and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with DB above and below a reference frequency of 1000 CPS as ordinate and audio frequency as abscissa. (2) Data and curves showing audio frequency harmonic content for 25, 50, 85 and 100 percent modulation for fundamental frequencies of 50, 100, 400, 1000, 5000 and 7500 CPS (either arithmetical or root square values up to the tenth harmonic or 16000 CPS). Plot family of curves (one for each percentage above) with percent distortion as ordinate and audio frequency as abscissa. (3) Data showing percentage carrier shift for 25, 50, 85 and 100 percent modulation with 400 CPS tone. (4) Carrier hum and extraneous noise generated within the equipment and measured as

<sup>16</sup> See Construction, General Operation and Safety of Life Requirements.

<sup>17</sup> In view of the fact that it is doubtful whether equipment necessary for certain of the measurements prescribed by this paragraph can be timely obtained, the effective date of this paragraph is extended from August 1, 1948 to August 1, 1949.

the level below 100 percent modulation throughout the audio spectrum or by bands. (5) Measurements or evidence showing that spurious radiations including radio frequency harmonics are suppressed or are not present to a degree capable of causing objectionable interference to other radio services. Field intensity measurements are preferred but observations made with a communications type receiver may be accepted. However, in particular cases involving interference or controversy, the Commission may require actual measurements. Measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between main studio amplifier input and antenna output including equalizer or correction circuits normally employed, but without compression if such amplifier is employed. The above data together with a description of instruments and procedure signed by the engineer making the measurements, shall be kept on file at the transmitter and shall be made available upon request to any duly authorized representative of the Federal Communications Commission.

#### TECHNICAL OPERATION

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

(a) Direct measurement of the antenna power in accordance with § 3.54.<sup>18</sup>

(1) Each new standard broadcast station.

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

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

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

(2) In case of an emergency where the licensed antenna has been damaged or destroyed by storm or other cause beyond the control of the licensee or pending completion of authorized changes<sup>19</sup> in the antenna system.

(c) Upon making any change<sup>20</sup> in the antenna system, or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, the licensee shall immediately make a new determination of the antenna resistance (see § 3.54) and

<sup>18</sup> Program tests on equipment, including a new or different antenna system, will not be authorized unless application for authority to determine power by the direct method has been granted, or is submitted simultaneously with the application for license to cover the construction permit and the application for license will not be granted until such time as the application for direct measurement is approved.

<sup>19</sup> Changes shall not be made except upon making proper request and obtaining approval thereof in accordance with §§ 3.45 and 3.58.

shall submit application for authority to determine power by the direct method on the basis of the new measurements.

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

$$\text{Operating power } E_p \times I_p \times F$$

A. Factor to be used for stations employing plate modulation in the last radio stage<sup>1</sup>

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

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

B. Factor to be used for stations of all powers using low level modulation<sup>3</sup>

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

Class of power amplifier in the last radio stage:	
Class B.....	0.35
Class BC <sup>4</sup> .....	.65

C. Factors to be used for stations of all powers employing grid modulation in the last radio stage<sup>1</sup>

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

Type of tube in the last radio stage:	
Table C <sup>1</sup> .....	0.25
Table D <sup>1</sup> .....	.35

<sup>1</sup> See Power Rating of Vacuum Tubes.

<sup>2</sup> The maximum rated carrier power must be distinguished from the operating power. (See §§ 2.18 and 2.19 of this chapter.)

<sup>3</sup> All linear amplifier operation where efficiency approaches that of class C operation.

§ 3.53 *Application of efficiency factors.* In computing operating power by indirect measurement the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See Plate Efficiency of Last Radio Stage.)

§ 3.54 *Operating power; direct measurement.* The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.<sup>21</sup>

<sup>21</sup> See Indicating Instruments pursuant to § 3.58.



These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.<sup>22</sup> The antenna ammeter shall not be changed to one of different type, maximum reading, or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See Further Requirements for Direct Measurements of Power.)

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

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

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

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

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

§ 3.57 *Operating power; maintenance of.* The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the engineer in charge,<sup>23</sup>

<sup>22</sup> Formal application required. See Standards of Good Engineering Practice for form number.

<sup>23</sup> See Field Offices of the Commission.

shall be notified in writing immediately after the emergency develops. (See Operating Power Tolerance.)

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

§ 3.59 *Frequency tolerance.* The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1940, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

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

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

§ 3.62 *Automatic frequency control equipment; authorization required.* New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization<sup>24</sup> from the Commission. (See Approved Equipment.)

§ 3.63 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter<sup>25</sup> in addition to the regular transmitter of a broadcast

<sup>24</sup> Formal application required. See Standards of Good Engineering Practice for form number.

<sup>25</sup> All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See Use of Frequency and Modulation Monitors at Auxiliary Transmitter.)

station, a license therefor may be issued provided that:

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

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

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

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

(2) The transmission of regular programs during maintenance or modification<sup>26</sup> work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

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

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

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

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

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

§ 3.64 *Alternate main transmitters.* The licensee of a standard broadcast station may be licensed for alternate main transmitters provided that a technical need<sup>27</sup> for such alternate transmit-

<sup>26</sup> This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be made in accordance with § 1.324 of this chapter.

<sup>27</sup> Such as licensees maintaining 24-hour schedule and needing alternate operations for maintenance, or where developmental work requires alternate operation.



ters is shown and that the following conditions are met:

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

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

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

#### OPERATION

**§ 3.71 Minimum operating schedule.** Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the engineer in charge<sup>28</sup> shall be notified in writing immediately after the emergency develops.

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

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

**§ 3.74 Sharing time.** If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this section the file mark of the Commission will be affixed thereto, one copy will be retained by the Commission, one copy forwarded to the engineer in charge, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a

proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

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

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

**§ 3.77 Sharing time; departure from regular schedule.** A departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the engineer in charge.<sup>29</sup>

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

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

**§ 3.80 Secondary station; filing of operating schedule.** The licensee of a secondary station authorized to operate

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

**§ 3.81 Secondary station; failure to reach agreement.** If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

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

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

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

<sup>28</sup> See Field Offices of the Commission.

<sup>29</sup> See Field Offices of the Commission.



