

FCC RULES AND REGULATIONS FOR FM BROADCASTING

The FCC Sept. 12 promulgated Subpart B of Part 3 of its Rules and Regulations containing rules concerning FM broadcasting. Subpart B now includes not only the rules and regulations which were set forth in the Commission's Report of August 24, 1945, but also those applicable to FM which are contained in Parts 1, 2 and 3 of the present rules and regulations. The result of this action is to gather in one place all of the rules and regulations governing the construction, licensing and operation of FM stations. Hereafter, any person who desires information about the Commission's rules concerning FM need secure only Subpart B of Part 3 and Part 1 which contains the Commission's Rules of Practice and Procedure.

It is the Commission's plan that eventually the rules governing television, standard broadcast, citizens' radio, and other radio services will be revised in the same manner as FM with the result that all of the applicable rules and regulations concerning a particular radio service will be found in one part. In this way persons interested in a particular radio service need look only in Part 1 (Rules of Practice and Procedure) and the particular part containing the rules and regulations concerning the specific service in question.

Subpart C of Part 3 of the Commission's Rules and Regulations is amended to read, "General Rules Applicable to Standard Broadcast Stations". Sections 3.201-3.213, 3.221-3.231, 3.241-3.248, 3.251-3.253, and Section 3.261 are repealed and the following rules are substituted therefor.

Subpart B—Rules Governing FM Broadcast Stations

CLASSIFICATION OF FM STATIONS AND ALLOCATION OF FREQUENCIES

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

Frequency Channel		Frequency Channel		Frequency Channel	
(Mc)	No.	(Mc)	No.	(Mc)	No.
88.1	1	94.7	34	101.3	67
88.3	2	94.9	35	101.5	68
88.5	3	95.1	36	101.7	69
88.7	4	95.3	37	101.9	70
88.9	5	95.5	38	102.1	71
89.1	6	95.7	39	102.3	72
89.3	7	95.9	40	102.5	73
89.5	8	96.1	41	102.7	74
89.7	9	96.3	42	102.9	75
89.9	10	96.5	43	103.1	76
90.1	11	96.7	44	103.3	77
90.3	12	96.9	45	103.5	78
90.5	13	97.1	46	103.7	79
90.7	14	97.3	47	103.9	80
90.9	15	97.5	48	104.1	81
91.1	16	97.7	49	104.3	82
91.3	17	97.9	50	104.5	83
91.5	18	98.1	51	104.7	84
91.7	19	98.3	52	104.9	85
91.9	20	98.5	53	105.1	86
92.1	21	98.7	54	105.3	87
92.3	22	98.9	55	105.5	88
92.5	23	99.1	56	105.7	89
92.7	24	99.3	57	105.9	90
92.9	25	99.5	58	106.1	91
93.1	26	99.7	59	106.3	92
93.3	27	99.9	60	106.5	93
93.5	28	100.1	61	106.7	94
93.7	29	100.3	62	106.9	95
93.9	30	100.5	63	107.1	96
94.1	31	100.7	64	107.3	97
94.3	32	100.9	65	107.5	98
94.5	33	101.1	66	107.7	99
				107.9	100

§ 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.¹ The second

¹ In some of the territory contiguous to Area I, the demand for frequencies may in the future exceed the supply and when it does this region will be added to Area I. Until then, this region will not be included in Area I but applications from this region will 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; the northern half of West Virginia; all of 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.

area—Area II—comprehends the remainder of the United States not included in Area I.

§ 3.203. Community Stations.—(a) Community stations are limited to a maximum effective radiated power of 250 w and a maximum antenna height of 250 feet over the average height of the terrain 10 miles from the transmitter. Upon proper showing that an antenna height in excess of 250 feet is necessary, authorization will be issued for such higher antenna but the Commission may in such cases require a reduction in radiated power. A minimum separation of 50 miles will be provided in the case of Community stations on the same channel and a minimum of 35 miles on adjacent channels.

(b) In Area I, 20 channels beginning with 104.1 mc and ending with 107.9 mc (Channels 81 through 100) are allocated for Community stations. All of these 20 channels are available in any community which is not the principal city of a metropolitan district. Ten of these channels are also available for assignment in principal cities of metropolitan districts which have fewer than 6 Metropolitan stations.²

² For the time being, until more FM stations are authorized, the Commission will not authorize Community stations in principal cities of metropolitan districts in Area I having 4 or more AM stations.

