

Jack O'Neil



STATEMENT OF HOWARD T. HEAD, BEFORE THE
SUBCOMMITTEE ON COMMUNICATIONS AND POWER
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES

April 17, 1962

My name is Howard T. Head. I am a consulting radio and television engineer, a member of the firm of A. D. Ring and Associates, Washington, D. C. For over twenty years, our firm has specialized in providing professional engineering services to radio and television broadcasters, prospective broadcasters, the major radio and television networks, and others. We have undertaken professional engineering work for a clientele numbering in the hundreds, not only in this country, but throughout the world. We have done extensive professional engineering work for Radio Free Europe, Radio Liberty and the Voice of America.

I am appearing here today on behalf of WREC Broadcasting Service, Inc., licensee and operator of Radio Station WREC, Memphis, Tennessee, in opposition to H. R. 2745 and related bills. I would like to summarize for you the findings of engineering studies which we have made on behalf of WREC, showing the effect of permitting stations now licensed for daytime only operation to commence broadcasting prior to sunrise, and to continue operating after sunset, as contemplated in these pending proposals.

Station WREC has been on the air since September, 1922 when it first began operation at Coldwater, Mississippi. In

1926, the station was moved to Memphis, Tennessee, where it has operated continuously since that time. Station WREC has operated on its present frequency assignment of 600 kc since 1927, and has regularly employed the presently authorized power of 5000 watts since 1940.

As the Commission's witnesses have already explained in detail, radio stations operating during the hours of darkness have an inherent capacity for interfering with one another. Even when two transmitters are separated by substantial distances, a phenomenon known as skywave propagation produces interfering signals at distances of hundreds of miles which restrict the coverage of other stations to within a very few miles of the transmitter. This mode of propagation, which is largely absent during the hours of daylight, requires that stations operating during the hours of darkness employ directional transmitting antennas to beam the signals away from other stations in order to avoid or minimize this interference. Those stations which are unable or unwilling to employ directional transmitting antennas must be restricted to operation during daylight hours only, in order to avoid causing skywave interference.

WREC operates on 600 kc. In the continental United States, there are 14 stations licensed for unlimited time operation on 600 kc, all of which employ directional antennas at night. There are an additional 7 stations licensed for daytime only operation on 600 kc. All of the unlimited

time stations are licensed for nighttime operation with transmitting antenna systems which provide a high degree of protection to WREC, and permit WREC to render satisfactory interference-free service to its basic service area. The daytime only stations, however, are not equipped to suppress the signal toward WREC, nor toward other stations on the 600 kc channel, and these stations operating during the hours of darkness would cause widespread, destructive interference to the service now enjoyed by the listening public relying on WREC.

I have prepared a map to show the seriousness of the interference which would be caused to WREC if daytime only stations should be permitted to operate before sunrise and after sunset as proposed in these pending bills. This map shows within the outer line, bounded by the WREC 2.5 mv/m contour, the area within which WREC now enjoys interference-free service during the hours of darkness in accordance with the Commission's Rules and Regulations. Actually, this contour shown is the so-called "normally-protected" contour established by the Commission, and as a practical matter, cooperation among the stations licensed for nighttime operation on 600 kc in employing directional transmitting antennas to control interference results in less interference to WREC than indicated by this map. The WREC 2.5 mv/m contour includes 975,000 persons in an area of

8900 square miles.

If daytime only stations on 600 kc should be permitted to operate prior to sunrise or after sunset as contemplated in H. R. 2745 and other bills, these stations would interfere with the WREC reception in this area, which is now interference-free. The severity of the interference would depend upon the length of time before sunrise and after sunset that these stations were actually permitted to operate. This comes about because the skywave signal, which causes the interference from the daytime only stations to the unlimited time stations, does not set in abruptly, but continues to build up after sunset, approaching maximum severity about two hours after sunset. About two hours before sunrise, the skywave signals begin to grow weaker, although some skywave signals are often found to be present even near the middle of the day.

H. R. 2745 would permit daytime only stations to sign on as early as 6:00 A.M. and remain on the air as late as 6:00 P.M. without regard to the actual times of sunrise and sunset. This would mean that during the short winter days, the daytime only stations would be permitted to operate for as many as two and one-half hours of nighttime propagation conditions between 6:00 A.M. and 6:00 P.M. Because of the differences in time zone, daytime only stations, in many instances, may operate for as much as two hours before sunrise or two hours after sunset at the

location of the unlimited time station. Other pending bills would permit daytime only stations to sign on as early as 4:00 A.M. local time. This would permit operation in many instances for three hours or more before local sunrise at the location of the unlimited time station.

I have shown the calculated interference to WREC which would occur if the daytime only stations should operate prior to sunrise and after sunset. If daytime only stations should operate from 6:00 A.M. to 6:00 P.M., the interference to WREC would be substantial. This interference would cut back the WREC service to the contour on the map marked "6.2 mv/m". All of the area between the 2.5 mv/m and the 6.2 mv/m contours would be subject to interference or 230,000 persons residing in an area of 5500 square miles. If the daytime only stations should sign on as early as 4:00 A.M. local time, the interference would be even more extensive and the WREC service would be cut back to the contour marked "10.5 mv/m". This now represents a loss of service to 312,000 persons in an area of 7200 square miles.

It is frequently argued that interference losses such as shown on this map are largely imaginary, and that they do not actually occur in practice. I have brought with me a tape recording prepared personally by Mr. Hoyt B. Wooten, the President of WREC, showing the effect of this

interference at his home in Whitehaven, just south of Memphis, and well within the expected interference-free service area of WREC. This recording was made by Mr. Wooten to illustrate to the Commission the severity of interference received at his home, where the WREC signal is very strong and should be completely interference-free, from a single 1000 watt station in North Carolina over 300 miles away from Memphis, which was operating at that time under a special exception to the Commission's Rules. This tape recording attests to the fact that this interference is entirely real, and fully capable of destroying the service of an established station, such as WREC, throughout a wide area. I also have a portable tape machine with me, and I will be glad to make both the tape and the machine available to the subcommittee or to your staff, at your convenience.

There is one further aspect of this problem which should be brought to the Sub-Committee's attention. I have already pointed out the fact that daytime only stations operating during the hours of darkness cause extensive interference to the unlimited time stations, but it is not at all uncommon for the daytime only stations to experience even more severe interference from the unlimited time stations themselves, with their interference-free service restricted to very short distances.

I appreciate this opportunity of appearing before you

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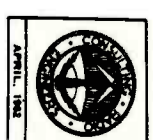
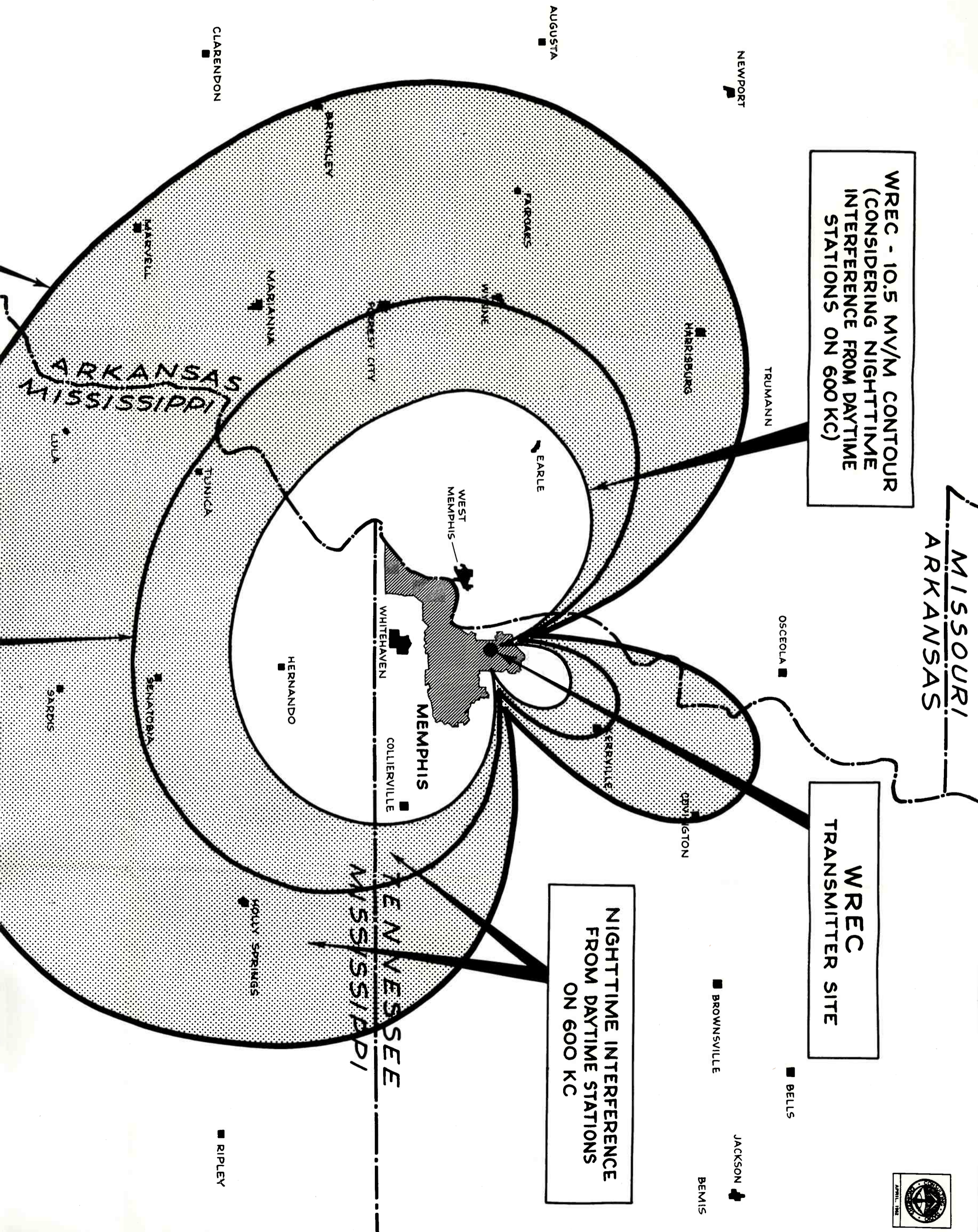
to present the engineering facts describing a single instance of interference which would be permitted by the operation of daytime only stations as proposed in these pending bills. When one considers that there are approximately 1850 unlimited time stations now licensed, it may be seen that the overall effects of this proposal could result in a substantial loss of service. If you have any questions, I will be happy to try and answer them. Thank you again for permitting me to appear before you.



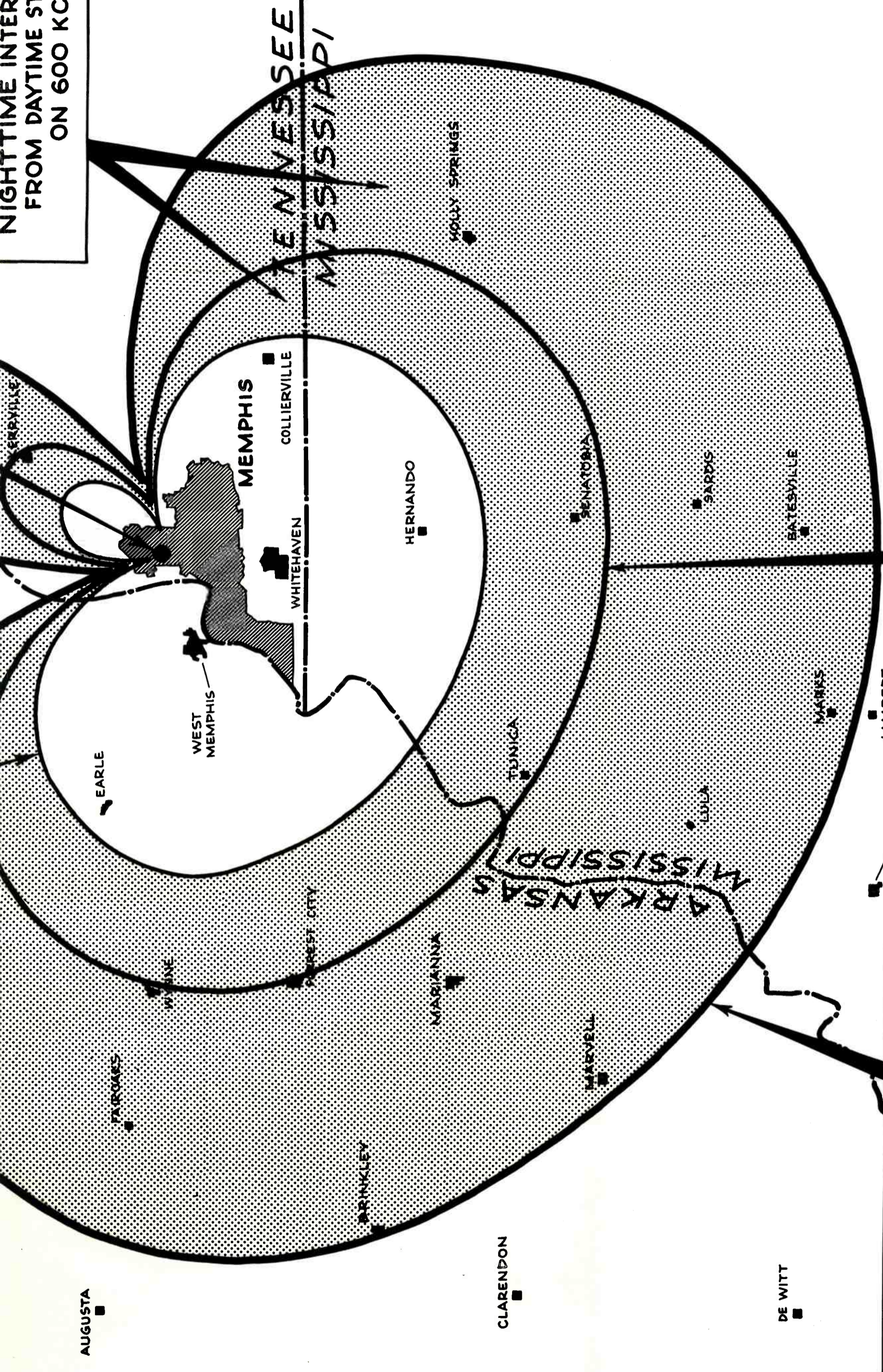
WREC - 10.5 MV/M CONTOUR
(CONSIDERING NIGHTTIME
INTERFERENCE FROM DAYTIME
STATIONS ON 600 KC)