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

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

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

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

(2) Any Class II station causing interference<sup>20</sup> by use of its daytime facilities within the 0.5 mv/m 50 percent sky-wave contour of any Class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, 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 Class I station to begin operation prior to local sunrise.

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

(b) Any station operating during such hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission.

(c) Nothing contained in outstanding instruments of authorization for such

stations shall prohibit such operation except as herein provided.

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

#### **RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING**

§ 3.101 *Exclusive affiliation of station.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization<sup>21</sup> under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

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

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

§ 3.104 *Option time.* No license shall be granted to a standard broadcast station which options<sup>22</sup> for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours<sup>23</sup> within each of four

segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.<sup>24</sup> Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

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

§ 3.106 *Network ownership of stations.*<sup>25</sup> No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control<sup>26</sup> with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.107 *Dual network operation.* No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided*, That this 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

and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

<sup>20</sup> These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

<sup>21</sup> 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.

<sup>22</sup> 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.

<sup>20</sup> As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

<sup>21</sup> The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

<sup>22</sup> As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

<sup>23</sup> 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



group of stations comprising each such network.

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

§ 3.109 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a standard broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right of termination. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

#### GENERAL RULES APPLICABLE TO STANDARD BROADCAST STATIONS

§ 3.164 *Station license; posting of.* The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner. (See §§ 2.51 and 2.52 of this chapter.)

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

(b) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, however,* That such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.

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

§ 3.167 *Equipment test.* Upon completion of construction of a radio station in the standard broadcast service in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided,* That:

(a) The engineer in charge of the district in which the station is located, is notified 2 days in advance of the beginning of tests.

(b) The Commission also shall be notified 2 days in advance of the beginning of tests, which shall be conducted only between 1 a. m. and 6 a. m. local standard time unless otherwise specifically authorized. Equipment tests shall not be conducted during the frequency monitoring period when the station is required to remain silent.

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

§ 3.168 *Service or program test.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service or program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That:

(1) The engineer in charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests.

(2) The Commission also shall be notified 2 days in advance of the beginning of tests.

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

(c) Service or program tests will not be authorized after expiration date of the construction permit.



§ 3.169 *Authorization for tests not to be construed as license.* The authorization for tests embodied in §§ 3.167 and 3.168 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.170 *Station inspection.* The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

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

(a) In the program log:

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

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

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

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

(b) In the operating log:

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

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

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

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

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

(ii) Antenna current.

(iii) Frequency monitor reading.

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

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

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

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

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

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

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

(i) Nature of such failure.

(ii) Time the failure was observed.

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

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

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

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

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

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

§ 3.182 *Logs, retention of.* Logs of standard broadcast stations shall be retained by the licensee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

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

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

§ 3.185 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules.

<sup>21</sup> Attention is called to the fact, however, that application forms for licenses and other authorizations require that certain operating program data be supplied. It is suggested that these application forms be kept in mind in connection with maintenance of station program and operating records.

Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

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

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

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

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

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

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

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

§ 3.188 *Mechanical records.*<sup>22</sup> Each program broadcast which consists in

<sup>22</sup> During the annual periods in which daylight saving time will be effective the requirements of this Section are waived with respect to network programs, transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas,



whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

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

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

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

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

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

**§ 3.189 Sponsored programs, announcement of.** (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or re-

ceived by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

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

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

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

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

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

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

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

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

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly, or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to 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; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

**§ 3.191 Rebroadcast.** (a) The term "rebroadcast" means reception by radio of the program<sup>30</sup> of a radio station, and the simultaneous or subsequent retrans-

<sup>30</sup> As used in § 3.191, program includes any complete program or part thereof, or any signals if other than A-3 emission.



mission of such program by a broadcast station."

(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."

(c) (1) The licensee of the standard broadcast station located within a state or the District of Columbia, may, without further authority of the Commission rebroadcast on a 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, the Commission shall be notified of the call letters of each station whose programs are rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

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

(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

\*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.

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

"The broadcasting of a program relayed by a remote pick-up broadcast station (§ 4.401) is not considered a rebroadcast.

"Informal application may be employed.

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

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

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

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

#### SUBPART B—RULES GOVERNING FM BROADCAST STATIONS

##### CLASSIFICATION OF FM BROADCAST STATIONS AND ALLOCATION OF FREQUENCIES

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

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
88.1-----	201	95.9-----	240
88.3-----	202	96.1-----	241
88.5-----	203	96.3-----	242
88.7-----	204	96.5-----	243
88.9-----	205	96.7-----	244
89.1-----	206	96.9-----	245
89.3-----	207	97.1-----	246
89.5-----	208	97.3-----	247
89.7-----	209	97.5-----	248
89.9-----	210	97.7-----	249
90.1-----	211	97.9-----	250
90.3-----	212	98.1-----	251
90.5-----	213	98.3-----	252
90.7-----	214	98.5-----	253
90.9-----	215	98.7-----	254
91.1-----	216	98.9-----	255
91.3-----	217	99.1-----	256
91.5-----	218	99.3-----	257
91.7-----	219	99.5-----	258
91.9-----	220	99.7-----	259
92.1-----	221	99.9-----	260
92.3-----	222	100.1-----	261
92.5-----	223	100.3-----	262
92.7-----	224	100.5-----	263
92.9-----	225	100.7-----	264
93.1-----	226	100.9-----	265
93.3-----	227	101.1-----	266
93.5-----	228	101.3-----	267
93.7-----	229	101.5-----	268
93.9-----	230	101.7-----	269
94.1-----	231	101.9-----	270
94.3-----	232	102.1-----	271
94.5-----	233	102.3-----	272
94.7-----	234	102.5-----	273
94.9-----	235	102.7-----	274
95.1-----	236	102.9-----	275
95.3-----	237	103.1-----	276
95.5-----	238	103.3-----	277
95.7-----	239	103.5-----	278

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

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
103.7-----	279	105.9-----	290
103.9-----	280	106.1-----	291
104.1-----	281	106.3-----	292
104.3-----	282	106.5-----	293
104.5-----	283	106.7-----	294
104.7-----	284	106.9-----	295
104.9-----	285	107.1-----	296
105.1-----	286	107.3-----	297
105.3-----	287	107.5-----	298
105.5-----	288	107.7-----	299
105.7-----	289	107.9-----	300

§ 3.202 *Areas of the United States.* For the purpose of allocation the United States is divided into two areas. The first area—area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.<sup>1</sup> The second area—area II—comprehends the remainder of the United States not included in area I.

