

# FCC RULES AND REGULATIONS FOR BROADCAST SERVICES

Selected Sections as Amended to Jan. 1, 1956. Compiled With the Cooperation of Pike & Fischer Inc., publishers of Pike & Fischer Radio Regulation.

## Allocations and Definitions

### IN AM RULES<sup>1</sup> . . .

§3.1 *Standard broadcast station*.—The term "standard broadcast station" means a station licensed for the transmission of radio-telephone emissions primarily intended to be received by the general public and operated on a channel in the band 535-1605 kilocycles, inclusive.

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

§3.3 *Standard broadcast channel*.—The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

§3.4 *Dominant station*.—The term "dominant station" means a class I station, as 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.

[EDITOR'S NOTE: On March 11, 1954, the FCC proposed to amend this section to specify that "nighttime" means that period from local sunset to local sunrise.]

§3.8 *Sunrise and sunset*.—The term "sunrise and sunset" means for each particular location and during any particular month, the time of sunrise and sunset as specified in the instrument of authorization.

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

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

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

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

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

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

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

### Allocations—(AM)

§3.21 *Three classes of standard broadcast channels*.

(a) *Clear channel*: A "clear channel" is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas.

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

(c) *Local channel*: A "local channel" is one on which several stations 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 sta-

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(EDITOR'S NOTE: For convenience, rules for am and fm have been consolidated under the above general headings.)

tions on the same channel in accordance with the channel designation in section 3.25 or in accordance with the Engineering Standards of Allocation. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see section 3.25 (a) for further power limitation.)

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

[EDITOR'S NOTE: Since 1945 the FCC has been considering various changes in the Clear Channel assignments, including the question of daytime skywave. As of Jan. 1 this policy was still pending a final FCC decision.]

(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>2</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 Engineering Standards of Allocation.

(2) *Class III-B station*: A "class III-B station" is a class III station which operates with a power not less than 0.5 kilowatt and not more than 1 kilowatt night and 5 kilowatts daytime, and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(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.

[EDITOR'S NOTE: On March 11, 1954, the FCC proposed to amend this section in line with its proposed new definition of "nighttime." See Sec. 3.7 above. It also proposes other changes.]

(c) "Daytime" permits operation during the hours between average monthly local sunrise and average monthly local sunset. 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 section 3.71.) Specified hours stations operat-

ing 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>3</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 interferences. 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.

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

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

§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 and there may be assigned one or more class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200 and 1210 kilocycles. There also may be assigned to these frequencies class I stations operating unlimited time in Alaska, Hawaii, Virgin Islands and Puerto Rico which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States. The power of the class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned class I and class II stations: 680, 710, 810, 850, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1540, 1550, and 1560 kilocycles.

(c) For class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 per cent time skywave at any point on Canadian border and provided that such stations operating nighttime (i.e. sunset to sunrise at the location of the class II station) are located not less than 650 miles from the nearest Canadian border: 540, 690, 740, 860, 990, 1010, and 1580 kilocycles.

(d) In continental United States, for class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the Mexican border, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, for class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 per cent time skywave at any point on the said border: 730, 800, 900, 1050, 1220 and 1570 kilocycles.

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

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

§3.28 *Assignment of stations to channels*.—(a) The individual assignments of stations to channels which may cause interference to other United States stations only shall be made in accordance with the provisions of this Part and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation.")

(b) In all cases where an individual station assignment may cause interference with or may in-

volve 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.<sup>10</sup>

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

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

**IN FM RULES . . .**

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

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

§3.202 *Areas of the United States.*—For the purpose of allocation the United States is divided into two areas. The first area—Area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.<sup>11</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 coverage of a class A station shall be not more than the equivalent<sup>12</sup> 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. A class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning Fm Broadcast Stations shall determine the minimum coverage of a class A station. Class A station will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

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

Frequency	Channel	Frequency	Channel	Frequency	Channel
92.1	221	96.7	244	102.3	272
92.7	224	97.7	249	103.1	276
93.5	228	98.3	252	103.9	280
94.3	232	99.3	257	104.9	285
95.3	237	100.1	261	105.5	288
95.9	240	100.9	265	106.3	292
		101.7	269	107.1	296

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

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

(d) In the Territory of Alaska the frequency band 88-108 mc is allocated to Government radio services and the non-Government fixed service only. The frequencies 83.1 mc through 99.9 mc (channels 201 through 260 inclusive) will not be assigned in the Territory of Alaska for use by fm broadcast stations.