(c) In Area II, 10 channels beginning with 104.1 mc and ending with 105.9 mc (Channels 81 through 90) are available for Community stations and may be used in any community which is not the principal city of a metropolitan district.³

³ The 10 frequencies from 106.1 to 107.9 mc which are available for Community stations in Area I but not in Area II will be assigned in Area II in the future in accordance with the needs of the area as shown by future developments. In the meantime they will be available for facsimile.

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

§ 3.204. Metropolitan stations.—(a) In Area I, Metropolitan stations are limited to a maximum of 20 kw effective radiated power with a non-directional antenna having a height of 500 feet, as determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations. Where higher antenna heights are available, they should be used but in such cases the Commission will authorize less than 20 kw effective radiated power so that the coverage (within the 1000 uv/m contour) shall be substantially similar to that which would be provided by 20 kw effective radiated power and a 500 foot antenna. Where the only antenna height available is less than 500 feet, the Commission may authorize its use but will not permit an increase in radiated power in excess of 20 kw. In Area I, the service area of Metropolitan stations will not be protected beyond the 1000 uv/m contour and such stations will be located in such a manner as to insure, insofar as possible, a maximum of FM service to all listeners, whether urban or rural.

(b) Metropolitan stations in Area II are designed primarily to render service to a single metropolitan district or a principal city, and to rural areas surrounding such metropolitan district or principal city. The Commission will designate service areas for Metropolitan stations in Area II and will authorize appropriate power and antenna height to cover the designated area in accordance with the Standards of Good Engineering Practice concerning FM broadcast stations; upon proper showing changes will be made in these service areas.¹ Metropolitan

¹ In determining service areas for particular communities, the Commission will give consideration to population distribution, terrain, trade areas, economics and other pertinent factors, and applicants for Metropolitan stations in Area II should include in their applications a showing as to the service area the Commission should designate for the city in question. There are several current and recognized authorities on retail trading areas or consumer trading areas from which the applicant may prepare its showing and to which the Commission will give consideration in making its determination. Among these recognized authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas), and Hagastrom Map Co.'s Four Color Retail Trading Area Map.

stations will not be required to serve the entire service area designated by the Commission but no application will be granted for a Metropolitan station unless it is proposed to serve an area substantially greater than could be served by a Community station.

(c) Sixty frequencies are available for Metropolitan stations in Areas I and II. These frequencies begin at 92.1 mc and end at 103.9 mc (Channels 21 through 80).

(d) The main studio of a Metropolitan station shall be located within its 5000 uv/m contour. However, upon a special showing of need, the Commission may authorize the main studio to be located beyond the 5000 uv/m contour but not beyond the 1000 uv/m contour. The transmitter shall be so located as to provide maximum service both to the city where the main studio is located and to the surrounding rural area.

§ 3.205. Rural stations.—(a) Rural stations are designed primarily to furnish service to rural listeners. The service area of Rural stations may include the service areas designated by the Commission for Metropolitan stations upon a showing to the Commission that the additional area which the Rural station will serve is predominantly rural in character. As a guide, the Commission will consider that the additional area beyond the service area of a Metropolitan station which is proposed to be served, is predominantly rural in character if at least 50 percent of the population proposed to be added within the 50 uv/m contour live in rural areas or in communities smaller than 10,000.² Exceptions

² In making this computation, cities with populations in excess of 10,000 should be excluded if the signal in such cities is less than 500 uv/m.

to this rule will be permitted where a showing is made to the Commission that due to conditions of terrain or local factors, more extended service to unserved rural areas is possible by licensing Rural stations to serve an area which does not meet the above requirements than would otherwise be possible.

(b) Rural stations will not be licensed in Area I as presently defined. If in the future it becomes necessary to extend Area I by including part or all of the region set forth in footnote 2 of Section 3.201, consideration will be given at that time to the question whether Rural stations should be licensed in this region.

(c) The 60 channels available for Metropolitan stations are also available for Rural stations.

(d) The main studio of a Rural station shall be located within its 1000 uv/m contour. However, upon a special showing of need, the Commission may authorize the main studio to be located beyond the 1000 uv/m contour but not beyond the 50 uv/m contour.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.211. Application for FM stations.—Each applicant for a construction permit for a new FM broadcast station, change in facilities of any existing FM broadcast station, or FM station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new FM station, Form FCC No. 319 should be filed; (for an FM license, Form FCC No. 320 should be filed;) and for modification of an FM license or for change in facilities of an existing FM station, Form FCC No. 322 should be filed.

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

§ 3.213. Installation or removal of apparatus.—Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at

least 60 days prior to the contemplated removal and/or installation.

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

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

(b) Any application¹ for extension of time within which to construct a

¹ Form FCC No. 701.