§ 3.203 *Class A stations.* (a) A class A station is a station which operates on a class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The transmitter power and antenna height of a class A station shall normally be capable of coverage equivalent<sup>2</sup> to a minimum of 100 watts and a maximum of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. Class A stations will not be authorized with more than 1 kilowatt effective radiated power. Standard power ratings of transmitters used for class A stations shall be not less than 250 watts nor more than 1 kilowatt. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

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

<sup>1</sup>In some of the territory contiguous to area I, the demand for frequencies requires that applications be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania, and New York (except the northeastern corner) not included in area I; Virginia, West Virginia, North Carolina, South Carolina, Ohio, and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan. Other regions may be added as required.

<sup>2</sup>For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.



Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
92.1-----	221	100.1-----	261
92.7-----	224	100.9-----	265
95-----	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

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

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

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

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

(1) In area I, class B stations will be licensed to operate with a service area equivalent<sup>2</sup> to a minimum of 10 kilowatts effective radiated power and antenna height of 300 feet above average terrain and a maximum of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.<sup>3</sup> In metropolitan districts in area I with a population greater than 250,000 the minimum service area shall be the equivalent<sup>2</sup> of 20 kilowatts effective

radiated power and an antenna height of 350 feet above average terrain. Class B stations in area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) In area II, class B stations will be licensed to operate with a service area equivalent<sup>2</sup> to a minimum of 2 kilowatts effective radiated power and antenna height of 300 feet above average terrain and a normal maximum of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.<sup>3</sup> The use of greater power and antenna height will be encouraged in those portions of area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

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

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

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

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

(b) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Standards of Good Engineering Practice Concerning FM

Broadcast Stations: *Provided, however*, Upon special showing of need, authorization may be granted to locate the transmitter so that adequate service is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.

**§ 3.206 Main studio.** The term "main studio" means the studio from which the majority of local programs originate and/or from which a majority of station announcements are made of programs originating at remote points.

#### RULES GOVERNING ADMINISTRATIVE PROCEDURE

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

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

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

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

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

(b) Any application<sup>4</sup> for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date.

<sup>1</sup> For the time being, until more FM broadcast stations are authorized, the Commission will not authorize Class A stations in central cities of metropolitan districts having four or more standard broadcast stations.

<sup>2</sup> In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas) and Hagstrom Map Co. (Four color Retail Trading Area Map).

<sup>4</sup> Form FCC No. 701.



Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

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

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

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

(c) Within the 90-day period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be submitted to the Commission. The Commission may grant extensions of time upon showing of reasonable need therefor.<sup>1</sup> The proof of performance specified in this subsection shall be made by Class B stations only and need not be made by Class A stations.

**§ 3.217 Program tests.** (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and Standards of Good Engineering Practice Concerning FM Broadcast Stations, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the engineer in charge of the dis-

trict in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

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

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

**§ 3.218 Normal license period.** (a) All initial licenses covering construction permits for new FM broadcast stations will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 92.1, 92.7, 93.5, 94.3, 95.3, 95.9, 96.7, 97.7, 98.3, 99.3 Mcs. June 1.

(2) For stations operating on the frequencies 100.1, 100.9, 101.7, 102.3, 103.1, 103.9, 104.9, 105.5, 106.3, 107.1 Mcs., September 1.

(3) For stations operating on the frequencies 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1, 102.5, 102.7, 102.9, 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3, 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 Mcs., December 1.

(4) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7, 94.9, 95.1, 95.5, 95.7, 96.1, 96.3, 96.5, 96.9, 97.1, 97.3, 97.5, 97.9, 98.1, 98.5, 98.7, 98.9, 99.1, 99.5, 99.7, 99.9 Mcs., March 1.

(b) All renewals of FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 92.1, 92.7, 93.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 100.1, 100.9, 101.7 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1, 102.5, 102.7 Mcs., December 1, 1948.

(4) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7 Mcs., March 1, 1949.

(5) For stations operating on the frequencies 94.3, 95.3, 95.9 Mcs., June 1, 1949.

(6) For stations operating on the frequencies 102.3, 103.1, 103.9 Mcs., September 1, 1949.

(7) For stations operating on the frequencies 102.9, 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3 Mcs., December 1, 1949.

(8) For stations operating on the frequencies 94.9, 95.1, 95.5, 95.7, 96.1, 96.3, 96.5, 96.9, 97.1, 97.3 Mcs., March 1, 1950.

(9) For stations operating on the frequencies 96.7, 97.7, 98.3, 99.3 Mcs., June 1, 1950.

(10) For stations operating on the frequencies 104.9, 105.5, 106.3, 107.1 Mcs., September 1, 1950.

(11) For stations operating on the frequencies 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 Mcs., December 1, 1950.

(12) For stations operating on the frequencies 97.5, 97.9, 98.1, 98.5, 98.7, 98.9, 99.1, 99.5, 99.7, 99.9 Mcs., March 1, 1951.

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

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

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

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

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



the action of the Commission with respect to any pending application or proceeding.

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

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

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

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

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

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

#### RULES RELATING TO LICENSING POLICIES

**§ 3.231 Exclusive affiliation of station.** No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization\*

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

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

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

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

**§ 3.234 Option time.** No license shall be granted to an FM broadcast station which options<sup>1</sup> for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours<sup>2</sup> within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.<sup>3</sup> Such options may

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

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

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

not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

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

**§ 3.236 Network ownership of stations.** No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control<sup>4</sup> of a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

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

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

**§ 3.239 Use of common antenna site.** No FM broadcast station license or renewal of FM broadcast station license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (a) which is not available for use by other FM broadcast station licensees; and (b) no other

<sup>4</sup>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.



comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM broadcast stations that can be authorized in a particular area or would unduly restrict competition among FM broadcast stations.

§ 3.240 *Multiple ownership.* (a) No person (including all persons under common control)<sup>13</sup> shall, directly or indirectly, own, operate, or control more than one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

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

§ 3.241 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a FM broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the

Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

#### RULES RELATING TO EQUIPMENT

§ 3.251 *Transmitter power.* The standard power rating and operating

power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

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

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

§ 3.254 *Required transmitter performance.*<sup>14</sup> The construction, installation, operation and performance of the FM broadcast transmitting system shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations (sections 8 and 13). The licensee of each FM broadcast station shall make the following equipment performance measurements at least at yearly intervals. (One such set of measurements shall be made during the four-month period preceding the date of filing application for renewal of station license.)