WREC
TRANSMITTER SITE

NIGHTTIME INTERFERENCE
FROM DAYTIME STATIONS
ON 600 KC



NIGHTTIME INTERFERENCE
FROM DAYTIME STATIONS
ON 600 KC



WREC - 2.5 MV/M CONTOUR
(NORMALLY PROTECTED)

WREC - 6.2 MV/M CONTOUR

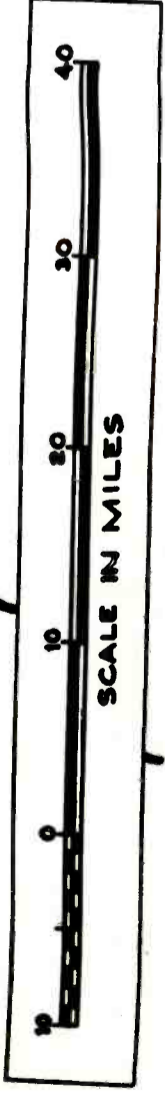


FIGURE 1

NIGHTTIME INTERFERENCE TO WREC
FROM DAYTIME STATIONS ON 600 KC

STATION WREC
WREC BROADCASTING SERVICE, INC.
MEMPHIS, TENNESSEE

600 KC - 5 KW - U - DA-2

A. D. RING & ASSOCIATES
CONSULTING RADIO ENGINEERS
WASHINGTON, D. C.

FEDERAL COMMUNICATIONS COMMISSION
PROJECT CONELRAD
Washington 25, D. C.

DATE Aug 4, 1962

Jack:

I just received this additional info on the NEAR System.

I think you will find the statement by Paul S. Visher (Page 4) interesting

Ernie

FILE
NEAR

February 21, 1962

DEFENSE OFFICIALS DISCUSS NEAR PROGRAM BEFORE GOVERNMENT OPERATIONS SUBCOMMITTEE

The Military Operations Subcommittee of the House Government Operations Committee today heard testimony on the NEAR early warning system as a part of its investigation of the civil defense program. Rep. Chet Holifield (D-Calif.) is Chairman of the Subcommittee. Spokesman for the Department of Defense were heard.

NEAR Most Attractive Solution To Home Warning System

Paul S. Visser, Deputy Assistant Secretary of Defense (Civil Defense), Office of Civil Defense, read a statement (copy attached) in which he outlined NEAR as the most attractive solution to a home warning system.

Rep. Walter Riehlman (D-N.Y.) expressed interest in the size of the "gadget" to be installed in homes under the NEAR program. Mr. Visser replied that the receiver would be about the size of a cigarette package. Rep. Riehlman asked if the \$500 million estimated cost of the program merely represents the Government's obligation in being able to transmit the frequency to activate the receivers. The witness replied that the total system cost refers to the combination of transmission cost and the cost of all receivers in the homes. He estimated that each device in the home would cost between \$5 and \$10, while it would cost between \$50 and \$60 million to have transmitter type equipment on a nationwide basis. Rep. Riehlman asked if the gadget for the homes would be furnished by the Government. Mr. Visser replied that the initial planning contemplated purchase of the receiver by the home owner at from \$7 to \$7.50. He added that a market analysis a year ago indicated that 75 percent of the home owners would buy the receiver within the \$10 range.

Should Proceed To Implementation As Soon As Possible

Herbert Roback, Subcommittee Staff Administrator, asked whether the NEAR system is still in the research and development stage or has already been selected. "I think that it is safe to say that we have selected this system to proceed with further," Mr. Visser replied. He added, however, that on any system it is necessary to keep an open mind prior to the time all of the final "bugs" have been worked out. The basic technical feasibility of transmitting and receiving a signal has been established and we should proceed to implementation of the system as rapidly as possible, he said. Mr. Roback asked if the witness is seriously considering other possibilities "or have you signed off on them?" Mr. Visser replied that he would seriously consider any system that proposed concepts that have not been looked at previously. Those we have looked at are not competitive with NEAR from either the reliability or cost standpoint, he said. He added that the Department is now concentrating on getting all of the minor operational bugs out of NEAR.

Mr. Roback questioned how the program would be financed. He noted that the transmitter and requires dealing with utilities. Does the Federal Government reimburse the utility or does the utility recapture the cost through increased rates to the consumer? he asked. Mr. Visser replied that when 96 to 97 percent of the population is involved, the consumer and the taxpayer are interchangeable. We are working with utilities and trying to develop the best solution to the problem, he said. Mr. Roback asked what the most promising possibility is at the present time. Mr. Visser replied that he thought the transmitter end of the program would pretty much fall into place after the receiver problem—involving 80 to 85 percent of the total system cost—had been cleared up. Mr. Roback commented that he had heard that public utilities would have a considerable capital cost problem. If

required to install the transmitter equipment. It may run as high as \$50,000 to \$100,000 to a community utility, he said. He asked what the witness would do if a utility were unable or unwilling to finance the installation. Mr. Visher replied that interconnections can be worked out between most utility service areas. We are working with power companies in analyzing grid networks of power pools to determine the most efficient place to put transmitters, he said.

Final Decision Has Not Yet Been Made, Pittman States

Stewart L. Pittman, Assistant Secretary of Defense (Civil Defense), who accompanied Mr. Visher to the stand, observed that several months ago Mr. Visher began exploring with some 3,400 utilities what the prospects would be of involving them more deeply in the management, procurement and financing of the equipment needed. The impression was given that we had made a decision, he said. That was not correct then and "still is not correct," he added. He noted that on his own part he had made progress toward understanding the "very real practical problems" involved in working NEAR into the business of producing and providing electric service. The utilities have been most cooperative, he said. He emphasized that until the Department is in a position to define the problems more precisely it is taking no position on financing, procurement or management of the system. He pointed out, however, that it is most important to get proper management and that one obvious answer to be given immediate attention is the possibility of giving utilities the full, direct responsibility of owning, taking title to and being responsible for the equipment. "A good deal flows from that and it solves a lot of problems", he said. "Whether this is possible and practical we have not yet determined."

Visher To Explore Financing On Utility-By-Utility Basis

Mr. Visher stated that he wants to proceed on a utility-by-utility basis to learn more about the problems involved at this experimental stage, but that he must be careful "because there is a good deal of pressure that could be brought to bear on utility systems to make them go along with a Federal plan..." He asserted that Governors and State regulatory commissions have been very cooperative. We do not want to create a situation in which the utilities are forced into something they think unwise, he said. He observed that the precise answer to the question is that he is exploring the financing matter with specific utilities. We would like to test out on a system basis various methods of installation, he said. This we propose to do in the next six months, he added--but we do not want this action to be interpreted as forcing a decision on a nationwide basis until we know more about it.

Door Not Closed On Possibility Of Government Support

In response to a question, Mr. Pittman stated that he has not ruled out the possibility that there could be some variations in the methods of managing and financing transmitters among separate utility systems. I can conceive of circumstances in which variations would be justified, he said. He held that it would not necessarily be essential to have a single system in all details, by all utilities, as to what happens after the signal reaches the power station. He added that the treatment of the public, however, would have to be uniform. He said in answer to a question by Rep. Lankford (D-Md.) that he has not closed

the door on the possibility of the Government helping a utility with financing, although it is more likely that there would be a uniform method of financing "before we get through." Mr. Visher commented that utilities might well want to get transmitters for their own control purposes. He held that the cost of maintaining the transmitters would probably not loom large outside of the initial capital costs.

Mr. Pittman observed that legislation may well be needed to immunize utilities against claims for damages of one kind or another that might result from false alarms or negligence in operating the warning system. If we can accurately assess such a need before the end of this session of Congress we may come forward in support of such legislation, he said.

This portion of the hearing was thereupon concluded.

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STATEMENT OF PAUL S. VISHER
DEPUTY ASSISTANT SECRETARY OF DEFENSE
(CIVIL DEFENSE)
ON THE NEAR SYSTEM
February 21, 1962

Mr. Pittman has described the basic need for effective warning to support the shelter system.

Mr. Strobe has described the desirability of considering a warning system in the full context of detection, decision-making, transmission, receipt and response.

Within the context of evaluating a total system requirement as described by Mr. Strobe, OCDM evaluated the effectiveness of a siren warning system during various test exercises. On these tests it was deficient in at least two elements. The first relates to its inability to effectively generate a sufficient sound level to be heard by even a majority of the American citizens. Outlying and rural areas were particularly deficient. Even in downtown, hard-core areas, building interference and wind conditions provide serious limitations to the transmission of warning signals by sound waves.

The studies which have been run and reported by the Disaster Research Group of the National Academy of Sciences, indicate that an even more serious limitation in the warning siren system relates to the human correlation of this sound with other siren applications such as fire, police, and ambulance. To use a military intelligence term, the siren warning signal has been seriously "compromised" by other uses.

In an effort to satisfy the need for a more effective and positive warning system which would solve both the technical aspects of transmission and receiving, as well as minimize the misinterpretation resulting from other types of audio signals, the requirement for a distinctive indoor warning system was developed in the early 1950's.

Many alternatives have been carefully reviewed and evaluated. The obvious system using the telephones was evaluated carefully by both the telephone company and an independent contractor and several limitations were noted. Of primary importance was the estimation by the Bell Telephone Company Laboratory that such a system would cost as much as \$40 to \$50 for every telephone because of major switch board modification and rework. Of equal concern was the limitation on coverage by the telephone network which only reaches 75% of the population.

Another very obvious and apparently attractive solution was investigated on contract with the Philco Corporation to combine a carrier warning signal on the radio frequency transmission which would, in turn, activate a special radio receiver, thereby interrupting both warning and civil defense instructions to the civilian population subsequent to warning. From many aspects this system looked very attractive; however, total system costs and reliability were not competitive with a parallel development which will be described later. Any warning system based on modification to radio receiver circuitry is, of necessity, no more reliable than the least reliable element in that circuit. Radios involve hundreds and sometimes thousands of individual wires, solder connections, resistors, capacitors, inductors, transistors, diodes, tubes, transformers, speakers, switches, plugs and sockets. Each of these are elements of potential failure. The country presently consumes between 10 and 12 million radios a year at an average cost of \$20 to \$40. About 20% to 30% of these radios are of foreign manufacture. To incorporate a warning device in new production would require a major increase in radio manufacturing if a warning device was to be implemented over a two to three year period. To incorporate
(over)

adaptation circuitry in present radio equipment would involve an enormous modification program with specific skills and training on the part of the radio repair industry. I am sure we have all had experience with difficulty in obtaining competent repair service on both radios and televisions. Quality control procedures would be difficult to establish and hard to supervise.

A more attractive solution resulted from the investigation in the utilization of the present utility grid networks. These networks extend to cover more than 95% of the nation's population. With the advent of REA and the expansion of private utilities into rural areas, the highest percentage of the rural population is now reached by these networks.

Many proposals have been received relating to various ways and means of transmitting the warning signal over this grid network. We have had proposals which accelerate all of the country's generation capacity simultaneously to give a frequency shift which is measured by receivers. We have had proposals to turn off all power simultaneously; thereby activating receivers. We have had proposals to operate at 2500 cycles, 1700 cycles and 750 cycles. We have had proposals to increase the voltage momentarily and to decrease the voltage momentarily. After careful evaluation of this total spectrum, by at least two independent organizations - Midwest Research and Armour Institute - the basic operating parameters of the NEAR system were established. For system reliability, two simultaneous variables (time and frequency) are being utilized to activate the receiver. System studies indicate a frequency range between 200 and 300 cycles is the most efficient portion of the spectrum for warning transmission in relationship to power losses through transformers, capacitors, generators and other system elements. In closely reviewing this spectrum and the normal noise levels at these frequencies, a 240 cycle system, which generates a carrier voltage of one to six volts for a period in excess of 10 seconds, was selected for initial systems equipment tests. Three transmitters have been installed in Michigan and prototype production of nearly 3,000 receivers have been tested at various distances from these transmitters under a variety of load conditions. The basic technical feasibility of transmitting signals in this frequency range over long distances was established in this test program. The ability to economically build receivers which could reliably respond to this same signal was also proven.