§ 3.204 *Class B Stations.*—(a) A class B station is a station which operates on a class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a class B station will not be protected beyond the 1 mv/m contour; however, class B assignments will be made in a manner to insure, insofar as possible, a maxi-

mum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for class B stations shall be 1 kw or greater. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning Fm Broadcast Stations shall determine the minimum coverage of a class B station. In the following sub-sections, antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning Fm Broadcast Stations.

(1) The coverage of a class B station in Area I shall be not more than the equivalent<sup>12</sup> of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.<sup>13</sup> A class B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a class B station in Area II shall normally be not more than the equivalent<sup>12</sup> of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.<sup>13</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, except as provided in paragraphs (c) and (d) of this section are designated as class B channels and are assigned for use by class B stations.

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

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

(d) In the Territory of Alaska the frequency band 88-108 mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 83.1 mc through 99.9 mc (channels 201 through 260 inclusive) will not be assigned in the Territory of Alaska for use by fm broadcast stations.

**Multiple Ownership**

**IN AM RULES . . .**

§3.35 *Multiple ownership.*—No license for a standard broadcast station shall be granted to any party (including all parties under common control<sup>14</sup>) if

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

(2) such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of area served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations.<sup>15</sup>

**IN FM RULES . . .**

§3.240 *Multiple ownership.*—No license for an fm broadcast station shall be granted to any party (including all parties under common control<sup>14</sup>) if

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

(2) such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates controls, or has any interest in, or is an officer or director of any other fm broadcast station if the grant of such license would result in a concentration of control of fm broadcasting in a manner inconsistent with public interest, convenience or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven fm broadcast stations.<sup>15</sup>

**Studio Location Originations**

**IN AM RULES . . .**

§3.30 *Station location and program origination.*—(a) Except as provided in subsection (b) below, each standard broadcast station will be licensed to serve

primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located, provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network two-thirds of such station's non-network program whichever is smaller shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that such place meets all the requirements of the Rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in subsection (a) above would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in subsection (a) above shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

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

§3.31 *Authority to move main studio.*—The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough of city, state, district, territory, or possession in which it is located without first making written application<sup>16</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.

**IN FM RULES . . .**

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

"The transmitter of each fm broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located in accordance with the Standards of Good Engineering Practice Governing 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."]

**Operating Schedules**

**FOR AM STATIONS . . .**

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

§3.76 *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. [EDITOR'S NOTE: See "Time: Time Changes," below.]

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



Nautical Almanac, issued by the Nautical Almanac Office of the United States Naval Observatory.

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

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

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

**Time: Time Changes**

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

§3.84 *Daylight saving time.*—If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight saving time, and not standard time, as long as daylight saving time is observed at such location. This provision shall govern when the time is changed by provision of law or general observance of daylight saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the 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.

§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.

**Pre-Sunrise Operation**

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

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

(2) Any class II station causing interference<sup>17</sup> by use of its daytime facilities within the 0.5 mv/m 50% skywave contour of any class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (a) where the class I station is located east of the class II station, in which case operation may begin at local sunrise at the class I station; (b) where an agreement has been reached with the class I station to begin operation prior to local sunrise.

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

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

(c) Nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation except as herein provided.

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

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

**FOR FM STATIONS . . .**

§3.261 *Time of operation.*—All fm broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours

of 6 a.m. to midnight consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the fm broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see § 3.293-3.295) shall not be included in meeting this 36-hour broadcast requirement. In an emergency, however, when due to causes beyond the control of the licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§3.262 *Experimental operation.*—The period between 1:00 a.m. and 6:00 a.m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any fm broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization by the Commission.

**Operator Requirements**

**IN AM RULES . . .**

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

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified below, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation.<sup>18</sup> Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following: (1) Those necessary to commence or terminate transmitter emissions as a routine matter. (2) Those external adjustments that may be required as a result of variations of primary power supply. (3) Those external adjustments which may be necessary to insure modulation within the limits required. (4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization. Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of radiotelephone first-class operator, shall be required to terminate the station's emissions.

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

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

**IN FM RULES . . .**

§3.265 *Operator requirements.*  
[EDITOR'S NOTE: Substantially the same as §3.165.]