(a) Audio frequency response from 50 to 15,000 cycles for approximately 25, 50 and 100 percent modulation. Measurements shall be made on at least the following audio frequencies: 50, 100, 400, 1000, 5000, 10,000 and 15,000 cycles. The frequency response measurements should normally be made without deemphasis; however, standard 75 microsecond deemphasis may be employed in the measuring equipment or system provided the accuracy of the deemphasis circuit is sufficient to insure that the measured response is within the prescribed limits.

(b) Audio frequency harmonic distortion for 25, 50 and 100 percent modulation for the fundamental frequencies of 50, 100, 400, 1000, and 5000 cycles. Audio frequency harmonics for 100 percent modulation for fundamental frequencies of 10,000 and 15,000 cycles. Measurements shall normally include harmonics to 30,000 cycles. The distortion measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(c) Output noise level (frequency modulation) in the band of 50 to 15,000 cycles in decibels below the audio frequency level representing a frequency swing of 75 kilocycles. The noise meas-

<sup>14</sup> In view of the fact that it is doubtful whether equipment necessary for certain of the measurements prescribed by this paragraph can be timely obtained, the effective date of the requirement that the equipment performance measurements be made at yearly intervals is extended from August 1, 1948 to August 1, 1949.

<sup>13</sup> The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.



urements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(d) Output noise level (amplitude modulation) in the band of 50 to 15,000 cycles in decibels below the level representing 100 percent amplitude modulation. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system. All measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna output, including telephone lines, pre-emphasis circuits and any equalizers employed except for microphones, and without compression if a compression amplifier is installed.

The above data, diagrams and appropriate graphs together with a description of measurement procedures and instruments, signed by the engineer making the measurements, shall be kept on file at the transmitter and shall be made available upon request to any duly authorized representative of the Federal Communications Commission.

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

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

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

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

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

(2) The transmission of regular programs during maintenance or modification<sup>18</sup> work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

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

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

of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 6 a. m., local standard time.

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

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

§ 3.256 *Alternate main transmitters.* The licensee of an FM broadcast station may be licensed for alternate main transmitters provided that a technical need<sup>19</sup> for such alternate transmitters is shown and that the following conditions are met:

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

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

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

§ 3.257 *Changes in equipment and antenna system.* Licensees of FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

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

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

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

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

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

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

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

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

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

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

<sup>18</sup> Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

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

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

#### RULES RELATING TO TECHNICAL OPERATION

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

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

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

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

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

<sup>18</sup> This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.



§ 3.266 *Facsimile broadcasting and multiplex transmission.* (a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. However, 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 § 3.261.

(b) FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile and aural broadcast programs for a maximum of three hours between the hours of 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations provided that the transmission of facsimile does not impair the quality of the aural program below 10,000 cycles per second, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile.

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

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

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

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

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

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

shall be given immediately upon resumption of the required illumination.

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

§ 3.271 *Discontinuance of operation.* The licensee of each station, except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notify the engineer of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

#### OTHER RULES RELATING TO OPERATION

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

(a) In the program log:

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

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

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

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

(b) In the operating log:

(1) An entry of the time the station

begins to supply power to the antenna, and the time it stops.

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

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

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

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

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

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

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

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

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

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

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

(i) Nature of such failure.

(ii) Time the failure was observed.

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

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

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

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

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

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

§ 3.282 *Logs, retention of.* Logs of FM broadcast stations shall be retained by the licensee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.283 *Logs, by whom kept.* Each log shall be kept by the person or persons



competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

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

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

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

§ 3.287 *Station identification.* (a) A licensee of an FM broadcast station shall make separate station identification announcement (call letters and location) for such station: *Provided, however,* That if the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall state that one of the stations is an FM station. Station identification announcement shall be made at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

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

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification

announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in subparagraph (2) of paragraph (a) of this section will satisfy the requirements of identification announcements.

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

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

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

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

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

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

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

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

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to

create the impression that any program being broadcast by mechanical reproduction consists of live talent.

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

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

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

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



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

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

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

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

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

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

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

§ 3.291 *Rebroadcast*. (a) The term "rebroadcast" means reception by radio

of the program<sup>17</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>18</sup>

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard FM or noncommercial educational broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>19</sup>

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

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

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

(d) No licensee of an FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) or (c) 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.<sup>20</sup>

<sup>17</sup> As used in this section, program includes any complete program or part thereof.

<sup>18</sup> 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.

<sup>19</sup> The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

<sup>20</sup> The broadcasting of a program relayed by a remote pickup broadcast station or an ST broadcast station is not considered a rebroadcast.

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

## SUBPART C—RULES GOVERNING NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

### CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

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

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

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

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

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

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

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

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

(c) Each station shall furnish a non-profit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any char-



acter be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

**§ 3.504 Frequency, power and service area.** (a) In the assignment of frequency and power to a noncommercial educational FM broadcast station the Commission will consider with the application: (1) the area served by applicant's existing educational facilities; and (2) the provisions of any statewide plan on file with the Commission which meets the requirements of § 3.502. A station licensed for transmitter power output of 10 watts or less normally will be licensed to operate on the frequency 88.1 megacycles; however, should it appear that operation on this frequency would cause objectionable interference, such station may be licensed to operate on the next higher frequency that would not cause objectionable interference.

(b) The license of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall specify the maximum authorized operating power output of the transmitter. The license of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall specify the authorized effective radiated power of the station and the authorized operating power output of the transmitter.

(c) Each application for a new noncommercial educational FM broadcast station or increase in facilities of an existing station which proposes transmitter power output above 10 watts shall contain a determination of the antenna height above average terrain and the extent of the 1 mv/m and 50 uv/m contours of the proposed station by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

**§ 3.505 Standards of good engineering practice.** The definitions and interference standards contained in the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be applicable to noncommercial educational FM broadcast stations. Other portions of such Standards shall be applicable to the extent specifically prescribed by this part.