At this point in time the Department of Defense was given the responsibility for this and other elements of civil defense. A careful review with outside consultants verified the basic parameters of the above analysis.

Two elements appeared to have need for further investigation. Of primary importance - going back to Mr. Strobe's comments on the need for total system evaluations as contrasted to a limited review of hardware requirements - was the concern with respect to an appropriate organizational structure for the management and control of the nearly 50,000,000 receivers which would be required if the system achieves its objectives. During the fall of 1961 we experienced difficulty with providing adequate procedures for protecting the public who were buying civil defense items. There were many abuses. Even on items as large and simple as shelters, many cases of deficiencies related to such simple structural requirements as water-proofing and structural integrity and had no relationship to the adequacy as a shelter.

The NEAR receiver, without appropriate quality control and sound procurement practices, would be susceptible to even greater abuses. Therefore, the first element of concern was establishing receiver procurement procedures which would require appropriate inspection and incoming test for the buyer. Because of potential receiver

A slight change in frequency, by the use of these static inverters, will improve the system performance and reliability. The normal system noise levels at the fourth harmonic frequency of 240 cycles are approximately ten times the magnitude of noise levels at 255 cycles. This reduction in normal system noise permits a better signal to the noise levels which, in turn, adds to performance reliability. The static inverters also permit the use of capacitor coupling on the power grid networks. At least one company, Pacific Gas and Electric, has estimated that this change alone will, for their networks cut the cost of generating the warning signal in half.

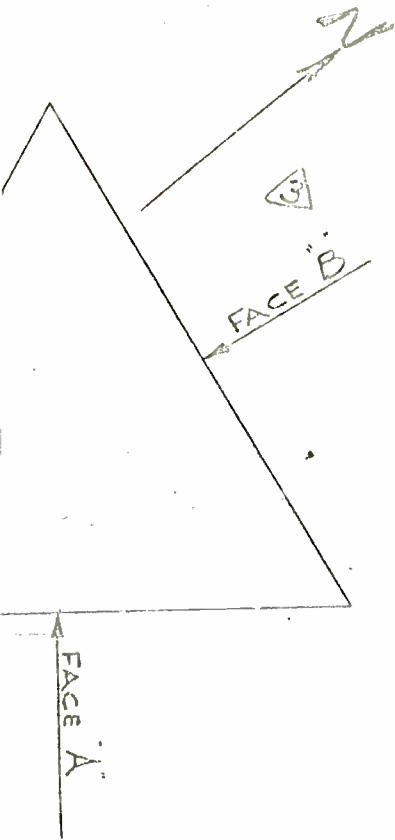
Receiver manufacturers have been contacted and they indicate that in most cases only a screw adjustment to trim the vibrating reed of the receiver will be required to accomplish this slight shift in frequency.

We are planning on testing this modified transmitter and are in negotiation with several utility companies at the present time. Insofar as questions have been raised with respect to different types of utility systems, we are contemplating the procurement of about ten new NEAR transmitters for testing under all geographic and system types.

Concurrently with the installation of transmitters in these ten areas, we will procure production test quantities of NEAR receivers to further establish production costs, manufacturing yield rates and receiver reliability. This latter figure has a significant effect on some of the operational problems which were described above. If the receiver has 100% reliability for 5 years, one type of test and maintenance cycle would be preferable. If this is 10 years, another test and maintenance cycle would be optimal and if there is a normal Gaussian distribution on receiver failure, wherein a few failures occur in two years, some in three years, more in four years, then appropriate inspection and test procedures must be established which reflect the inherent physical characteristics of the hardware.

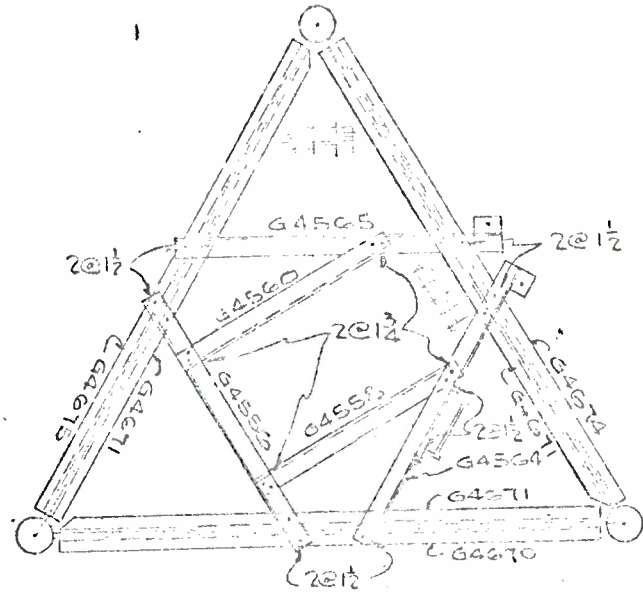
We are contemplating here a system which, when completely installed, is estimated to cost approximately one-half a billion dollars. A system of this magnitude warrants sound planning and a broad development and production base. Appropriate methods of control, procurement, test, maintenance and status determination warrant careful consideration.

It is believed that the program in which we are engaged will definitize all of the above described elements during the next six or seven months and installation of the NEAR system should proceed rapidly thereafter.



FACE A
SECTION P-P
BEACON FOR SMALL RODS

OF TOWER
FACES TAKEN LOOKING
DIRECTION OF ARROWS



FACE A
SECTION O-O
REST PLATFORM AT SMALL RODS
WITH CABLE GUIDES



SECTION "U"

PLUMBING

SPECIFICATIONS FOR W.S.M. STUDIO
NASHVILLE, TENNESSEE

REESE & JACKSON, ARCHITECTS-ENGINEERS
NASHVILLE, TENNESSEE

I. C. THOMASSON & ASSOCIATES, CONSULTING ENGINEERS
NASHVILLE, TENNESSEE

NOTICE:

The General Conditions, Supplementary General Conditions and all other herein bound documents, as well as the Standard AIA General Conditions, latest edition, are part of this contract and of these specifications. Submission of proposal implies that Bidder is fully conversant with all requirements of all said contract documents.

In order to avoid omissions and duplications, Bidders should read all pertinent divisions of the specifications for information which may affect work in this division. Also, verify conditions at the site. Submission of proposal implies that Bidder is fully conversant with all requirements of this sub-paragraph.

Verbal instructions, modifying the plans or specifications or compensation to be paid the Contractor, will not be binding. All such instructions must be in writing.

SCOPE:

The work covered by this division consists of the furnishing of all materials, accessories, equipment, tools, transportation, and the performance of all services and labor required to completely execute the plumbing system work for this project, all as indicated on the Architect's drawings, approved shop drawings and as herein specified. Provide all work in this division in place, complete.

All excavations, backfilling and cutting of holes necessary for the installation of work specified under this section of the specifications shall be done by this Contractor. Applicable sections elsewhere in the specifications apply here also. Do all patching of concrete, masonry and other materials which are cut by this Contractor. Patching shall be of same material and shall be finished neatly.

All electrical power wiring and all interlock and control wiring will be provided and installed by the Electrical Contractor.

Drains from all mechanical equipment requiring same will be picked up by the Plumbing Contractor, as shown.

Demolition of and connecting to existing plumbing piping, etc. will be done by the Plumbing Contractor.

Flashing of pipes through roof shall be by the Plumbing Contractor.

PLUMBING PLANS:

The plumbing plans are diagrammatic and show the relation of piping and connections and must not be scaled for exact locations. This Contractor shall refer to the architectural, electrical and other mechanical plans and specifications to thoroughly familiarize himself with the work to be done by him. This Contractor shall refer to the architectural plans for exact dimensions and shall fit his work accurately to the building.

DEVIATIONS:

No deviations from the plans and specifications shall be made without the full knowledge and consent of the Architect. Should this Contractor find, at any time during the progress of the work that, in his judgment existing conditions make desirable a modification in requirements covering any item, he shall report such items to the Architect for his decision and instructions.

OMISSIONS:

The drawings and specifications shall both be considered as part of the contract. Any work or material shown in one and omitted in the other shall be furnished and performed as though shown in both to give a complete first-class job. The awarding of the contract shall be construed to mean that this Contractor will install a complete and satisfactory system, furnishing all items of material and labor to accomplish this result whether or not such items are particularly specified or shown on plans. Should any discrepancies or omissions be discovered in the plans or specifications, such must be reported to the Architect immediately in order that any necessary addenda may be issued before the bids are received.

INTERPRETATION:

The meaning and intent of the plans and specifications shall be subject to the interpretations of the Architect whose decision on all questions pertaining thereto shall be binding upon the Contractor. During construction adhere strictly to the plans, as the operation and appearance of the finished work depends upon this and the Contractor shall not be allowed to make any changes therein without the written authority of the Architect.

COOPERATION:

This Contractor shall schedule his work and in every way possible cooperate with all other contractors on the job to avoid delays, interferences and unnecessary work.

This Contractor shall visit the job site and thoroughly inform himself as to the conditions under which the work is to be done. No allowance will be made in his behalf because of error on his part. This Contractor shall do all cutting and excavating necessary for the installation of his work, but he shall not cut the work of any other contractor without first consulting the Architect or his representative. He shall repair any work damaged by his employees, employing the services of the contractor whose work is damaged.

Failure to route pipes through the building without interfering with other contractor's equipment or construction shall not constitute a reason for an extra charge.

All apparatus, piping, etc., shall first fit into the available spaces in the building and must be introduced into the building at such times and manner as not to cause damage to the structure.

All equipment requiring service shall be made easily accessible.

RULES AND REGULATIONS:

The system shall be installed in accordance with the drawings and specifications; however, no requirements of State, County, or City rules and regulations shall be violated. All materials and labor necessary to fully comply with drawings and specifications and with rules, regulations and ordinances shall be furnished by the Contractor.

DAMAGE BY EMPLOYEES:

This Contractor will be held responsible for any damage to the building or the public resulting from the carelessness or negligence of his sub-contractors or their employees, or his own employees and shall not hold the Owner responsible for the loss of tools, equipment, or materials.

PERMITS, LICENSES AND INSURANCE:

The Contractor shall obtain and pay for all permits, licenses, etc. required for his work.

This Contractor shall defend all suits or claims for infringement of any patent rights and shall save the Owner from loss on account thereof.

This Contractor shall carry sufficient personal and property liability damage insurance to protect the Owner from any and all claims arising as a result of work done under this contract.

JOB CONDITIONS:

Before commencing work, examine all spaces and surfaces in which work in this section will be installed or to which same will be attached. Report any necessary corrections immediately to the Architect. Do not proceed until corrections, if any required, have been made. Commencing work implies this Contractor's acceptance of said spaces, surfaces and of job conditions.

CLEANING:

Hot and cold water lines shall be filled and drained until water is free of grease, dirt and trash.

During the progress of the work, this Contractor shall keep the premises reasonably clean as regards trash, debris, etc., caused by his materials and workmen. After all work has been completed and prior to final inspection, all equipment shall be thoroughly cleaned and all trash and debris removed from the job site.

TESTS:

All soil, waste, vent and water piping shall be tested by the Contractor

and approved by the Architect before acceptance. All soil, waste and water piping located underground shall be tested before back filling. All equipment required for tests shall be furnished by the Contractor without additional cost to the Owner.

Drainage System: The entire drainage and venting system shall have all necessary openings plugged to permit the entire system to be filled with water and subjected to a water pressure of not less than ten pounds per square inch. The system shall hold this water for 30 minutes without a drop greater than 4 inches. Where a portion of the system is to be tested, the test shall be conducted in the same manner as described for the entire system. Air or smoke tests shall be performed by this Contractor upon request by the Architect or his representative.

Water System: Upon completion of the roughing-in and before setting fixtures, the entire hot and cold water piping systems shall be tested at a hydrostatic pressure of not less than 100 lbs. per square inch gauge, and proved tight under pressure. Where a portion of the water piping system is to be concealed before completion, the portion shall be tested separately in the same manner as described for the entire system.

Should inspection or test show defects, such defective work or material shall be replaced and inspected and tests repeated. All repairs to piping shall be made with new material. No caulking of screwed joints or holes will be acceptable.

At the completion of the work, all parts of the installation shall be thoroughly cleaned. All equipment, pipe, valves, and fittings shall be cleaned of grease and metal cuttings, and sludge which may have accumulated by operation of the system for testing. Any stoppage or discoloration or other damage to parts of the building, its finish or furnishings, due to the Contractor's failure to properly clean the piping system, shall be repaired by the Contractor without cost to the Owner. At the completion of the work, the hot water system shall be adjusted for uniform circulation. All flush valves and other parts of the work shall be adjusted for quiet operation. All automatic control devices shall be adjusted for proper operation.