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

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

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

(c) Within the 90-day period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcasting shall be submitted to the Commission. The Commission may grant extensions of time upon showing of reasonable need therefor.² The proof of performance specified in this subsection shall be made by Metropolitan and Rural stations only and need not be made by Community stations.

² Until further notice, the Commission will grant FM licenses before proof of performance is submitted. In such cases, proof of performance shall be submitted within one year after the license has been issued or within such extension of time as the Commission may for good cause grant.

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

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

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

§ 3.218 *Normal license period.*—All FM broadcast station licenses will be issued so as to expire at the hour of 3 a.m. E.S.T. and will be issued for a normal license period of 1 year.

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

§ 3.220 *Renewal of license.*—(a) Unless otherwise directed by the Commission, each application for renewal of an FM license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by Sections 1.301-1.304, reference to which by date and file number shall be included in the application.

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

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

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

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

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

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

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

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

RULES RELATING TO LICENSING POLICIES

§ 3.231 *Exclusive affiliation of station.*—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied with a network organization¹ under which the station is

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

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

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

§ 3.233 *Term of affiliation.*—No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 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.

§ 3.234 *Option time.*—No license shall be granted to an FM broadcast station which options² for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours³ within each of four

² 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.

³ All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

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 — p.m.; 11:00 p.m. to 8:00 a.m.⁴ Such options may not be exclusive as against other

⁴ 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.

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

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

§ 3.236 *Network ownership of stations.*—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control⁵ of a network organization, for an FM broadcast station

⁵ 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.

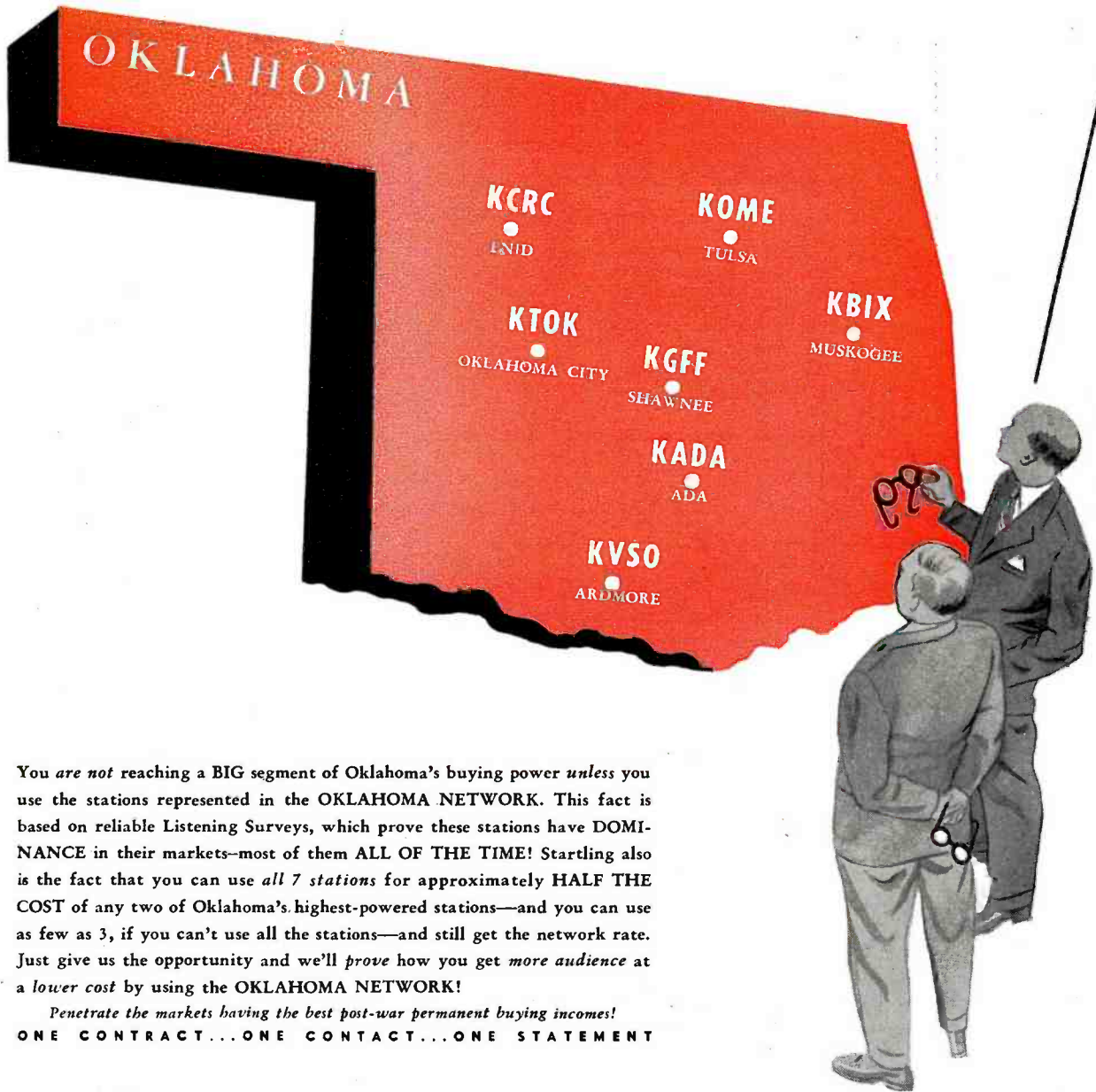
in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