#### RULES GOVERNING ADMINISTRATIVE PROCEDURE

**§ 3.511 Application for noncommercial educational FM broadcast stations.** Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and

made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new noncommercial educational FM broadcast station, Form FCC No. 340 should be filed; for a noncommercial educational FM license, Form FCC No. 341<sup>1</sup> should be filed; and for modification of a noncommercial educational FM license or for change in facilities of an existing noncommercial educational FM broadcast station Form FCC No. 342<sup>1</sup> should be filed.

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

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

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

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

(b) Any application<sup>2</sup> for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon

a specific and detailed showing of other matters sufficient to justify the extension.

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

**§ 3.516 Equipment tests.** (a) Upon completion of construction for a noncommercial educational FM broadcast station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and Standards of Good Engineering Practice Concerning FM Broadcast Stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

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

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

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

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

**§ 3.518 Normal license period.** (a) All initial licenses covering construction permits for new noncommercial educational FM broadcast stations will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

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

<sup>2</sup> Form FCC No. 701.



(1) For stations operating on the frequencies 88.1, 88.3, 88.5, 88.7, 88.9, 89.1, 89.3, 89.5, 89.7 and 89.9 Mcs., June 1.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5, 90.7, 90.9, 91.1, 91.3, 91.5, 91.7 and 91.9 Mcs., September 1.

(b) All renewals of noncommercial educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 88.7, 88.9, 89.1 Mcs., June 1, 1949.

(4) For stations operating on the frequencies 90.7, 90.9, 91.1 Mcs., September 1, 1949.

(5) For stations operating on the frequencies 89.3, 89.5, 89.7, 89.9 Mcs., June 1, 1950.

(6) For stations operating on the frequencies 91.3, 91.5, 91.7, 91.9 Mcs., September 1, 1950.

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

§ 3.520 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 343).<sup>2</sup>

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

§ 3.521 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make neces-

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

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

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

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

#### RULES RELATING TO EQUIPMENT

§ 3.551 *Transmitter power.* (a) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be not less than the authorized

operating power and not more than 10 watts.

§ 3.552 *Frequency monitor.* (a) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. (See Approved Frequency Monitors and Requirements for Type Approval of Frequency Monitors in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.)

(b) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

§ 3.553 *Modulation monitor.* (a) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter a modulation monitor approved by the Commission. (See Approved Modulation Monitor and Requirements for Type Approval of Modulation Monitors in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.)

(b) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide at the transmitter a percentage modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation can be determined.

§ 3.554 *Transmitter performance.* (a) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be designed, constructed and operated in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of the Standards of Good Engineering Practice Concerning FM Broadcast Stations, shall be constructed with safety features in accordance with the specifications of article 810 of the

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



current National Electrical Code as approved by the American Standards Association and shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, shall at all times be capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

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

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

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

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

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

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

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

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

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

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

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

§ 3.556 *Alternate main transmitters.* The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need<sup>2</sup> for such alternate transmitters is shown and that the following conditions are met:

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

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

(c) Both transmitters shall meet the requirements of Section 3.554.

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

(a) No changes in equipment shall be made:

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

(2) That would result in the external performance of the transmitter being in disagreement with § 3.554.

(b) Specific authority, upon filing formal application (Form FCC No. 342<sup>3</sup>) therefor, is required for a change in service area or for any of the following changes:

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

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

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

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

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

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

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

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

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

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

<sup>3</sup>Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

## RULES RELATING TO TECHNICAL OPERATION

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

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

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

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

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

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

<sup>1</sup>For additional information regarding operator licenses see sec. 13 of the Commission's rules.



tional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.567 *Operating power; determination and maintenance of.* (a) The operating power of each station licensed for transmitter power output of 10 watts or less shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. The power at which the station is operated may be less than the licensed power but shall in no event be more than 5 percent above the licensed power. The transmitter of each such station shall be so maintained as to be capable of operation at maximum licensed power.

(b) The operating power, and the requirements for maintenance thereof, of each station licensed for transmitter power output above 10 watts shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

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

§ 3.569 *Frequency tolerance.* (a) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be maintained within 3,000 cycles of the assigned center frequency.

(b) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be maintained within 2,000 cycles of the assigned center frequency.

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

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

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

(c) Shall inspect at intervals of at least once each 3 months all flashing or

rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 3.571 *Discontinuance of operation.* The licensee of each station, except stations operating in Alaska shall notify the engineer in charge of the district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall in addition, immediately forward the station license to the Washington, D. C. office of the Commission for cancellation.

#### OTHER RULES RELATING TO OPERATION

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

(a) In the program log:

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

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

(b) In the operating log:

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

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

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

(4) For each station licensed for transmitter power output above 10 watts, an entry of the following each 30 minutes:

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

(ii) Radio frequency transmission line meter reading.

(iii) Frequency monitor reading.

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

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

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

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

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

(i) Nature of such failure.

(ii) Time the failure was observed.

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

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

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

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

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

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

§ 3.582 *Logs, retention of.* Logs of non-commercial, educational FM broadcast stations shall be retained by the licensee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

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

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

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

§ 3.586 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be



preserved and made a part of the complete log.

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

(b) Such identification announcement need not be made on the hour or half hour when to make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

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

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

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

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

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

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

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively

to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

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

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

(c) No licensee of a noncommercial educational FM 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.<sup>c</sup>

#### SUBPART D—RESERVED FOR RULES GOVERNING FACSIMILE BROADCAST STATIONS (UNDER PREPARATION)

#### SUBPART E—RULES GOVERNING TELEVISION BROADCAST STATIONS

##### CLASSIFICATION OF TELEVISION STATIONS AND ALLOCATION OF FREQUENCIES

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

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

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

<sup>c</sup> See § 3.503 (c).

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

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

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

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

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

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

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

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



5000 uv/m contour and such stations will be located in such a manner as to insure, insofar as possible, a maximum of television service to all listeners, whether urban or rural.

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

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

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

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

§ 3.606 *Table showing allocation of television channels to metropolitan districts in the United States.* (a) The table below sets forth the channels which are available for the areas indicated. The table on page 29 will be revised from time to time depending upon the demand for television stations which may exist in the various cities. Where it is desired to use a different channel in any such area, or to use one of the channels in another area conflicting therewith, it must be shown that public interest, convenience, or necessity will be better served thereby than by the allocation set forth in the table.