**Facsimile**

§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. Such transmissions may not exceed one hour during the period between 7 a.m. and midnight (no limit for the hours between midnight and 7 a.m.) and may not be counted toward the minimum operation required by section 3.261. The Commission shall be notified by the licensee of the fm broadcast station of its intent to transmit such facsimile.

(b) Fm broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning Fm Broadcast Stations; provided that the transmission of such facsimile does not reduce the quality of aural programs simultaneously transmitted by the licensee below that required by the Standards of Good Engineering Practice Concerning Fm Broadcast Stations and that no degradation of such aural programs will result from

such facsimile transmissions when received on fm receivers not equipped with filter or other additional equipment.

**Network Affiliation**

**IN AM RULES . . .**

§3.101 *Exclusive affiliation of station.*—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, expressed or implied, with a network organization<sup>19</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 two years; provided, that a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

§3.104 *Option time.*—No license shall be granted to a standard broadcast station which options<sup>20</sup> for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours<sup>21</sup> within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments as follows: 8:00 a.m. to 1:00 p.m.; 1:00 p.m. to 6:00 p.m.; 6:00 p.m. to 11:00 p.m.; 11:00 p.m. to 8:00 a.m.<sup>22</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>23</sup>—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control<sup>24</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 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.

**IN FM RULES . . .**

§3.231-3.238, inclusive—  
[EDITOR'S NOTE: Same as §3.101-3.108, above with the following exceptions: (1) references are to fm rather than standard stations and networks; and (2) the section on "Network Ownership of Stations" is changed to read as follows:

§3.236 *Network ownership of stations.*—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common controls<sup>25</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.]

**Reports to be Filed<sup>26</sup>**

**ALL BROADCAST STATIONS . . .**

§1.341 *Financial report, broadcast licensees and permittees.*—Each licensee of a broadcast station (standard, fm, television, and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission or

or before April 1 of each year on Form 324, broadcast revenue and expense statements for the preceding calendar year together with a statement as to investments in tangible broadcast property as of December 31 of such calendar year.

**§1.342 Filing of contracts, broadcast licensees and permittees.**—Each licensee or permittee of a standard, fm, television, or international broadcast station shall file with the Commission within 30 days of execution thereof copies of the following contracts, instruments and documents, together with amendments, supplements and cancellations. The term "contract" as used herein includes any contract, express or implied, oral or written. The substance of oral contracts shall be reported in writing:

(a) Contracts relating to network service. This provision does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, contracts granting the right to broadcast music such as ASCAP, BMI or SESAC agreements. Transcription agreements or contracts for the supplying of film for television stations which do specify option time must be filed.

(b) Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee, or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control. All contracts, instruments and documents exempted from the requirements of §1.343 of the rules are similarly exempted here. The term "stock" includes any interest in legal or beneficial, right or privilege in connection with stock. The terms "officers" and "directors" include the comparable officials of unincorporated associations. This provision is limited to the following:

- (1) Articles of partnership, association and incorporation and changes in such instruments.
- (2) Bylaws and any instruments affecting changes in such bylaws.
- (3) Any agreement, document or instrument affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock, (common or preferred, voting or non-voting stock) such as (i) agreements for transfer of stock, (ii) instruments for the issuance of new stock, (iii) or agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Options to purchase stock, pledges, trusts agreements, and other executory agreements are required to be filed.
- (4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instruction binding the recipient to act in a specified manner, with respect to the latter proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted; provided, however, that when the permittee or licensee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors or who have one percent or more of the corporation's stock. In cases where the permittee or licensee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold one percent or more of the corporation's stock, the only information required to be filed is the name of any person voting one percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the aforesaid shares were voted by proxy.
- (5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.
- (6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation other than the licensee or permittee having an interest, direct or indirect, in the licensee or permittee as specified by §1.343 of the rules.

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

(d) Contracts relating to functional music operations such as "storecasting," "transitcasting," "background music," and similar services. This provision does not require the filing of contracts granting functional music licensees or permittees the right to broadcast copyright music.

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

(f) Contracts relating to the utilization in a management capacity of any persons other than an officer, director, or regular employee of the licensee or permittee station, and management contracts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses. With the above exceptions, this provision does not require the filing of agreements with persons regularly employed as general or station managers or salesmen, contracts with program managers or program personnel, contracts with chief engineers or other en-

gineering personnel, contracts with consulting radio engineers, attorneys, or accountants, contracts with performers, contracts with station representatives, contracts with labor unions, or any similar agreements. It does require the filing of management consultant agreements with independent contractors.