SHOP DRAWINGS AND EQUIPMENT SUBMITTALS:

This Contractor shall submit to the Architect for approval shop drawings on all materials he proposes to use in his work, giving the name of the manufacturer, trade name and catalog number and all information hereinafter requested. It is understood and agreed by all concerned that the Architect shall have the authority to reject any or all material, equipment or workmanship not complying with these specifications and that this Contractor shall replace such rejected equipment, materials or workmanship upon notification by the Architect. Any material or equipment rejected by the Architect shall be removed from the premises within 24 hours after notification, otherwise the Architect may have same removed at the Contractor's expense.

The Contractor shall furnish the Architect for approval, seven (7) sets of shop drawings, certified prints, and performance data as listed below. The Contractor shall obtain Architect's approval on all the above before any equipment is purchased or any materials installed. Drawings shall be

prepared on sheets of the same size as the Architect's contract drawings or on $8\frac{1}{2}$ " x 11" or 17" x 11" sheets.

Submittal data and drawings shall be examined by the Contractor prior to his transmitting to the Architect. The submittals to the Architect shall bear the Contractor's stamp of approval evidencing that he has examined and checked same and that he found the information contained to be in accordance with the contract requirements. Especially, the Contractor shall check to see that the equipment proposed will fit into the available space considering space for coil removal, filter service, maintenance, etc. In lieu of a stamp, the Contractor's letter of transmittal may contain a statement to the same effect. Any of the required submittals without this stamp will not be considered by the Architect and will be returned to the Contractor for resubmission. In general, equipment submittals shall contain rating data, accessories, and features the same as listed in specification. Capacities shall be stated in the terms specified and any auxiliary equipment or features specified shall be listed with the submittals.

Submittal drawings and data required:

- a. Hot water heater:
 1. Arrangement drawings
 2. Capacity data and physical size

- b. Floor drains:
 1. Locations
 2. Size and type showing accessories specified

- c. Insulation:
 1. Type and application description

GUARANTEE:

This Contractor shall furnish a guarantee covering all labor and materials for a period of one year from date of acceptance of his work, which shall include an agreement to repair, replace and make good at his expense any and all defects which may appear in his work or materials during that time, which in the judgment of the Architect, arise from defective workmanship, imperfect or inferior materials.

SLEEVES, FERRULES & ESCUTCHEONS:

The Contractor shall furnish and install pipe sleeves for all piping installed under this section. Sleeves shall be located at all permanent walls, partitions and floors. These sleeves shall be large enough to admit pipe insulation full size wherever covering is specified.

All floor and exterior wall sleeves shall extend $1\frac{1}{2}$ " above finished floor and beyond exterior wall surface. The void space between pipe and sleeve shall be caulked with an approved type waterproof caulking material.

Pipe sleeves through partitions and interior walls shall be exact wall thickness and terminate flush with wall or partition finish.

Pipe sleeves shall be steel of equal wall thickness or standard pipe the size in question.

Provide chromium plated escutcheon plates for all exposed uninsulated pipes projecting through floors or walls.

EXCAVATION AND BACKFILL:

This Contractor shall do all excavation and backfilling necessary for the installation of any underground work required by the plumbing installation. Necessary sheathing, shoring and cleaning to keep the trenches in proper condition and to proper grade for the work to be carried on during construction, including removal of water by mechanical means, if necessary, shall be this Contractor's responsibility.

Excavation may be done with a backhoe, but the last 6" of digging down to the final grade shall be done by hand. Refilling under pipes is not recommended; however, excavation below required depth shall be refilled with sand or gravel, firmly compacted to 3" below the lowermost part of the pipe and the space refilled with sand or gravel. Trenches should be excavated only to the required depth and bell holes provided as necessary to insure uniform bearing.

Earth removed from excavation shall be placed to one side and at least 18" from edge of trench to provide working space on both sides of trench. Trenches shall be at least 18" wider than the pipe and shall be hand graded with batterboards placed at least every 25'.

During excavation, top soil shall be separated and piled to one side. During backfill, the final layer of fill shall be top soil.

Backfilling shall be done carefully and surface restored to its original condition. Backfilling and tamping shall proceed simultaneously on both sides of the pipe (lengthwise of the trench) until the arch is covered to a depth of at least 9". Backfilling will be done by hand. Rock or stone shall not be used in backfill.

Bottom of trenches under bells of pipe shall be scooped out so that the pipe rests securely on the bottom of the trenches.

Contractor shall refer to Architectural site plan for rock information. Contractor shall include all excavation including rock, as no addition to contract price will be allowed for rock excavation.

VITRIFIED CLAY PIPE:

All vitrified clay pipe shall be vitrified salt glazed pipe of sizes indicated on plans, free from defects, laid with bells or other joints, connected with factory moulded high quality poly vinyl chloride plastic fused to the spigot and bell ends as manufactured by W. B. Dickey Clay Mfg. Co. or Chamelton Sewer Pipe Co. At the Contractor's option, JC-60 hot poured asphalt sewer compound as manufactured by Atlas Mineral Products Company may be used. In either case, joints shall be made as recommended by the manufacturer. All pipe shall be laid on a firm foundation and with a uniform fall of not less than 1/8" per foot unless otherwise specified. Backfilling shall not be done until the work is inspected and approved by the Architect

or his representative. This pipe may be used on all exterior storm water and sanitary sewer lines from a point 5'-0" outside the building, except under drives, roads and parking areas.

CAST IRON PIPE:

All sewer, soil, waste and vent lines of 2" and larger shall be service weight cast iron soil pipe and fittings, coated inside and out and shall be labeled with the C.I. mark of quality and permanence as illustrated in Commercial Standard CS 188-59 which indicates it complies with this standard or shall be an approved equal. The manufacturer's name and the weight shall be cast on each length of pipe and each fitting.

SANITARY DRAINAGE SYSTEM:

This Contractor shall furnish all soil, waste, vent and drainage lines in the building and extend and connect to 10" sewer, as shown on plot plan.

All waste lines shall be service weight cast iron soil pipe except as specified.

No waste line below slab shall be smaller than 2". All vents 2" and smaller may be galvanized steel with galvanized malleable iron fittings. All vents 3" and larger shall be service weight cast iron pipe and fittings.

STORM WATER DRAINAGE SYSTEM:

Furnish and install the storm water drainage system as shown on plans, extend to headwalls as shown on plot plan. All drainage lines 5'-0" outside the building, except as otherwise specified shall be glazed vitrified clay pipe. Exterior storm water lines less than 3'-0" under drives, paved and parking areas shall be service weight cast iron.

Contractor shall furnish and install Neenah, or equal, Type B, offset panel type, size 3 x 4 down spout shoes of 48" laying length for downspouts shown on plans. Other downspouts shall be leaded and caulked into cast iron hubs 8" above grade.

LEAD PIPE:

All lead pipe for waste connections shall be Class "D" in length of not over 2' and have weight as specified in local plumbing code.

MANHOLES:

Manholes shall be constructed of the type, size, shape, dimension and at the location shown on the plans or as directed by the Architect to meet special conditions.

Manholes shall be constructed of a combination of brick and concrete masonry as shown on the plans and/or designated by the Architect.

Brick used in manhole construction shall be medium hard or better quality, grade NA brick conforming to the requirements of the American Society for Testing Materials Standard Specifications, Serial Designation C-32, for Sewer Brick, or concrete brick conforming to the requirements of ASTM Spec. C-55, Grade A.

Concrete ingredients shall be selected, proportioned and mixed in such a manner as will produce concrete, which when tested in accordance with the procedure set forth in ASTM Serial Designation C-31 latest edition will develop a compressive strength of 3,000 lbs. per sq. inch in 28 days.

Manhole frames and covers shall be made of cast iron conforming to the minimum requirements of Federal Specification WW-I-652 or to Class 30, Serial Designation A-48-41 of the American Society for Testing Materials, for "Gray Iron Castings". All castings shall be made accurately to the required dimension and shall be sound, smooth, clean and free from blisters and other defects. Defective castings which have been plugged or otherwise treated to remedy defects shall be rejected. Contact surfaces of frames and covers shall be machined so that covers rest securely in the frames with no rocking and with covers in contact with frame flanges for the entire perimeter of the contact surfaces. All castings shall be thoroughly cleaned subsequent to machine and, before rusting begins, shall be painted with a bituminous coating so as to present a smooth finish, tough and tenacious when cold but not tacky nor with any tendency to scale. Each casting shall have its actual weight in pounds stenciled or painted thereon with white paint by the manufacturer thereof.

Manhole inverts shall be constructed of cement mortar or brick masonry at the option of the Contractor, to the approximate cross section of the sewers connected thereto. Necessary changes in cross section shall be made gradually from side to side of manhole. Changes in direction of flow of the sewer shall be made to a true curve of as large radius as is permitted by the size of manhole. Brick inverts shall be constructed with the brick laid on edge and longitudinally with the invert channel. Inside face joints shall not exceed 1/4" in thickness.

Manhole foundation subgrade shall be protected from damage by water and/or other causes. No concrete masonry is to be placed until the trench has been freed from water and/or mud, and the trench shall be maintained in a reasonably dry condition during progress of construction on structures.

Manhole covers shall be Jakes Foundry Company No. 1000-N, or equal.

CATCH BASIN:

Concrete construction for the catch basins shown and detailed on plans will be done by this Contractor. This Contractor shall furnish and install Neenah Foundry Company #N660K, or equal, manhole frame and cover, of size shown on plans.

JOINTS:

All joints in cast iron soil pipe shall be made of white oakum and molten lead, thoroughly caulked and made gas and water tight. Twelve ounces of soft pig lead shall be used in each joint for each 1" in diameter of pipe, and joints shall be run full at one pouring, and be flush with the hub of the pipe.

All joints in threaded pipe shall be made with red lead, but caution must be used so that only a thin coat of lead is put on the male thread only.

The ends of all pipe shall be reamed free from burrs and threads shall be cleancut and tapered.

All joints in lead pipe shall have wiped joints. All joints between cast iron and lead pipe shall be made with cast brass ferrules, wiped to lead pipe, and caulked into the hub of the iron pipe.

Joints in V.C. pipe shall be made with factory applied plastic joints or couplings on the spigot and bell ends and jointed in the field in strict accordance with manufacturer's instructions. At the Contractor's option, Atlas J.C. 60 compound may be used and installed strictly according to manufacturer's recommendations.

CLEANOUTS:

This Contractor shall provide cleanouts, of same size as line served, at the base of each soil and waste stack, at each change in direction in soil, waste and drain lines, and in underground sewers at intervals not greater than 40' in all straight runs and elsewhere as required by the local plumbing code.

All cleanouts shall have cast brass or bronze plugs. Ferrules shall be extended to and brought flush with surfaces through which it extends, and plugs shall have countersunk nuts. In finished spaces cleanouts shall be provided with chromium plated covers similar to Josam Mfg. Company's Series Y-70.

Cleanout plugs shall be located and installed so that they will be readily accessible and removable. The exact location shall be determined and submitted to the Architect for approval.

FIXTURE CONNECTIONS:

Water closets shall be floor mounted as per fixture schedule and shall be properly designed for lead waste connections and/or hub and spigot connections to suit the type of closet installed.

All urinals shall be connected to waste piping with brass solder rings. All fixtures shall be provided with traps and stop valves.

WATER SERVICE:

This Contractor shall furnish and install water service to the proposed building as shown on plot plan and as follows:

Contractor shall tap 6" main in Knob Road approximately where shown on plot plan, furnish and set Hersey Model FM size 4" meter with 2" x 5/8" compound meter in bypass. Meter shall be complete with necessary valves, fittings, installed in standard City of Nashville Meter box with covers.

Contractor shall increase at outlet of meter to 6" Class 150, cement lined mechanical joint cast iron pipe and extend to proposed building terminating at standard City of Nashville fire hydrant which is furnished and installed by this Contractor. Contractor shall tap 6" line where shown and extend 3" Class 150, cement lined, mechanical joint cast iron pipe into proposed building.

Contractor shall connect existing 2 1/4" cast iron pipe serving existing transmitter building approximately where shown on plans. Existing 2-1/4" cast iron line from this point to and including existing 1" meter shall be disconnected and made inactive.

DOMESTIC COLD AND HOT WATER:

From the existing water supply system this Contractor shall furnish and install distributing mains with branches and risers. Shut-off valves shall be provided in an accessible location for all branches and risers. This Contractor shall provide and install all interior hot and cold water piping and make connections to all fixtures and equipment requiring same.

All water mains shall pitch toward the drain valves and shall be arranged so that the entire system can be drained through accessible valves at low points.

Sizes for all water piping shall be as shown on plans. Sizes for connections to fixtures shall be as hereinafter specified in schedule or recommended by the equipment manufacturer.