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

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

#### RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.611 *Application for television stations.* If the application is for a new station or for modification of an existing

authorization, FCC Form 301 shall be filed; if for a license, Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

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

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

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

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

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

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

§ 3.616 *Equipment tests and proof of performance.* (a) Upon completion of construction of a television station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and

the rules and regulations and Standards of Good Engineering Practice Concerning Television Broadcast Stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 90 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

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

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

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

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

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

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

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



Metropolitan district (U. S. Census 1940)	Sales rank	Popula- tion	Channel No.		Total stations		Metropolitan district (U. S. Census 1940)	Sales rank	Popula- tion	Channel No.		Total stations	
			Metropolitan	Com- munity	Metropolitan	Com- munity				Metropolitan	Com- munity	Metropolitan	Com- munity
Akron	35	349,705	11		1		Macon	137	74,830	4, 7, 10		3	
Albany							Madison	101	78,349	9		1	
Schenectady	23	431,575	2, 4, 7, 9, 11		5		Manchester	118	81,832		1		1
Troy							Memphis	37	332,477	2, 4, 5, 7, 9		5	
Allentown							Miami	38	250,537	2, 4, 5, 7		4	
Bethlehem	43	325,142		8		1	Milwaukee	15	790,336	3, 6, 8, 1		4	
Easton							Minneapolis	11	911,077	2, 4, 5, 7, 9		5	
Altoona	111	114,094	9		1		St. Paul	119	144,906	3, 5, 9, 11		4	
Amarillo	136	53,463	2, 4, 5, 7		4		Mobile	126	93,697	6, 10		2	
Asheville	132	76,324	5, 7, 12		3		Montgomery	56	241,769	4, 5, 7, 9		4	
Atlanta	25	442,294	2, 5, 8, 11		4		Nashville	39	308,228		6	5	1
Atlantic City	83	100,096		8		1	New Haven	31	540,030	2, 4, 6, 7, 10		5	
Augusta, Ga.	135	87,809	6, 12		2		New Orleans	1	11,690,520	2, 4, 5, 7, 9, 11, 13		7	
Austin	106	106,193	8, 10, 12		3		New York	47	330,396	4, 7, 11, 13		4	
Baltimore	13	1,046,692	2, 11, 13		3		Norfolk	52	221,229	2, 4, 5, 9		4	
Beaumont			3, 6, 8, 10		4		Omaha	40	287,269	3, 6, 7		3	
Port Arthur	90	138,608					Council Bluffs	69	162,566	3, 6, 12		3	
Birmingham	75	145,156	12		1		Peoria	4	2,898,644	3, 6, 10, 12		4	
Birmingham	42	407,851	4, 9, 13		3		Philadelphia	84	121,828	2, 4, 5, 7		4	
Boston	5	2,350,514	2, 4, 7, 9, 13		5		Phoenix	8	1,994,060	3, 6, 8, 10		4	
Bridgeport, Conn.	53	216,621		1		1	Pittsburgh	89	106,565	3, 8		2	
Buffalo	14	857,719	4, 7, 9, 13		4		Portland, Maine	22	406,406	3, 6, 8, 10, 12		5	
Niagara	63	200,352		1			Portland, Ore.	18	711,500		1	4	
Canton, Ohio	115	73,219	7, 11		2		Providence, R. I.	140	62,039	3, 6, 8, 10		4	
Cedar Rapids	127	98,711	7, 10, 13		3		Racine	97	135,075		1		1
Charleston, S. C.	88	136,332	7, 11, 13		3		Kenosha	73	175,355		5		1
Charleston, W. Va.	99	112,986	3, 9, 11		4		Reading	48	245,674	3, 6, 8, 10		4	
Charlotte	76	183,215	3, 6, 10, 12		3		Richmond	104	110,503	5, 9, 12		3	
Chattanooga	2	4,499,126	2, 4, 5, 7, 9, 11, 13		7		Roanoke	28	411,970	2, 6, 11		3	
Chicago	16	789,369	2, 4, 7, 11		4		Rochester	102	105,259	12		1	
Cincinnati	9	1,214,943	2, 4, 5, 7, 9		5		Rockford	54	158,999	3, 6, 10		3	
Cleveland	117	89,555	2, 4, 8		3		Sacramento	77	153,388	3, 8, 13		3	
Columbia	133	92,478	3, 12		2		Saginaw	129	86,991	13		1	
Columbus, Ga.	29	365,786	3, 6, 8, 10		4		St. Joseph	10	1,367,977	4, 5, 7, 9, 13		5	
Columbus, Ohio	121	70,677	3, 6, 8, 10		4		St. Louis	58	204,488	2, 4, 5, 7, 9		5	
Corpus Christi	27	376,548	4, 8, 12		3		Salt Lake City	50	319,010	2, 4, 5, 7, 9		5	
Dallas							San Antonio	49	256,268	3, 6, 8, 10		4	
Davenport	67	174,995	2, 4, 5, 9		4		San Diego	7	1,428,525	2, 4, 5, 7, 9, 11		6	
Rock Island							San Francisco	78	129,367	13		1	
Moline	44	271,513	5, 13		2		Oakland	114	117,970	3, 5, 9, 11		4	
Dayton	122	65,764		1			San Jose	30	629,581	11	1	1	1
Decatur	26	384,372	2, 4, 5, 7, 9		5		Savannah	19	452,639	2, 5, 7, 11		4	
Denver	59	183,973	2, 5, 9		3		Seranton	96	112,225	2, 4, 6, 8		4	
Des Moines	6	2,295,867	2, 4, 5, 7		4		Seattle	107	87,791	4, 9, 11, 13		4	
Duluth	72	157,098	3, 6, 8, 10		4		Shreveport	80	147,022		1		1
Superior	139	69,683	4, 7		2		Sioux City	71	141,370	2, 4, 5, 7, 9		5	
Durham	105	115,801	2, 4, 5, 7		4		South Bend	103	89,484	8, 10		2	
El Paso	95	134,039	12		1		Spokane	32	394,623	3	1	1	1
Erie	93	141,614	2, 11		2		Springfield, Ill.	134	70,514	2, 4, 5, 9		4	
Evansville, Ind.				1		1	Springfield, Mo.	125	77,406	8	1		1
Fall River	55	272,648					Springfield, Ohio	108	79,337			1	
New Bedford	64	188,554	11		1		Stockton	46	258,352	5, 8, 10		3	
Flint	81	134,385	2, 4, 7, 9		4		Syracuse	74	156,018	4, 9, 13		3	
Fort Wayne	51	207,677	2, 5, 10		3		Tacoma	61	209,693	2, 4, 5, 7		4	
Fort Worth	79	97,504	2, 4, 5, 7		4		Tampa	116	83,370	4		1	
Fresno	131	71,677	9, 11, 13		3		Terre Haute	34	341,663	13		1	
Galveston	57	209,873	7, 9		2		Toledo	123	77,749	7, 11		2	
Grand Rapids	130	73,055	2, 10		2		Trenton	60	200,128		1		1
Greensboro							Tulsa	65	188,562	3, 6, 8, 10		4	
Hamilton	110	112,686	9		1		Utica	68	197,128	3, 13		2	
Middletown	70	173,367	8		1		Rome	138	71,114	3, 6, 9, 11		4	
Harrisburg	20	502,193	8, 10		2		Waco	12	907,816	4, 5, 7, 9		4	
Hartford	21	510,397	2, 4, 5, 7		4		Washington	85	144,822	12		1	
New Britain	92	170,979	5		1		Waterbury	120	67,050	3, 6, 13		3	
Houston	24	455,357	3, 6, 8, 12		4		Wheeling	82	196,340	12		1	
Ashland, Ky.	128	88,003	2, 4, 5, 7		4		Wichita	86	127,308	2, 4, 5, 9		4	
Indianapolis	66	195,619	2, 4, 6, 8		4		Wilmington	62	189,974		7		1
Jackson	100	151,781	13		1		Winston-Salem	124	109,833	6, 8		2	
Kalamazoo	112	77,213	3		1		Worcester	41	306,194	5		1	
Kansas City, Mo.	87	634,093	2, 4, 5, 9		4		York	113	92,627		1		1
Kansas City, Kans.	17	151,829	2, 4, 8, 11		4		Youngstown	36	372,428	13		1	
Knoxville	91	132,027		4									
Launceston	94	110,356	6		1								
Lansing	109	98,191	10, 12		2								
Lincoln	98	126,724	3, 6, 8, 10		4								
Little Rock	3	2,904,596	2, 4, 5, 7, 9, 11, 13		7								
Los Angeles	33	434,408	5, 9		2								
Louisville													
Lowell	45	334,969	6		1								
Lawrence													
Haverhill													