**§1.343 Ownership reports, broadcast licensees and permittees.**—(a) The licensee of each broadcast station shall file an Ownership Report (FCC Form 323) at the time, the application for renewal of station license is required to be filed: Provided, however, that licensees owning more than one standard, fm or television broadcast station shall file the Ownership Report together with the first application for renewal of station license filed on or after February 1, 1954, and at three-year intervals thereafter. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

- (1) In the case of an individual, the name of such individual.
- (2) In the case of a partnership, the names of the partners and the interests of each partner.<sup>27</sup>
- (3) In the case of a corporation or association: (i) Capitalization, with a description of the classes and voting power of stock authorized and the shares of each class issued and outstanding; (ii) the name, residence, citizenship, and stockholdings of officers and directors, and stockholders; (iii) full information with respect to the interest and identity of any person whether or not a stockholder of record, having any interest, direct or indirect, in the licensee or any of its stock.

**FOR EXAMPLE:**

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

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

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25% or more of the stock of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the stock of Y and so on back to natural persons.

(d) Full information as to family relationship or business association between two or more officials and/or stockholders.

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

(b) A supplemental ownership report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change<sup>27, 28</sup> occurs in the information required by the ownership report (the application or construction permit in the case of a permittee who has not filed an ownership report) from that previously reported. Such report shall include without limitation:

- (1) Any change in capitalization or organization.
- (2) Any change in officers and directors.
- (3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as (i) a transfer of stock (ii) issuance of new stock or disposition of treasury stock, (iii) acquisition of licensee's or permittee's stock by the issuing corporation.

(4) Any change in the officers, directors or stockholders of a corporation other than the licensee or permittee such as X, Y or Z Corporation described in the example above; provided however, that in the case of a change in the officers, directors or stockholders of a corporation other than the licensee or permittee (such as X, Y or Z Corporation described in the example above), such change need not be reported in the supplemental report unless that corporation directly or indirectly owns 25% or more of the voting stock in the licensee or permittee.<sup>28</sup>

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

**§1.344 Definitions of terms used in section 1.341-1.343.**—As used in sections 1.341-1.343.

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

(b) "Officer" or "director" shall include the comparable officials in unincorporated associations.

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

## License Renewals

### GENERAL . . .

**§1.320 Application for renewal of license; broadcast and nonbroadcast.**—(a) Unless otherwise directed by the Commission, each application for renewal of

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license of a standard broadcast, fm broadcast, non-commercial educational fm broadcast, and television broadcast station and an auxiliary broadcast station (remote pickup broadcast, broadcast STL, television pickup, television STL and television inter-city relay) shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of a nonbroadcast station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station<sup>30</sup> will be considered unless there is on file with the Commission the information currently required by sections 1.341-1.344, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a 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.

(c) The following application forms should be used:

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

#### IN AM RULES . . .

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

[EDITOR'S NOTE: Expiration dates for licenses began Aug. 1, 1951 for stations in Delaware and Pennsylvania; are listed chronologically thereafter for stations in groups of other states down to June 1, 1954 for stations in New Jersey and New York.]

#### IN FM RULES . . .

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

[EDITOR'S NOTE: Expiration dates for licenses began Aug. 1, 1951 for stations in Delaware and Pennsylvania, are listed chronologically thereafter for stations in groups of other states down to June 1, 1954 for stations in New Jersey and New York.]

### Station Identification

#### IN AM RULES . . .

§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, operatic production or forum of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such an announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program; *provided,* that an announcement within 5 minutes of the time specified in subdivision (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 subdivision (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 subdivision (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 in §3.287 of the Commission's Rules Governing Fm Broadcast Stations.

#### IN FM RULES . . .

§3.287 *Station identification.*—(a) A licensee of an fm broadcast station shall make separate station identification announcement (call letters and location) for such station; *provided, however,* that if the same licensee operates an fm radio broadcasting station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the fm station do not clearly reveal that it is an fm station, the point 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,*

[EDITOR'S NOTE: Remainder is identical with paragraphs (b), (c), (d), (e), and (f) of §3.187 above.]

### Sponsored Programs

(Announcement of)

#### IN AM RULES . . .

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

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

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

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

#### IN FM RULES . . .

§3.289. [EDITOR'S NOTE: Identical with §3.189 above.]