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

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

§ 3.239 *Use of Common Antenna Site.*—No FM license or renewal of an FM

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license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (1) which is not available for use by other FM licensees; and (2) no other comparable site is available in the area; and (3) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM stations that can be authorized in a particular area or would unduly restrict competition among FM stations.

§ 3.240 *Multiple Ownership*.—(a) No person (including all persons under common control)¹ shall, directly or indirectly, own, operate, or control more than

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

one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

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

RULES RELATING TO EQUIPMENT

§ 3.251 *Transmitter power*.—The rated power and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice concerning FM Broadcast Stations.

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

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

§ 3.254 *Required transmitter performance*.—The construction, installation, operation, and performance of the FM broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice concerning FM Broadcast Stations.

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

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

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

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

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

(2) The transmission of regular programs during maintenance or modification¹ work on the main transmitter, necessitating discontinuance of its operation

¹This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request thereof shall be in accordance with section 1.865.

for a period not to exceed five days.

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

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 6 a.m. local standard time.

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

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

§ 3.256 *Alternate main transmitters*.—The licensee of a FM broadcast station may be licensed for alternate main transmitters provided that a technical need¹ for such alternate transmitters is shown and that the following conditions are met:

¹Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

conditions are met:

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

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

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

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

(a) No changes in equipment shall be made:

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

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

(b) Specific authority, upon filing formal application (Form FCC No. 322) therefore, is required for a change in service area or for any of the following changes:

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

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

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

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

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

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

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

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

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

RULES RELATING TO TECHNICAL OPERATION

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

§ 3.262 *Experimental Operation*.—The period between 12:00 midnight, and 6 a.m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

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

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

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

§ 3.266 *Facsimile broadcasting and Multiple transmission*.—Transmission of simple facsimile on FM channels in accordance with the Commission's Standards of Good Engineering Practice on facsimile may be permitted, upon application to the Commission, during hours not required to be devoted to FM aural broadcasting. The Commission may grant experimental authority to an FM station for the multiplex transmission of facsimile or other signals and aural broadcast programs, provided that the transmission of facsimile or other signals is incidental to the aural broadcast, does not reduce the quality of the aural program and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

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

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

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

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

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

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

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

OTHER RULES RELATING TO OPERATION

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

(a) In the program log:

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

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

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

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

(b) In the operating log:

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

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

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

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

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

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

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

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

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of section 3.240 as follows:

(1) The time the tower lights are turned on and off if manually controlled.
(2) The time the daily visual observation of the tower lights was made.
(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.
(ii) Time the failure was observed.
(iii) Time and nature of the adjustments, repairs or replacements made.
(iv) Airways Communication Station (CAA) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given.

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

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

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

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

§ 3.282 *Logs, retention of.*—Logs of FM stations shall be retained by the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

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

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

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

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

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

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

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

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

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

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

(c) Each such program of five minutes or less, consisting in whole or in part of mechanical reproductions shall be identified by appropriate announcement immediately preceding the use thereof.

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

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

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

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

program of five minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

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

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

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

§ 3.290 *Broadcasts by candidate for public office.*—

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

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

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

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

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

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

§ 3.291 *Rebroadcast.*—(a) The term "rebroadcast" means reception by radio of the program⁹ of a radio station, and the simultaneous or subsequent re-

⁹ As used in this section, program includes any complete program or part thereof.

transmission of such program by a broadcast station.¹⁰

¹⁰ In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or noncommercial education 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.¹¹

¹¹ 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 or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

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

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

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

(d) No licensee of an FM broadcast station shall rebroadcast the program of any United States radio station not designated in (b) or (c) above without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.¹²

¹² The broadcasting of a program relayed by a relay broadcast station or studio transmitter link is not considered a rebroadcast.

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

Appendix to Rules on page 96.