Schedule of Pipe Sizes for Water Connections to Fixtures

<u>Fixtures</u>	<u>Cold Water</u>	<u>Hot Water</u>
Water Closets	1"	-
Lavatories	1/2"	1/2"
Urinals	3/4"	-
Sinks	1/2"	1/2"
Service Sinks	3/4"	3/4"
Drinking Fountains	1/2"	-

PIPE AND FITTINGS - WATER:

All cold and hot water mains within the building shall be type "L" hard drawn copper pipe. All cold and hot water lines buried under the floor slab shall be type "K" copper pipe.

Nipples on the copper pipe shall be of the same material and composition as the pipe. All fittings shall be cast brass design for solder sweat connecting. Unions 2" and smaller shall be copper ground joint 250 lbs. working pressure.

PIPE HANGERS AND SUPPORTS:

All piping shall be supported from the building structure by means of approved hangers and supports. Piping shall be properly graded and pitched as hereinafter described, and shall be so arranged to provide for expansion and contraction.

All hangers shall be secured to approved inserts or expansion shields.

Inserts shall be set in place before concrete is poured. In any case the spacing of the hangers shall not be greater than the following:

Cast Iron Pipe

One hanger at each hub

Steel	Ten ft. on centers for pipe 1 $\frac{1}{4}$ " and larger; Eight ft. for pipe smaller than 1 $\frac{1}{4}$ ".
Lead Pipe	Two ft. on centers.
Copper pipe	Eight ft. o.c. for pipe 1 $\frac{1}{4}$ " and larger; six ft. for pipe smaller than 1 $\frac{1}{4}$ ".

Vertical lines shall be adequately supported at their bases or by a suitable hanger placed in the horizontal line near the riser, or by a base fitting set on a pedestal.

Where uncovered exposed pipes pass through floors, finished walls or finished ceilings, they shall be fitted with neat, heavy spun or stamped brass escutcheons. Escutcheons shall be of sufficient outside diameter to amply cover the sleeve openings for pipes.

THERMAL EXPANSION OF PIPE:

Swing joints, turns, or expansion loops shall be provided where necessary to provide for expansion and contraction of either the pipe or building. Broken pipe or fittings due to stiff connections shall be replaced at the Contractor's expense.

VALVES:

Valves shall be provided in the main where water line enters the building, and at all runouts from mains to risers for both hot and cold water and elsewhere as shown on plans and as necessary for proper control of the system.

Valves shall be equal to the following:

Gate Valves - 2" and smaller, Jenkins Bros. Bronze NTS Fig. 370
2 $\frac{1}{2}$ ", Jenkins Bros. Bronze NTS Fig. 271
3" and larger, Jenkins Bros. IBBM Fig. 651A

Globe valves - 2" and smaller, Jenkins Bros. Fig. 106A-294 disc.
2 $\frac{1}{2}$ ", Jenkins Bros. Fig. 102A-294 disc.
3" and larger, Jenkins Bros. Fig. 613

Check valves - 2 $\frac{1}{2}$ " and smaller, Jenkins Bros. Fig. 92A
3" and larger, Fig. 763A

HOSE BIBBS:

3/4" hose bibbs shall be provided inside the building where shown on plans. These shall be Chicago Faucet No. 387, or approved equal.

Wall hydrants shall be provided in outside walls where shown on plans. These shall be Josam Series Y-200, Blake L-1327, or Zurn Z-1396, non-freeze type with key handle and provided of proper length to suit wall thickness.

INSULATION:

All cold water lines shall be insulated with 1/2" Fiberglas, or equal, low pressure pipe insulation of not less than 6 lbs. per cubic foot density. Insulation shall have universal vapor barrier jacket with 2 1/2" lap pasted with vapor barrier lap cement. Fittings shall be insulated with hydraulic setting cement vapor sealed with vapor barrier lap cement and canvassed.

All hot water lines shall be insulated with 1/2" Fiberglas, or equal, low pressure pipe insulation of not less than 6 lb. per cubic foot density. Insulation shall have standard canvas jacket, neatly wheat pasted in place with bands each 5 feet.

FOOTING DRAINS:

Provide and install a system of footing drains as shown in architectural plans. Drain shall be plain end, clay tile, standard strength in 12" lengths or standard length, salt glazed, perforated bell and spigot, clay pipe. Pipe shall be laid and firmly bedded to true grades and alignment with continuous fall in the direction of flow. Plain end tile shall be laid with 1/2 inch open joints covered with tarred felt or tarred paper. Joints in perforated pipe shall be filled with 1:2 mortar of Portland cement and sand. Joints shall be tested with water to insure drainage before backfilling. The trench shall then be filled to a height of not less than 12" above the top of the tile or pipe with graded crushed stone or graded gravel ranging from 1/2" to 2-1/2" in size. The stone or gravel shall be overlaid with one thickness of 15 pound asphalt saturated felt.

HOT WATER HEATER:

Furnish and install one Rudd, or approved equal, Model CS85-150 gas-fired water heater with storage capacity of 85 gallons input capacity of 150,000 BTU/Hr. and recovery capacity of 126.0 GPH at 100° F. rise. Heater shall be complete with copper storage tank, external flue and flue liner, 2" fiberglas insulation, hand hole cleanout, draft diverter, 100% safety shutoff control system, raised cast iron drilled port burners, drain valve, ASME temperature and pressure relief valve and five (5) year warranty.

FIXTURE LIST:

Furnish and install all plumbing fixtures complete with all equipment, fittings, trimmings, etc., as indicated on the drawings and herein specified. All fixtures listed, except as particularly indicated otherwise, are identified by numbers from the American Standard Company's catalog. The fixtures listed are intended as a definition of the type, size and quality desired and fixtures of Kohler and Crane may be used if they are in all respects equal to those specified.

All exposed metal fittings and trim shall be polished chromium plated over nickel plate on brass. Faucets shall be furnished with proper composition washers or disc to suit the service required. All faucet handles to be indexed.

Submit to the Architect, in quadruplicate, a portfolio with full description and cuts, and size and roughing-in diagram of all fixtures prepared for use, for approval, before any fixtures are ordered.

Plumbing fixtures are shown on the plumbing drawings. Reference shall be made also to the architectural drawings and to conditions on the job to determine the exact locations of all fixtures, as the plumbing drawings are primarily to show the piping and are diagrammatic. Do not scale location of fixtures from architectural drawings in any case where figured dimensions are indicated or implied.

Lavatories: Where shown on plans except as otherwise specified - No. F122-40 "Comrade", 20" x 18" vitreous china shelf back lavatory, front overflow, anti-splash rim, cast in soap dishes, concealed wall hanger, integral china brackets, N-2001 supply and drain fittings with aerator, R2604 3/8" supply pipes with stops, R7000-44 1 1/4" P trap.

Lavatories - Men & Womens Dressing Rooms, Spaces 24 and 27: No. F140-60" Marilyn 20" x 18" vitreous china lavatory, front overflow, anti-splash rim, cast in soap dishes, N2051 single lever centerset fitting with aerator and pop-up drain, R-2604 3/8" supply pipes with stops, R7000-44 1 1/4" P-trap, +Type 'B' S.S. frame.

Water Closets: Where shown on plans - No. F2223-8 "Madera" vitreous china, elongated bowl, 1 1/2" top spud, china bolt caps, 110FYV Sloan Royal flush valve, Church No. 9500 white seat.

Urinals: Where shown on plans - No. F6200-1 vitreous china washout urinal with extended shields, integral flush spreader, 3/4" top spud, integral strainer and trap with cleanout, wall hangers, outlet connection threaded 2" inside, 2 lag screws, Sloan Royal No. 186 flush valve.

Shower Fittings: Where shown on plans - No. N1140 two valve shower with 1/2" pipe union couplings, bent arm, escutcheon, N1301 ball joint shower head, N1434 straight stop valve on hot and cold water pipes.

Service Sinks: Where shown on plans - No. 7705-1 "Argo" 22" x 18" cast iron acid resisting enameled inside service sink with back, wall hanger, Chromard strainer, P-7798 adjustable trap standard regular enameled inside, outlet to wall threaded 3" inside, R-5005 rough plated faucets with pail hook, hose end and stops, "U" type stainless steel rim guard bolted to rim.

Sink, Adjacent to Artist Sp. No. 6: No. P7425-13S "Duplex Hostess" cast iron acid resisting enameled inside sink and laundry tray, wall hangers, adjustable regular enameled leg, P7450 movable drainboard, N4111 faucet, R4510 crumb cup strainer, R4535 tray plug, P7448-2 leg under tray and 1 1/2" P-traps with cleanout.

Sink, Sp. 7 Prop Storage: No. P7002-11, 60" x 25" "Royal Hostess" acid resisting enameled cast iron sink, single bowl, double drainboard, wall hangers, N4111 two valve combination filling with swinging spout and aerator, R4510 strainer, 7002-55 1 1/2" P-trap.

Drinking Fountains: Where shown on plans - Halsey Taylor No. WM11A with capacity to cool 11 gph from 80° F to 50° F room temperature when served by a 1/5 HP, 115 volt, 60 cycle single phase hermetically sealed compressor.

Hot Water Circulating Pump: Furnish and install one B & G, or equal, No. 1" PR, all bronze, in-the-line circulating pump with capacity to deliver 2.0 gpm against a 15 ft. head when driven by a 1/6 HP, 115 volt, 60 cycle, single phase motor.

Drains:

Shower and toilet room - Josam No. 303-35C with Nikaloy strainer and deep seal cast iron P-trap.

Floor - Josam No. 3720 with polished brass top with deep seal cast iron trap, size as shown on plans.

Dark Room and Film Processing Equipment: A 10 gpm Powers mixing valve, dial thermometer and filter serving film processing machine will be furnished by Owner and installed by this Contractor as shown on plans. A 5 gpm Powers mixing valve to serve film processing room sink will be furnished by Owner and installed by this Contractor as shown on plans. This Contractor shall furnish and install dial thermometer and Cuno-aqua 3/4 P.T. filter with 2" dial gauge each side for this installation.

This Contractor shall furnish and install one Powers R243A mixing valve complete with dial thermometer, gate valve, Cuno-aqua 3/4" P.T. filter with 2" dial gauges each side to serve dark room sink as shown on plans.

Contractor shall refer to drawings for Duriron pipe and fittings installed for this area.

Single lever combination faucets with swinging spout with hose end for film process room sink and aerator for dark room sink shall be furnished and installed for stainless steel sinks in film process room and dark room. Faucets to be mounted 18" above bottom of sink; also submit faucets for approval before ordering. Also, Duriron drum trap with top cleanout shall be installed for each sink.

GAS SERVICE:

This Contractor shall be responsible for providing gas service to building and connecting all gas-fired equipment. The local gas company will route gas service to and set meter as shown on plot plan. Charges made by Gas Company for this service shall be paid by this Contractor. This Contractor shall connect to leaving side of meter, extend and connect all equipment requiring same. Gas piping shall be schedule 40 black steel pipe and fittings.

SECTION "V"

ELECTRICAL

SPECIFICATIONS FOR W.S.M. STUDIO
NASHVILLE, TENNESSEE

REESE & JACKSON, ARCHITECTS-ENGINEERS
NASHVILLE, TENNESSEE

I. C. THOMASSON & ASSOCIATES, CONSULTING ENGINEERS
NASHVILLE, TENNESSEE

GENERAL CONDITIONS:

The Instructions to Bidders, General Conditions and Supplemental General Conditions shall be and are hereby made part of this division, and the Contractor shall and hereby agrees that he will read carefully all paragraphs so mentioned and be bound by their conditions.

SCOPE:

The Electrical Contractor shall furnish all labor, materials, tools, ladders, scaffolding and equipment required to install the complete electrical wiring system and related work as indicated on the drawings and specified hereinafter.

Everything necessary for a complete and satisfactory installation shall be furnished and installed by this Contractor, whether or not specifically shown or specified. This is not intended to cover major pieces of equipment but it is intended to include all miscellaneous parts, devices, accessories, controls and appurtenances which are required to complete the system in satisfactory operation and required for first class installation complete in every respect.

The Contractor shall visit the site and inform himself of the conditions that the work must be performed under. No subsequent allowance will be made in his behalf because of error on his part or failure to visit the site.

WIRING PLANS:

Electrical layouts indicated on drawings are diagrammatical only; the exact location of all outlets shall be governed by the architectural drawings. The Architect reserves the right to make any reasonable changes (approximately six feet in the location of outlets of fixtures, switches, receptacles or equipment prior to the roughing in of such without additional cost to the Owner).

The Contractor shall refer to the architectural, mechanical and structural drawings and specifications to thoroughly familiarize himself with the work which must be coordinated and adjust his work accordingly.

OMISSIONS:

The drawings and specifications shall both be considered as part of

the contract. Any work or materials shown on one and omitted in the other, or described in one and not shown on the other, or where may be fairly implied by both or either, shall be furnished and performed as though shown in both, in order to give a complete and satisfactory job.

DEVIATIONS:

No deviations from the plans and specifications shall be made without the full knowledge and consent of the Architect or Engineer.