of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.620 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of a

television station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of a television broadcast station will be considered unless there is on file with the Commission,

the information currently required by §§ 1.341-1.344 of this section, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of a television station license as essential to the



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

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

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

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

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

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

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

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

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

#### RULES RELATING TO LICENSING POLICIES

§ 3.631 *Exclusive affiliation of station.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied with a network organization<sup>1</sup> under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

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

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

§ 3.634 *Option time.* No license shall be granted to a television broadcast station which options<sup>2</sup> for network pro-

grams any time subject to call on less than 56 days' notice, or more time than a total of 3 hours<sup>3</sup> within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.<sup>4</sup> Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

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

§ 3.636 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control<sup>5</sup> of a network organization, for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.637 *Dual network operation.* No license shall be issued to a television broadcast station affiliated with a network organization which maintains more

hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

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

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

<sup>4</sup> 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.

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

<sup>2</sup> As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or



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.

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

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

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

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

§ 3.641 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license,

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

or transfer of control of a corporate licensee shall be granted or authorized to a television broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate li-

cence, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

#### RULES RELATING TO EQUIPMENT

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

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

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

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

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

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

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

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

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

(2) The transmission of regular programs during maintenance or modifica-



tion<sup>1</sup> work on the main transmitters necessitating discontinuance of its operation for a period not to exceed five days.

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

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

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

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

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

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

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

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

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

(a) No changes in equipment shall be made:

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

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

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

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

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

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

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

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

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

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

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

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

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

#### RULES RELATING TO TECHNICAL OPERATION

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

mediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

(b) The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes.

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

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

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

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

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

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

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

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

§ 3.666 *Operating power; how determined.* The operating power, and the requirements for maintenance thereof, of each television broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations.



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

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

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

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

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

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

§ 3.670 *Discontinuance of operation.* The licensee of each station except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

#### OTHER RULES RELATING TO OPERATION

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

(a) In the program log:

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

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

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

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

(b) In the operating log:

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

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

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

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

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

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

(iii) Frequency monitor reading.

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

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

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

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

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

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

(i) Nature of such failure.

(ii) Time the failure was observed.

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

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

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

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

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

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

§ 3.682 *Logs, retention of.* Logs of television broadcast stations shall be retained by the licensee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

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

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

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

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

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



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

§ 3.688 *Mechanical reproductions.*

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

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

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

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

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from

whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) 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.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) 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 one of the television broadcast stations carrying the program.

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

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

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

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

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford

equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

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

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

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

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

(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 certi-

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

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



fication of consent of the licensee of the station originating the program.<sup>10</sup>

#### SUBPART F—RULES GOVERNING INTERNATIONAL BROADCAST STATIONS

##### DEFINITION OF INTERNATIONAL BROADCAST STATIONS AND ALLOCATION OF FACILITIES

§ 3.701 *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned (between 6000 and 21700 kilocycles) for broadcasting by international agreement.)

§ 3.702 *Frequency assignments.* (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

(In kilocycles)

Group A	Group B	Group C	Group D	Group E	Group F
6040	9530	11710	15130	17750	21490
6060	9550	11730	15150	17760	21590
6080	9570	11790	15210	17780	21520
6100	9590	11820	15250	17800	21540
6120	9650	11830	15270	17830	21570
6140	9670	11870	15330	21590	21610
6170		11890	15350		21630
6190					21650

<sup>1</sup> Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that the authorizations for these frequencies may be modified by the Commission to delete these frequencies without advance notice or hearing.

<sup>2</sup> Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that there shall be no commercial or advertising announcements of any kind in the programs broadcast through the medium of these frequencies, and that the names of program sponsors shall not be broadcast.

(b) Additional frequencies allocated by international agreement may be assigned to international broadcast stations subject to the conditions that no objectionable interference results to the service of foreign international broadcast stations which, in the opinion of the Commission, have priority of assignment.