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

### Recordings and Transcriptions

(Identification of)

#### IN AM RULES . . .

§3.188 *Mechanical records.*<sup>31</sup>—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 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.

#### IN FM RULES . . .

§3.288—[EDITOR'S NOTE: Identical with §3.188, above.]

### Political Broadcasts

#### FOR AM AND FM<sup>32</sup>

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

(1) has qualified for a place on the ballot or (2) is eligible under the applicable law to be voted by sticker, by writing in his name on the ballot, or other method, and (1) has been duly nominated by a political party which is commonly known and regarded as such, or (2) makes a substantial showing that he is a *bona fide* candidate for nomination or office, as the case may be.

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

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

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

### Rebroadcasts

#### IN AM RULES . . .

§3.191 *Rebroadcast.*—(a) The term "rebroadcast" means reception by radio of the program<sup>33</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>34</sup>

(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.<sup>35</sup>

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

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

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

(d) No licensee of a standard or high frequency broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.<sup>36, 37, 38</sup>

(e) In case of a program rebroadcast by several standard broadcast stations, such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of the station originating the program.

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

No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or

apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.<sup>29</sup>

**IN FM RULES . . .**

§3.291—[EDITOR'S NOTE: Identical in terms with §3.191, above, with two exceptions: Paragraph (e) of §3.191 is deleted in §3.291, and Paragraph (b) relates to rebroadcast of programs of U.S. "standard, fm or noncommercial educational" stations.]

**Revocations, Modifications, Suspensions OF STATION LICENSES (ALL CLASSES)**

§1.401 *Notice of violations.*—Any licensee who appears to have violated any provision of the Communications Act of 1934 or of the Rules and Regulations of the Federal Communications Commission, shall be served with a notice calling the facts to his attention and requesting a statement concerning the matter. Within three days from receipt of such notice or such other period as may be specified, the licensee shall send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission such identification shall be given as will permit ready identification thereof. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

**§1.402 Revocation of station licenses and construction permits and issuance of cease and desist orders.**

—(a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in section 312(a) of the Communications Act of 1934, as amended, or a cease and desist order should be issued for any of the reasons specified in section 312(b) of the Act, the Commission will issue an order directing the licensee, permittee or person to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

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

(c) In order to avail himself of the opportunity to appear before the Commission at the time and place stated in the show cause order to give evidence upon the matter specified therein, the licensee, permittee or person, in person, or by his attorney, shall within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the matter specified in the order.

(d) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of subparts F and G of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order, or authorize the hearing examiner to specify by subsequent order, times within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument, less than those specified in § 1.853 and 1.854 of the Rules.

(e) If the licensee, permittee or person does not desire to appear before the Commission and give evidence upon the matter specified in the show cause order, he shall, within 30 days of the receipt of the order or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written waiver of hearing. Such waiver, which shall include the name of the licensee, permittee or person to whom the show cause order was addressed, the call letters of his station, if any, and the docket number of the proceeding, may be accompanied by a statement of reasons why the licensee, permittee or person believes that an order of revocation or a cease and desist order, as the case may be, should not be issued.

(f) If the licensee, permittee or person fails timely to respond to an order to show cause or fails to

appear at a hearing, such failure will be deemed a waiver of hearing.

(g) If the licensee, permittee or person waives a hearing in accordance with the provisions of subsection (e) of this section and fails to submit a statement therewith showing why he believes an order of revocation or a cease and desist order should not be issued, or if he is deemed to waive a hearing in accordance with the provisions of subsection (f) of this section, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued by the Commission invoking the sanction specified in the order to show cause. If a hearing is waived pursuant to subsection (e) of this section but a written statement as to why an order of revocation or cease and desist order should not be issued is submitted, the Commission will, on the basis of the facts before it as supplemented by such written statement, issue a decision stating its reasons for invoking the sanction specified in the order to show cause or for dismissing the proceeding, as the case may be; provided, that where the written statement contains factual allegations contrary to those upon which the show cause order was based the Commission may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceeding for oral hearing. The decisions of the Commission referred to in this subsection shall have the same effect as an initial decision and the procedure to be followed thereafter shall be the same as in the case of an initial decision issued in the course of the regular hearing procedure.