Should the Contractor find at any time during the progress of the work that in his judgment existing conditions make desirable a modification of the requirements of any particular item, he shall report such item promptly to the Architect for his decision and instructions.

PLANS FOR THE ARCHITECT:

This Contractor shall keep at the site one set of plans for the express purpose of daily recording of any change in the running of conduit or relocation or recircuiting of any outlet, device or equipment. It shall be the duty of one of his employees to correct in red or yellow pencil every change at the time it is made and as soon as the work on the floor is completed, the corrected print shall be turned over to the Architect.

SHOP DRAWINGS:

Shop drawings will be furnished for the switchboard, panels, overhead studio wiring troughs and other special equipment for approval. When called for, 6 copies shall be submitted in time enough to allow 4 weeks from date of receipt in Architect's office before final approval is required to meet the construction schedule. The submittals to the Architect shall bear the Contractor's stamp of approval evidencing that he has examined and checked same and that the information contained is in accordance with the contract requirements, and any deviations shall be clearly marked.

The approval of shop drawings shall not be construed as permitting departure from the contractual requirements.

KIND AND QUALITY OF MATERIALS:

All materials used in carrying out these specifications shall be new and shall bear the Underwriters label, when such labels are available. All materials shall be the highest class throughout. The plans and/or specifications indicate the name, type or catalog numbers of materials and equipment to be used as "Standards".

All proposals shall be based on "Standards" specified.

Special attention is called to the fact that within 30 days after the electrical contract has been awarded, the Contractor shall submit to the Architect for approval, A COMPLETE LIST OF ALL MATERIALS, FIXTURES AND EQUIPMENT that he proposes to use in his work, giving the names of manufacturers, trade name and catalog numbers. In the event that within the time stated above the Contractor fails to submit the above list the Architect reserves the right to select a full line of materials, fixtures and equipment, which

selection shall be binding upon the Contractor for these materials, fixtures or equipment as the case may be, and shall be used in his work. This list shall be submitted and approved before any material is installed.

WORKMANSHIP:

The work shall be done at all times under the supervision of a competent mechanic specifically qualified in electrical installations and shall be of the highest class throughout.

CUTTING AND EXCAVATION:

Insofar as it is possible to determine in advance, the Electrical Contractor shall consult with the masonry contractor and others as to leaving the proper chases and openings for his work and he shall place all of his outlets, anchors, sleeves and supports prior to the pouring of concrete or masonry work in order to eliminate any cutting, and will be responsible for the proper size and location of same.

All cutting and patching of concrete block, plaster, brick or other materials shall be performed by this Contractor under the supervision of the General Contractor, but no cutting shall be done which will by any means mar the looks of the building or affect the same structurally without first consulting the Architect and receiving his consent. Any routine damage caused by cutting or in any other way caused by the Electrical Contractor in the performance of his contract shall be repaired or replaced under the separate heading for the type of material included in a manner satisfactory to the Architect. Any unnecessary damage caused by the Electrical Contractor due to reception of this work, brought about through carelessness or lack of coordination, shall be corrected under the separate heading for the type of materials involved but paid for by the Electrical Sub-contractor.

No structural members shall be cut without first consulting the Architect. Any excavation and backfilling necessary for the performance of the electrical work shall be done by this Contractor. Excavation shall be unclassified and no extra will be paid this Contractor in the event that rock is encountered.

STANDARDS:

Insofar as they apply, the latest rules and regulations of the National Board of Fire Underwriters and any local and/or state electrical codes shall be strictly adhered to.

GROUNDING:

The entire system of conduit and equipment shall be grounded in accordance with the NEC Article #250, 1959 Edition. Additional grounding as indicated on the plans for broadcasting purposes shall be furnished and installed by this Contractor. This Contractor shall ground all cables and copper strips at the grounding well in the electrical equipment room.

TESTS:

On completion of the work, the installation shall be entirely free from grounds, short circuits and open circuits. A thorough test shall be made

in the presence of the Architect or his representative. This Contractor shall furnish all labor, materials and instruments for the above tests.

INSPECTION FEES AND PERMITS:

The Electrical Contractor shall obtain and pay for all necessary permits and inspection fees in connection with his phase of the work.

GUARANTEE:

The right is reserved by the Architect to accept or reject any part of the installation which does not successfully meet the requirements as set out in these specifications.

The Electrical Contractor shall furnish a written warranty countersigned and guaranteed by the General Contractor stating that all work installed under this division shall be free from defects in workmanship and materials for a period of one year from the date of final inspection. The above parties further guarantee that they will repair any defective material or workmanship occurring within the term of the guarantee.

TEMPORARY LIGHTING:

The Electrical Contractor shall furnish and install one pigtail socket with 150 watt lamp for every 500 sq. ft. of floor space, evenly distributed throughout the building.

The Electrical Contractor shall furnish and install power outlets to total one for every 8000 sq. ft. or part thereof of floor area and shall be a 15 amp., single phase, duplex receptacle for either 110V or 220V as directed by the General Contractor.

Any light or power outlets required over the maximum quantity noted above shall be paid by the Contractor or sub-contractor requiring the same.

The service and panelboards required for the above light and power outlets shall be furnished and installed by this Contractor, but the power consumption shall be paid for by the General Contractor who shall also indicate prior to installation whether 3 phase or single phase service is desired.

Any three phase power outlets required shall be paid for by the Contractor or sub-contractor requiring the same.

CONDUIT INSTALLATION:

Conduit shall be continuous from outlet to outlet and from outlet to panel or pull box. All conduits shall be concealed in the building construction except as noted. Rigid conduit shall be secured to all boxes with bushings and double locknuts so that the system shall be electrically continuous from service to all outlets. All conduit shall be 1/2" minimum inside diameter. All conduit joints shall be hacksaw cut square, reamed smooth, and threads shall be full length so that conduit ends will butt in the couplings. All threaded conduits shall be red-leaded with lead applied to the male threads only. Wherever conduit threads are cut or old threads

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No 105 p236

recut, they must be protected with red lead in installing. All conduit lines shall be securely corked and all outlet boxes stuffed to prevent excessive water and other materials from entering during construction. Bushings from 2" size down shall be equal to T & B plastic. Sizes 2½" and up shall be equal to OZ Type B, metal ring and composition liner.

Where raceways cross on expansion joint in slabs an expansion fitting similar to OZ Type AX with a bonding jumper type AJ shall be installed. No 105
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The electrical contractor shall furnish all necessary straps, hangers, racks and inserts to properly support all feeders and exposed conduits. No run of conduit shall exceed 100 ft. without the use of a pull box.

Where conduits are run exposed, they shall run parallel and at right angles to the building lines, and shall be grouped in banks where possible, this applies to vertical and horizontal runs alike.

Where conduits are laid below ground they shall be enclosed in 4" of 1:2:4 mix concrete on all sides.

All conduit shall be installed in a manner indicative of good workmanship, and bends to be made using tools specifically designed for this purpose, to prevent kinks or flattened out areas. All radius bends to be at least 6 times the external diameter of the conduit being bent; no method of heat shall be applied to conduits to bend them.

All conduits left empty for future use shall be left with a 10 gauge copperweld wire pulled in them and capped or corked at both ends.

Conduit shall be Pittsburgh, National, Republic, G. E. White or equal.

Electric metallic tubing may be used, where allowed by local governing authorities. EMT shall not be used where subject to mechanical injury and in no case shall it be embedded in concrete slabs or underground. Where tubing is connected to an outlet box or panel it shall be terminated in an approved type set screw or similar type connector. It shall be coupled together with a set screw or crimp type coupling of stamped metal. EMT = THIN WALL

Aluminum conduit may be used where allowed by local governing authorities. Where aluminum is embedded in concrete or in direct contact with soil it shall be thoroughly painted with a coating of bituminous or asphalt paint similar to Asphaltum. Where aluminum conduit connects to a steel cabinet the threads shall be protected with a coating of zinc petroleum jelly compound. In no case shall red lead be used on aluminum conduit. No bare copper grounding conductors shall be installed in aluminum conduit. Additional care shall be used on aluminum raceways to prevent kinking, nicking, flattening or deep scratching.

Where aluminum conductors are used the aluminum conduit shall be increased in size accordingly to meet the National Electrical Code.

Transite conduit shall be the thinwall type suitable for concrete encasement, and shall be enclosed in 4" of 1:2:4 mix concrete on all sides. Transite will be allowed only where shown on the drawings.

CONDUIT FOR MISCELLANEOUS SYSTEMS:

Conduit for all systems shall be as specified under conduit installation.

Telephone conduits shall be 3/4" minimum size concealed as shown on drawings.

Sound system shall be 3/4" minimum size concealed or exposed as shown on drawings.

Clock system conduits shall be 1/2" minimum size concealed or exposed as shown on drawings.

Control circuit conduits shall be 1/2" minimum size concealed or exposed as shown on drawings.

Television monitor conduits in the remote room locations shall be 3/4" for audio and 1" for video concealed as shown on the drawings.

HANGERS AND SUPPORTS:

Provide all inserts, hangers and supports as shown or required for all work. Feeders and other exposed conduits shall be rigidly supported at intervals not over 8 ft. apart by means of clamps to building steel. Where necessary to support apart from steel, use drop rod and ring hangers or racks. The use of chains or perforated iron will not be permitted for supporting conduit runs.

The Electrical Contractor shall furnish all suitable iron or steel supports necessary to support or brace switchboards, panel cabinets, switches, etc.

The Contractor's attention is directed to the detail on the drawings for supporting the overhead wiring trough system in both studios; all supports including rods and channels shall be furnished and installed by this Contractor.

The pipe batten grid system in the studios will be furnished and installed by others.

JUNCTION & PULL BOXES:

Boxes shall be installed in conduit lines wherever necessary to avoid too long runs or too many bends. No run shall exceed 100' without a pull box.

Boxes shall be galvanized, or sherardized sheet metal, of code thickness with lapped and welded joints and with 3/4" flange.

Boxes shall be rigidly supported on the ceiling or wall or on angle iron supports bolted to the surface.

Covers shall be of one piece of code thickness steel, fastened to the box by means of screws in tapped holes in the flange.

Boxes shall be accessible and sized in accordance with provisions of the 1959 National Electrical Code and in all cases they shall be of ample size to allow for convenient working and easy bending of the cables.

Where cables enter and leave at different right angle sides of the box, the space allowed for the sweep of the cables shall be in no case less than the dimension of a conduit elbow which would normally be used for the same cable.

Pull and junction boxes shall be installed so that the cover shall be accessible at all times.

No pull or junction box shall be installed for joint use of 110 volt and signal or low voltage.

Wiring troughs where shown on the drawings shall be of the size and gauge of material as required by N.E. Code and standard size troughs shall be

Square D hinged lay-in duct or approved equal. Screw cover trough shall be indicated as such on the drawings. Odd size troughs shall be shop fabricated, galvanized, with two coats of gray enamel and screw covers.

STUDIO OVERHEAD WIREWAYS:

The Electrical Contractor shall furnish and install the overhead wireway system in Studios A and B as shown in details on the drawings. All wireways shall be screw cover with slots in the cover to allow it to be removed by loosening the screws only without removing them entirely. The wireways shall be of code gauge thickness as described in the N.E.C. Article #374-8 d. Where wireways join or change direction rounded corner type ells or tees shall be used to prevent any sharp edges inside of the wireway. Wireway shall be supported as shown on the detail on the drawing using Universal type hanger rods, etc. all to be furnished and installed by this Contractor. If this Contractor elects, he may have the wireways shop fabricated. In either case shop drawings shall be submitted for approval. The wireway shall terminate 8' above the floor where the dimming switchboard is to go and 15' of slack wire will be allowed for connection to the dimmer board.

The wireways shall have cable drops approximately every $2\frac{1}{2}'$ as shown on the drawings, furnished and installed by this Contractor except for the female Kleig connector which will be furnished and installed by the Owner. The drops shall be 12/3 type S.O. cord except for six drops which shall be 8/3 cable.

All of the wire in the wireway shall be similar to Rockbestos table EMA type A.C.A. control and switchboard wire as hereinafter specified. The wireways shall be left in complete condition, level and closed up with all circuit numbers identified with Brady type aluminum stick on type markers, ready for connection of the Owner furnished connectors and switchboard.

OUTLET BOXES:

In general each fixture, switch, receptacle and other outlets, etc., shown on drawings shall be provided with a galvanized or sherardized outlet box of appropriate size and depth, for its particular location and use.

Ceiling outlet boxes shall be 4 ft. octagon $1\frac{1}{2}"$ deep equal to Steel City #54151. Use 2 $1/8"$ deep boxes where required. All ceiling outlet boxes shall have a fixture stud of the no bolt, self locking type installed if required to hang the particular fixture specified.

Receptacle and switch boxes in plastered walls shall be 4" square $1-1/2"$ deep using plaster rings of the depth necessary for the wall finish being used. Sectional switch boxes will not be allowed.