(c) Any frequency licensed to an international broadcast station shall also be available for assignment to other international broadcast stations, provided no objectionable interference is caused to the service of any United States international broadcast station.

(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) without a showing of technical necessity.

<sup>10</sup> By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.691 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by U. S. Government radio stations.

<sup>11</sup> Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

##### RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.711 *Application for international broadcast stations.* Each applicant for a construction permit for a new international broadcast station, change in facilities of any existing international broadcast station, or international station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new international station, Form FCC No. 309 should be filed; for an international station license, Form FCC No. 310 should be filed; for modification of an international station license or for change in facilities of an existing international station, Form FCC No. 312 should be filed.

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

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

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

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

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known

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

§ 3.716 *Equipment tests.* (a) Upon completion of construction of an international station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

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

(c) The Commission may grant extensions of time upon showing of reasonable need therefor.

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

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

(c) The authorization for tests embodied in this section or § 3.716 shall not be construed as constituting a license to operate but as a necessary part of the construction.

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

§ 3.719 *License, simultaneous modification and renewal.* When an applica-



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

§ 3.720 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an international broadcast station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of an international broadcast station will be considered unless there is on file with the Commission, the information currently required by sections 1.341-1.344, reference to which by date and file number shall be included in the application.

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

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

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

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

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

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

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

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

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

#### RULES RELATING TO LICENSING POLICIES

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necessary program sources are available to the applicant to render an effective international service.

(c) That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.<sup>2</sup>

<sup>2</sup> See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, art. 7. Prior to September 1, 1939, and thereafter see Cairo General Radio Regulations, art. 7, annexed to

(d) That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.

(e) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(f) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

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

#### RULES RELATING TO EQUIPMENT

§ 3.751 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 percent of the assigned frequency.

§ 3.753 *Antenna.* The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

§ 3.754 *Frequency monitors.* (a) The licensee of each international broadcast station shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

§ 3.755 *Modulation monitors.* The licensee of each international broadcast station shall have in operation at the transmitter a modulation monitor.

§ 3.756 *Required transmitter performance.* The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

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

the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.



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

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

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

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

(2) The transmission of regular programs during maintenance or modification<sup>3</sup> work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

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

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

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

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

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

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

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

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of good engineering practice.

**§ 3.759 Changes in equipment and antenna system.** Licensees of international broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

<sup>3</sup> This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this section.

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

(b) Specific authority, upon filing formal application (Form FCC No. 312) therefor, is required for any of the following changes:

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

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

(3) Change in the location of the transmitting antenna

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

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

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

(c) Other changes, except as above provided for in this section may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

#### RULES RELATING TO TECHNICAL OPERATION

**§ 3.761 Time of operation** (a) All international broadcast stations will be licensed for unlimited time operation except as may be directed by the Commission from time to time. In an emergency, however, when due to causes beyond the control of the licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

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

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

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

**§ 3.764 Operator requirements.** One or more licensed radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an international broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance

with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

**§ 3.765 Operating power; how determined.** The operating power, and its maintenance, of each international broadcast station shall be in conformity with good engineering practice.

**§ 3.766 Modulation.** The percentage of modulation of the transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 50 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

**§ 3.767 Frequency tolerance.** The operating frequencies of international broadcast station transmitters shall be maintained within .005% of the assigned frequencies.

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

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

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

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

**§ 3.769 Discontinuance of operation.** The licensee of each station, except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition



tion to notifying the engineer of intention to discontinue operation immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

#### OTHER RULES RELATING TO OPERATION

§ 3.781 *Logs.* The licensee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

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

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

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

(b) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(1) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of 2 years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(2) If the broadcast is in a language other than English the licensee shall furnish the Commission upon request such record and scripts together with complete translations in English.

(c) In the operating log:

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

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

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

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

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

(ii) Frequency monitor reading.

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

(d) When an antenna or antenna-supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of § 3.768 as follows:

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

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

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

(i) Nature of such failure.

(ii) Time the failure was observed.

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

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

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

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

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

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

§ 3.782 *Logs, retention of.* Logs of international broadcast stations shall be retained by the licensee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

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

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

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

§ 3.786 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be

preserved and made a part of the complete log.

§ 3.787 *Station identification.* (a) A licensee of an international broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour.

(b) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

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

§ 3.788 *Service; commercial or sponsored program.* (a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding, and co-operation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs: *Provided, That:*

(1) Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

(2) In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with paragraph (c) of this section.

(3) In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with paragraph (c) of this section.

(4) In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

(5) In case of any other type of advertising, such advertising is directed to the

\*Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

\* The Commission on July 14, 1939, suspended the operation of § 3.788 (a) until further order of the Commission.



foreign country or countries and to which the program is directed in accordance with paragraph (c) of this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided*, The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency: *And provided further*, That in the case of chain broadcasting<sup>\*</sup> the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

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

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films,

records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) 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.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) 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 one of the international broadcast stations carrying the program.

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

§ 3.790 *Rebroadcast.* (a) The licensee of an international broadcast may, without further authority of the Commission, rebroadcast the program of a United States standard, noncommercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>\*</sup> (See § 3.788 concerning commercial announcements.)

(b) No licensee of an international broadcast station shall rebroadcast the programs of any other class of United States radio station without written authority having first been obtained from the Commission.

(c) A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American continent without permission from the Commission: *Provided*, That the station rebroadcasting the programs cannot be received consistently in the United States.

§ 3.791<sup>\*</sup> *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

<sup>\*</sup> The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

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

<sup>\*</sup> Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

<sup>\*</sup> See sec. 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."







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#### NOTICE

This form should be completed and forwarded to the Federal Communications Commission, Washington, D. C., and upon receipt of same, any amendment to this Part of the Rules and Regulations adopted after the date of this publication will be mailed to the addressee indicated, except as noted below.<sup>1</sup>

Part No. -----

Effective date -----

Revised date -----

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Name

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Address

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City

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State

All new rules and amendments to the Rules and Regulations adopted by the Federal Communications Commission are also printed in the Federal Register and are available in this form for reference or use by interested parties.

<sup>1</sup> Purchasers of this part will be advised where a particular amendment may be obtained including the cost if not available from the F. C. C.