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

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

**OF OPERATOR LICENSES . . .**

§1.404 *Suspension of operator licenses.*—Whenever it appears that grounds exist for suspension of an operator license, as provided in section 303 (m) of the Act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, pursuant to authority delegated by the Commission, issues an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be pursuant to authority delegated by the Commission, and said order of suspension shall be held in abeyance until the conclusion of the hearing, which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

**Lotteries**

**FOR ALL STATIONS . . .**

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

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

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

Each day's broadcasting shall constitute a separate offense.

**Censorship**

**FOR ALL STATIONS . . .**

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

**Indecent Language**

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

**Transfers and Assignments**

**VOLUNTARY . . .**

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

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

- (1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;
- (2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;
- (3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;
- (4) There is corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;
- (5) There is an involuntary transfer to an executor, administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the executor, administrator or other court appointed officers to the ultimate beneficiary;
- (6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;
- (7) There is an assignment of less than a controlling interest in a partnership.

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

**INVOLUNTARY TRANSFERS AND ASSIGNMENTS**

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

- (a) the Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and
- (b) within thirty days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or



license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in sections 1.321 and 1.322. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

## Footnotes

<sup>1</sup> Other definitions which may pertain to standard broadcast stations are included in sections 2.1 and 2.102 and the Communications Act of 1934, as amended.

<sup>2</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>3</sup> Formal applications required. See Standards of Good Engineering Practice for number.

<sup>4</sup> See money required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers.

<sup>5</sup> Class I and II stations on this frequency shall deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and such stations operating nighttime (i.e., sunset to sunrise at the location of the class II station) shall be located not less than 650 miles from the nearest point of land in the Bahama Islands.

<sup>6</sup> A station on 1010 kilocycles shall also protect a class I-B station at Havana, Cuba.

<sup>7</sup> See North American Regional Broadcasting Agreement for use of this channel by a station in New York (Appendix I, Table IV).

<sup>8</sup> See agreement with Mexico for further use of this channel.

<sup>9</sup> See North American Regional Broadcasting Agreement for special provisions concerning the issuing 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.

<sup>10</sup> Pending action with respect to ratification and entry into force of the North American Regional Broadcasting Agreement, Washington, 1950 (referred to herein as NARBA), no assignment for a standard broadcast station will be made which would be inconsistent with the terms of that agreement. Remainder of footnote describes procedures to carry this out, also states that no assignments will be made conflicting with a duly notified station in nations not signatory to NARBA, i.e., Mexico and Haiti.)

<sup>11</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>12</sup> For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

<sup>13</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>14</sup> The word "control" as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

<sup>15</sup> In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1% or more of the outstanding voting stock.

<sup>16</sup> Formal application required (Form 301).

<sup>17</sup> As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

<sup>18</sup> A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a Conelrad Radio Alert is called, make adjustments necessary to effect operation on a Conelrad authorization; provided, that the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Conelrad operation.

<sup>19</sup> The term "network organization" as used herein includes national and regional network organizations. See Chapter VII, J, of Report on Chain Broadcasting.

<sup>20</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>21</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 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>22</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>23</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>24</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>25</sup> See footnote 24, above.

<sup>26</sup> EDITOR'S NOTE: Regarding reports filed in compliance with these sections, §0.206 (c) provides, in part: "The information filed under §1.341 and network and transcription contracts filed pursuant to §1.342 shall not be open to public inspection."

<sup>27</sup> Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest the application for Commission consent to such change may be made upon FCC Form No. 316 (Short Form).

<sup>28</sup> Before any change is made in the organization, capitalization, officers, directors, or stockholders of a corporation other than licensee or permittee, which results in a change in the control of the licensee or permittee, prior Commission consent must be received under section 310 (b) of the Communications Act and section 1.321 of the Commission's Rules.

<sup>29</sup> The 60-day requirement does not apply to amateurs.

<sup>30</sup> This requirement does not apply to noncommercial educational fm broadcast stations.

<sup>31</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, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast one hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a.m. and 10 p.m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission.

<sup>32</sup> Section 3.190, reprinted here, is from am rules. In fm it is 3.290.

<sup>33</sup> As used in section 3.191, program includes any complete program or part thereof, or any signals if other than A-3 emission.

<sup>34</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>35</sup> The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

<sup>36</sup> The broadcasting of a program relayed by a remote pickup broadcast station (section 4.401) is not considered a rebroadcast.

<sup>37</sup> Informal application may be employed.

<sup>38</sup> By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, section 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 U. S. Government radio stations.

<sup>39</sup> Formal application required. See Standards of Good Engineering Practice for form number.