Receptacle and switch boxes installed in concrete block walls not plastered shall be provided with Raco Series #500 masonry boxes specifically designed for this purpose, or if more than two conduits enter the box from one direction 4" square boxes with square cut device covers not less than 1" deep specifically designed for this purpose shall be used.

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Where conduits are run exposed, galvanized malleable fittings with proper type covers and hubs threaded for screw connections shall be used at each outlet and at each change in direction of run. Pressed steel boxes will not be permitted on exposed work. Use FS condulets for all exposed switches, etc.

Boxes and fittings shall be Appleton or Steel City, Crouse-Hinds, or equal.

WIRE FOR FEEDER AND POWER CIRCUITS:

All feeder wires No. 8 and larger shall be stranded type THW or RHW except in conduits underground, in which case they shall be type RR or Versatol Geoprene. Conductors shall be of copper 98% conductivity.

No lubricant other than powdered soapstone or approved pulling compound may be used to pull wires.

No circuit or feeder shall be over 100 ft. long without a pull box being installed.

Splices or connections shall be made at outlet, pull or junction boxes only.

All feeder taps and joints shall be made using OZ type "T", "PT", PM and PTS clamp connectors, they shall be wrapped using weather wrap and Scotch tape, or varnished cambric and linen tape over the connector with two coats of glyptol or equal insulating varnish applied overall.

All wire shall have 600 volt insulation, unless specified otherwise.

All wire shall be delivered new and in its original wrapping, package or reel to the jobsite.

All wires and connections shall test free of grounds, shorts and opens. Wire shall be General Electric, Hazard, General Cable, Simplex or equal. Aluminum conductors may be used providing the following conditions are complied with:

1. Allowed by local governing authorities.
2. Conductor sizes are increased to provide an equal amount of current carrying capacity as the copper sizes specified are rated at.
3. The insulation is the same as that specified for copper.
4. Terminations and joints are made with fittings specifically designed for this purpose.

WIRE FOR BRANCH CIRCUITS:

All branch circuit wire No. 10 and smaller to be code grade type TW, except in the studio ceilings, in which case it shall be THW or RHW. Conductors shall be of copper 98% conductivity. No lubricant other than powdered soapstone or approved pulling compound may be used to pull wires. No wire smaller than No. 12 shall be used in any system on this project unless specifically called for. Any branch circuit in excess of 100 ft. lineal length shall have No. 10 wire instead of No. 12 to prevent excessive voltage drop.

All neutral branch wire shall have a white or gray color and all other wires shall have black or color coded insulation.

Wire in recessed fixtures and in stems to pendant fixtures shall be #14 type A.F. stranded fixture wire, rated 300 volts.

Splices or connections shall be made at outlet, pull or junction boxes only.

Fixture connections at the outlet box shall be soldered and taped or approved type mechanical connectors may be used. At least 8" of slack wire shall be left in every outlet box whether it be in use or left for future use.

All wire shall have 600 volt insulation.

All wire shall be delivered new and in its original wrapping, package or reel to the jobsite.

All wires and connections shall test free of grounds, shorts and opens.

Wire shall be General Electric, Hazard, General Cable, Simplex or equal.

The branch circuit wire in the floor trenches in the master control room shall be furnished and installed by this Contractor and shall be seven (7) strand, #12 or #10, two, three or four conductor as indicated with an overall Polyethylene jacket and rated at a minimum of 75° C. The individual conductor shall have a minimum of .030" Polyethylene insulation and the cable shall have an overall jacket of not less than .045 inches of Polyethylene.

The branch circuit wire in the overhead studio wireway from the dimmer switchboard shall be equal to Rockbestos table EMA type A.C.A. control and switchboard wire, rated at 1000 volts, 125° C, 19 strand, tinned copper. The joints to connect the wire to the drop cord shall be made using a mechanical compression type connector and taped with Scotch tape. A #12 common green ground wire shall be carried through the wireway, one for each branch wireway to connect the third wire in the cord for an equipment ground for a total of 8 in studio "A" and 7 in studio "B". These wires shall have 15' of slack left at the switchboard also.

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WIRE FOR MISCELLANEOUS SYSTEMS:

Wire for miscellaneous systems shall be governed by the section on branch circuit wire for installation.

Wire for telephone system will be furnished and installed by Southern Bell Telephone Company.

Paging system wire shall be 2 conductor twisted intercom cable, furnished and installed by this Contractor.

Monitor wiring and cable will be furnished and installed by the Owner.

Western Union clock wiring shall be 2 #14 T.W. furnished and installed by this Contractor.

Line voltage control wiring shall be #14 TW furnished and installed by this Contractor.

Low voltage control wiring (less than 50 volts) shall be #16 TFF furnished and installed by this Contractor.

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WIRING DEVICES:

The Contractor shall furnish and install as indicated on the drawings flush 15 amp tumbler type enclosed switches of the following catalog number, or approved equal: Bryant #4801-I for single pole switches, Bryant #4803-I for three way switches, Bryant #4804-I for four way switches. Use 20 amp switches where the load exceeds 1200 watts similar and equal to Bryant

#4901-I, #4903-I and #4904-I. Mount switches 4 ft. up using proper type boxes as specified under "Outlet Boxes" and work to the nearest block course.

Weatherproof switches shall be equal to Bryant #4421 S.P.

Combination switch and pilot light shall be equal to Bryant #6705 mounted on single gang plate.

The Contractor shall furnish and install as indicated on the drawing flush duplex receptacles equal to Bryant 5262-I, 15 amp, 125 volt rating. Mount receptacles 8" up unless noted otherwise, and work to the nearest block course using proper type boxes as specified under "Outlet Boxes".

Range receptacle shall be equal to Bryant #3846, 50 amp, 250 volts.

Heavy duty receptacles shall be equal to Bryant #9326, 3 pole, 20 amp, 250 volts.

Floor boxes for 110V shall be equal to Steel City #880 with #478G12 receptacles.

Floor boxes for telephone shall be equal to Steel City #880 with #466 bell nozzle.

Weatherproof duplex receptacles shall be equal to Hubbell #5214.

Clock outlets shall be equal to Hubbell #7707-SS with stainless steel plate.

This Contractor shall furnish and install the dimmer switches for the various room lights. The SD18 shall be Luxtrol #WBD 1800/P18G/KB. The SD8 shall be Luxtrol #WBD 800/P18G/KB. The SD4 shall be Hubbell #SRC 601-I controller with a #SR600S saturable reactor mounted above the ceiling. The Contractor's attention is called to the fact that the control switches for the reactor are to be mounted on the control desks in the Master Control Room and that these desks will not be in place until the station is in service. This Contractor shall be responsible for installing these control switches after the station is in service.

Use F.S. condulets or 4" square boxes as needed or indicated on the drawings.

This Contractor shall also furnish and install additional miscellaneous devices as specified in the legend of symbols on the drawings.

DEVICE PLATES:

This Contractor shall furnish and install device plates of .030 satin finish stainless steel on all flush mounted switches, receptacles, telephone outlets and all miscellaneous devices. Plates to be equal to Bryant or Sierra. Use Crouse Hinds cast alloy or stamped metal plates on all condulets and exposed switches and receptacles.

LIGHTING FIXTURES:

Lighting fixtures of the types shown on the drawings under fixture schedule shall be furnished and installed on all lighting outlets, as shown on the drawings, including all necessary miscellaneous hangers.

All fixtures shall be lamped completely with lamps of wattages as shown and recommended by the manufacturer. All joints in fixture wiring shall be made using wire nuts, Scotch locks, Ideal #30-410 crimps and 30-415 wrap caps or other approved mechanical means of connection.

All incandescent lamps shall be rated at 125 volts inside frosted, unless specifically called for otherwise by the manufacturer or listed otherwise in the fixture schedule.

All fluorescent lamps shall be standard cool white unless otherwise noted and shall be as manufactured by G. E., Sylvania or Westinghouse.

All fluorescent ballasts shall be high power factor, and bear the ETL and CBM label, rated for 110/125 volt operation and individually fused. The ballasts in the fixtures to be dimmed shall be G.E. #89G929.

It shall be the responsibility of this Contractor to coordinate with the ceiling contractor in order that he furnish the proper fixture to match the ceiling suspension system being installed.

This Contractor shall furnish and install the parking lot lighting complete including the concrete base and anchor bolts.

This Contractor shall furnish and install the Daniel Woodhead Reelites where indicated on the drawings.

All fluorescent fixtures shall be designed in such a manner that all electrical components may be replaced without disturbing the fixture in or on the ceiling.

Before purchasing fixtures the Contractor shall submit a complete list to the Architect for approval so that the fixtures not approved as equal may be rejected. The Architect reserves the right to accept any fixtures as approved equal.

SAFETY SWITCHES:

Switches 100 amps and smaller shall be normal duty, quick make, quick break. Light duty switches shall not be acceptable. Switches shall be provided with number of poles and one time cartridge type fuses as required and rated for 250 volt A.C. service. All switches shall be capable of interrupting the locked rotor current of the motor for which it is to be used. Enclosures shall be NEMA 1 for interior and NEMA 3R for exterior. Use dual element type fuses (fusetrans) in any safety switch serving a motor circuit. Use no fuse switches where indicated at the remote motor locations.

LIGHTING AND POWER PANELBOARDS:

Panelboard shall be of the circuit breaker, dead-front safety type equal to type NAIB and shall bear the approved device label of the Underwriters Laboratories, Inc. and shall meet all applicable requirements of the National Electric Manufacturers Association. The panelboards shall be first line or quality of one of the following manufacturers or equal:

Walker ITE
Square D Company
Trumbull Electric Mfg. Co.
Westinghouse Electric Co.

The number of branch circuits, their rating, number of poles, arrangements, etc. is indicated on the drawings. Lugs or connectors shall be provided in the mains and on the load side of each branch circuit. Main circuit breakers shall be provided on the panels indicated on the schedule on the drawings. Neutral bars shall be provided as required.

Bus bars shall be of the sequence phased type arranged for 120/208 volts, 3 phase, 4 wire mains as shown on schedule.

All circuit breakers, both single and multi-pole, shall be similar and equal to Trumbull Electric Mfg. Co. "AT", ITE "ET" or Westinghouse and Square D AB circuit breakers. Multiple breakers shall have common trip. Trip indication shall be indicated by breaker handle moving to a position other than ON or OFF. Doors on panels shall be equipped with chrome plated lock and a catch with two keys supplied for each lock. Panelboards shall be flush or surface mounted, as required.

Self handle lockoff devices shall be furnished for each panel, for installation by this Contractor on circuits as directed by the Owner, to prevent unauthorized personnel from turning off circuits to controls, unit heaters, night lights, etc. Any spare lockoffs remaining shall be turned over to the Owner for his use.

Printed directory cards shall be provided under plastic on the doors. Contractor shall submit detailed drawings for approval, showing size of cabinets, trims, etc., detail for bussing, locks, method of numbering, number and size of breakers, etc., and shall obtain approval from the Architect before manufacture is commenced.

MAIN SWITCHBOARD:

This Contractor shall furnish and install where shown the main switchboard and shall be equal to Square D Series II Power Style ACE-CBI, as indicated on the schedule on the drawings.

Current transformer section shall have double doors and include 3 2000/5 bar type current transformers. Main breaker shall be of large air circuit breaker design 2000 amp. 3 pole electrically operated with adjustable dual magnetic trip for both inverse time delay and instantaneous tripping. The breaker shall have a manual trip, a visual trip indication and provisions to padlock in the open position.

Secondary section shall be CBI distribution type containing molded case circuit breakers as indicated on the plans. Each circuit breaker shall be mounted on a formed steel panel with the operating handle extending through the hinged front plate of the section. Each circuit breaker is individually fed by copper connectors to the main bus. The load side of each circuit breaker shall be furnished with copper connectors pointing toward the rear of the switchboard and equipped with correct lugs for wire sizes indicated on the schedule. C/B's shall be of F frame minimum size.

The switchboard shall have a voltmeter and ammeter, flush mounted with selector switches for phase selection.

The switchboard shall be mounted on a 4" concrete pad furnished and installed by this Contractor.

Shop drawings shall be submitted for the main switchboard.

STARTERS:

Starters shall be furnished by others but installed and connected by this Contractor complete and in working order. The motor control center in the penthouse will be furnished by the mechanical contractor but installed and connected by the electrical contractor.

PUSH BUTTON STATIONS:

Push button stations shall be furnished by others but installed and connected in complete working order by this Contractor.

CONNECTION OF MECHANICAL EQUIPMENT:

All conduit and wiring and electrical connections to motors, safety switches, starters, relays, electrical interlock circuits and valves shall be wired and connected complete and ready for operation. All starters and controls shall be installed by this Contractor, but furnished by others. This Contractor is cautioned to note carefully the other sections of the specifications describing the electrical equipment to be furnished in order to fully understand the wiring requirements for same. This Contractor shall connect all heating, air conditioning equipment and have this equipment complete and ready for operation. This Contractor shall be responsible for checking the equipment manufacturer to obtain the exact location of all outlets for equipment before installing same. A short section of flexible metallic conduit shall be used at each motor. Water tight flexible conduit shall be used on any motors in damp locations or on roof. Flexible metallic conduit for motor connections shall be half minimum size. The Electrical Contractor shall install all line voltage interlocks and control wiring as indicated on the drawings using #14 TW wire. Low voltage (below 50 volts) control wiring shall be done by this Contractor as shown on drawings and as specified under other sections using 600 volt #16 type TFF wire.