## RADIO NEWS SERVICES

ASSOCIATED PRESS—50 Rockefeller Plaza, New York 20. Tel.: Plaza 7-1111. Executives: Frank J. Starzel, gen. mgr.; Oliver Gramling, asst. gen. mgr.; Lloyd Stratton, sec.; John Aspinwall, radio news ed. (Continuous worldwide news; business and market reports; specialized feature scripts; sports news, spot and commentary; for tv, AP Wirephoto or spot picture coverage.)

BRITISH UNITED PRESS LTD.—231 St. James St. W., Montreal, Que. Tel.: Plateau 9947. Philip R. Curran, gen. mgr.; Dennis Landry, exec. news ed.; N. M. MacLeod, asst. gen. mgr. and chief correspondent at Ottawa; Fred A. Darrell, com. mgr.; Willard D. Eberhart, bureau mgr.; T. G. McQuaid, radio ed.; James R. Nelson, news pictures; John Chartier, bus. rep.

BROADCAST NEWS LTD.—Subsidiary of Canadian Press, 55 University Ave., Toronto 1, Ont. Tel.: Empire 4-2692; Gillis Purcell, ch. exec.; Charles Edwards, mgr.; C. A. Day, treas. (Worldwide news and features to radio and tv stations by teletype.)

INTERNATIONAL NEWS SERVICE—235 E. 45th St., New York. Tel.: Murray Hill 7-8800. Executives: Kingsbury Smith, gen. mgr.; Philip G. Reed, asst. gen. mgr.; Barry Faris, ed.-in-chief; Paul R. Allerup,

mng. ed.; Robert W. Brown, bus. mgr.; Robert H. Reid, tv sales mgr.; John M. Cooper, radio-tv news dir.; Kenneth Smith, prom. mgr. (Worldwide news and news-feature coverage by 24-hour teletype printer; special facsimile circuit for tv stations carrying spot news and sports photos, with on-the-spot audio recordings, maps, weather maps and other visual aids for tv newscasts; daily tv news film; weekly tv newsreel; weekly sports reel.)

PRESS ASSN. (Associated Press subsidiary)—50 Rockefeller Plaza, New York. Tel.: Plaza 7-1111; Frank J. Starzel, pres.; Oliver Gramling, vp.; Lloyd Stratton, sec.

REUTERS LTD. OF LONDON—Times Bldg., 229 W. 43d St., New York. Tel.: Bryant 9-8558. D. K. Rogers, N. Amer. mgr.; C. B. Lynch, N. Amer. ed.

UNITED PRESS ASSNS. (Including United Press Movietone Television News and United Press Newspictures)—220 E. 42d St., New York 17. Tel.: Murray Hill 2-0400. Officers, New York: Hugh Baillie, chmn. of bd.; Frank H. Bartholomew, pres.-gen. mgr.; Earl J. Johnson, vp.-gen. news mgr.; Mims Thomason, vp.-gen. bus. mgr.; LeRoy Keller, vp.-gen. sls. mgr.; Frank Tremaine, vp.-gen. newspapers mgr. New York executives: John J. Madigan,

radio news mgr.; William C. Payette, tv mgr. Regional executives: Atlanta, James W. Russell, southern div. radio ed.; Jack Young, southern div. newspapers mgr.; Boston, Alan B. Wade, New England radio ed.; David Wurzel, New England newspapers mgr.; Chicago, Charles E. Ahrens, central div. radio ed.; Harold W. Gully, central div. newspapers mgr.; Dallas, Charles J. McCarty, southwestern div. newspapers mgr.; Denver, Weber F. Trout, western radio ed.; Los Angeles, William F. Tyree, Pacific div. tv ed.; San Francisco, Cliff McDowell, Pacific div. newspapers mgr.; Washington, Robert J. Serling, Washington radio bureau mgr.; W. R. Higginbotham, Washington tv ed. (Services, for radio: news, news features on sports; women's interests, of human interest; recreation, farming, business, science, religion, commentary and review of outstanding news events, national and international affairs, Sunday show. For tv, motion picture news film, comprising sound and silent film with teletyped scripts and 24-hour news wire; spot newspapers by Telephoto, Unifax [facsimile], mail, messenger or courier, 7x9, 8x10, 3x4, telop and balop prints; sports shows, weekend sports, sports reviews, baseball scoreboard, including cartoons; weather shows, weather maps, slides or film, with scripts.)