CONNECTION OF OWNER FURNISHED EQUIPMENT:

The Owner will furnish and install all of the video and audio equipment necessary for the transmission of the television. This Contractor's attention is called to the fact that various empty conduits and troughs are being left for the above purpose, these empty conduits, etc., are to be furnished and installed by this Contractor as indicated on the drawings.

Various runs of wiremold in the equipment racks and control booths will not be able to be installed until after the Owner has placed his equipment but this Contractor is to install all of the conduit, wire, and flexible cable to these items leaving enough slack so that when an item is set this Electrical Contractor can simply install the wiremold and connect it to the slack left previously.

This Contractor shall be responsible for coordinating very closely with the Owner for location of these items.

Several items are shown on the drawing to be installed and connected by the Owner with this Electrical Contractor leaving 3 feet of slack cable for this purpose. This Contractor shall be responsible for coordination with the Owner to leave the slack exactly where needed prior to the setting of the equipment.

This Electrical Contractor shall not be responsible for pulling in any audio or video cables required except for the paging system which will be as shown on the drawings.

UNDERFLOOR DUCT SYSTEM:

This Contractor shall furnish and install complete a metallic duct

underfloor system similar and equal to "Gateway" comprised of standard duct for branch runs and super-duct for feeder runs on the power duct. Ducts shall be installed bringing the top of the outlets to within 1/8" below the finished concrete floor.

The office area shall be a double duct system for power and telephone, with junction boxes and all necessary components for a complete system.

Marker screws shall be provided for outlets adjacent to junction boxes and last outlet at the end of the duct run.

Marker escutcheons shall be provided for wire or similar floor covering is included in the building contract.

Duct shall be supported on hangers not exceeding 5 ft. with adjustable saddle supports.

Duct ends shall be capped with caps provided for that purpose.

Power duct runs shall be terminated in panel C using wall ells and blank duct to cabinet adapters.

Telephone duct run shall be terminated in the telephone equipment room as shown on the drawings using wall ells and blank duct.

This Contractor shall install all wire in duct as shown on the drawings.

This Contractor shall furnish and install a total of thirty (30) Square D Gateway GZEA high tension switches where directed by the Owner.

This Contractor shall furnish and install a total of thirty (30) Gateway G2-IA-075 telephone outlets where directed by the Owner.

This Contractor shall include in his bid price for adding or deleting a G2-IA-075 telephone outlet.

This Contractor shall include in his bid price for adding or deleting a GZEA power outlet.

TELEPHONE SERVICE

The contractor shall furnish all labor and materials for the installation of telephone cabinets, switches, and outlets as shown on the drawings. All materials shall be furnished by the contractor from the telephone company.

empty conduits and outlets with drawings. This Contractor shall furnish a 20" x 36" x 4 1/2" flush tele- installed where shown on the drawings. This Contractor shall install an empty 3/4" conduit from the nearest cold water line for the telephone.

PAGING SYSTEM

The contractor shall furnish and install a system of 18/2 intercom cables as shown on the drawings. This Contractor shall furnish and install the cables as shown on the drawings.

a system of 3/4" conduit with an intercom system furnished and installed by the Owner at a later date. The contractor shall be responsible for the connection from box to box and terminated in the telephone room.

CLOCK SYSTEM

The contractor shall furnish and install the clock system as shown on the drawings.

Union system with the clocks being furnished and installed by the Owner. This Contractor shall furnish and install the wires where indicated on the drawings. The wires shall be run in the floor trench and then into the

SERVICE:

Service available will be 120/208 volt, 3 phase, 4 wire, from a pad mounted transformer outside and adjacent to the building. The Nashville Electric Service will furnish the primary wire, the ground wire and the transformer, and install the same except the ground wire which this Contractor shall install in the concrete envelope around his conduit. The secondary wire, primary and secondary conduits, ~~transformer pad~~, etc., shall be furnished and installed by this electrical contractor. This Contractor shall obtain the exact pad size and stub up points for the transformer from N.E.S. The entire service shall be grounded in accordance with the N.E. Code Article #250.

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IDENTIFICATION OF EQUIPMENT:

This Contractor shall properly identify the usage of all starters, relays, safety switches & lighting panels, in approximately 1" letters on the face of each, their proper identification. This applies to starters, etc. So long as they were connected by this Contractor, they shall be identified by him whether furnished by him or others.

the angle of the departure curve contained in Figure 6-a of that section now applicable to frequencies other than clear channels in place of present Figure 6.

The Commission is making no determination at this time on whether the public interest would be served by permitting higher power to extended time nighttime range of Class 1-A clear channel stations, or whether duplication of stations should also be permitted on the twelve clear channels now held in status quo. A study of these consideration will be continued.

"Upon Commission consideration of the question we conclude that there is not sufficient basis before us for a finding that the public interest would be served by authorizing higher power but that at the same time the question warrants further consideration in the light of such improvements and changes in service as may result from the action we now take to authorize additional unlimited time station on 13 of the Class 1-A clear channels". It adds:

"We leave open, unprejudiced, whether and if so, how the public interest would be served by changing the rules affecting the use of the twelve clear channels now left in status quo. At such time as further developments including progress under the changes we now adopt provide additional light on the question we will give further consideration to use best, to utilize the 12 clear channels in ~~XXXXXX~~ not now disturbed."

This action concludes the clear channel proceeding in Docket 6741 which has been in process since 1945. It was taken by Chairman Minow and Commissioners Hyde, Bartley, Lee, Craven, Ford and Cross on September 13, 1961.

Commissioner Lee dissented in a statement and Commissioner Cross concurred in part and dissented in part in a statement.

The text to be printed by GPO in weekly pamphlet.

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington 25, D. C.

In the Matter of)
)
Clear Channel Broadcasting) Docket No. 6741
in the Standard Broadcast Band)

MOTION FOR STAY

Clear Channel Broadcasting Service (CCBS), a party to the above-captioned rule making proceeding, by its attorneys, in its own behalf and in behalf of its individual member stations, * herewith respectfully requests that the Commission enter an order postponing the effective date of the amendments to its rules proposed in the Report and Order released in this proceeding on September 14, 1961, until final action has been taken on all petitions for reconsideration or other relief which may be filed herein. In support of this motion, CCBS shows as follows:

1. The Report and Order in this proceeding proposes to revise the Commission's procedural and substantive regulations governing the allocation and licensing of standard broadcasting stations in

* The members of CCBS include the licensees of the following twelve Class I-A standard broadcast stations: KFI, Los Angeles; WSM, Nashville; WLW, Cincinnati; WGN, Chicago; WSB, Atlanta; WJR, Detroit; WBAP, Fort Worth; WFAA, Dallas; WHAS, Louisville; WHO, Des Moines; WHAM, Rochester; and WOAI, San Antonio.

numerous and far-reaching respects. Among other changes, the Report and Order contemplates the creation of an entirely new class of standard broadcast station and an amendment to Sec. 3.182 of the Rules which, if made final, would deprive more than half of all existing Class I-A stations of a substantial part of their present protection against interference during nighttime hours. Numerous procedural changes in the Commission's rules are proposed to implement and effectuate these basic substantive revisions.

2. Simultaneously herewith, CCBS and a number of its member Class I-A standard broadcast stations are filing petitions for reconsideration and other relief directed both to the Report and Order generally and to the specific amendments to the Rules proposed therein. These petitions raise substantial questions of fact and law concerning both the merits of the Report and Order itself and the nature of the further proceedings which would be required by the Communications Act of 1934, as amended, and the Administrative Procedure Act before the outstanding broadcast licenses affected by the new regulations can be finally modified. It is expected that petitions for reconsideration or other relief may be filed by other parties to this proceeding and by interested persons affected for the first time by the proposed changes in the rules.

3. Without more, the numerous and difficult questions raised by the petitions for reconsideration in this case would justify a postponement of the effective date of the far-reaching amendments to the rules proposed in the Report and Order. Plainly, it would be incongruous for the Commission to allow such sweeping changes in its existing allocation provisions to go into effect, with their consequent impact both on existing stations throughout the country and on potential applicants for new facilities, before it has had an opportunity to consider and dispose of requests for reconsideration of its Report and Order filed by responsible and deeply concerned members of the broadcast industry.

4. There are other cogent reasons for a postponement of the effective date of the new rules. By letter of September 7, 1961, the Chairman of the House Interstate and Foreign Commerce Committee advised the Commission that the Committee desires an opportunity to consider pending legislation affecting the issues in this proceeding at the coming session of Congress. Due deference to the wishes of the Committee of Congress charged most directly with administration of the Communications Act obviously requires that such a request be honored. It would be unseemly, to say the least, for the Commission to allow its proposed new allocation regulations to go into effect without giving Congress an opportunity to consider legislation now pending

before it which is in some respects in direct conflict with the proposed new regulations.

5. A further reason for the Commission to postpone the effectiveness of the new regulations arises from the fact, disclosed in the petition for reconsideration being filed simultaneously herewith by CCBS, that the Clear Channel Broadcasting Service is at this very moment cooperating with the U. S. Air Force in the development of a classified emergency back-up communications system (BRECOM) which may make use of the interference-free signals of clear channel broadcast stations for national defense purposes.

6. Finally, since the proposed revisions of the rules — insofar as they relate to protection from objectionable interference to certain existing Class I-A stations, including several members of CCBS — would work a modification of the outstanding licenses of such stations within the doctrine of the so-called KOA case, * there is a serious question whether the Commission has authority to allow the Rules to become final without first having given such stations an opportunity to show at an evidentiary hearing that the rule changes would in specific instances be contrary to the public interest regardless of the overall wisdom of the policy determinations reached in this proceeding.

* Federal Communications Commission v. National Broadcasting Company (KOA), 319 U. S. 239 (1943)

7. Implementation of the new regulations which would subject the existing protected secondary service areas of numerous Class I-A stations for the first time to objectionable co-channel interference would obviously cause irreparable injury to the stations involved. On the other hand, since in any event applications for new Class II-A stations could not be processed until after January 30, 1962, by the terms of the new regulations themselves, a postponement of the effective date of the rules can have no immediate adverse effect on any prospective applicant for the new stations provided for therein. Indeed, the equities of possible applicants for such stations also demand a postponement, since until the Report and Order in this proceeding has become final it would be most inappropriate for the Commission, by allowing the proposed rules to go technically into effect, to encourage the substantial investment of time and money necessary for the preparation of applications for Class II-A stations which may never in fact be processed or granted.

8. In summary, the public interest, the private interest of existing stations, the equities of potential applicants for new Class II-A facilities, and the currently developing BRECOM program by the U. S. Air Force, would all be served by postponement of the effective date of the new rules until the Commission has had an opportunity to consider and act upon the petitions for reconsideration pending before it and until

appropriate proceedings have been taken before Congress in connection with the pending legislation affecting the same subject.

WHEREFORE, it is respectfully requested that the Commission enter an order postponing the effective date of the new rules attached as an Appendix to the Report and Order in this proceeding until a date to be set by subsequent Order.

Respectfully submitted

CLEAR CHANNEL BROADCASTING
SERVICE

By _____
Reed T. Rollo

Percy H. Russell

R. Russell Eagan

Aloysius B. McCabe

of

Kirkland, Ellis, Hodson, Chaffetz &
Masters
800 World Center Building
Washington 6, D. C.
Its Attorneys

October 16, 1961

October 5, 1961

Mr. Reed T. Rollo
World Center Building
16th and K Streets, N. W.
Washington 6, D. C.

Dear Mr. Rollo:

In Mr. Craig's absence from the city, this is to acknowledge receipt of your letter of October 4th. Mr. Craig will be away until October 16th, and your letter will be brought to his attention on his return to the office.

Yours very truly,

Secretary to Mr. Craig

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Ann,

I made these copies for Mr. DeWitt if
he wants them. Please send me the
enclosures to go in Mr. Craig's letter.

Thank you.

Lois

October 19, 1961

Mr. J. Leonard Reinsch
Executive Director
Radio Station WSB
1601 W. Peachtree Street, N. E.
Atlanta 9, Georgia

Dear Leonard:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

Reed has asked for a fairly quick answer on this and therefore I shall greatly appreciate it if you will give the matter early consideration and advise us as to whether you feel that we should accede to his request.

With all good wishes, I am

Sincerely yours,

Edwin W. Craig

C
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October 19, 1961

Mr. John Patt, Chairman of the Board
The Goodwill Stations, Incorporated
1243 Statler Hotel
Cleveland, Ohio

Dear John:

Recently the attached letter came to me from Reed Rolfe, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

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October 19, 1961

Mr. James M. Gaines
President
Radio Station WOAI
1031 Navarro Street
San Antonio, Texas

Dear Jim:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

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October 19, 1961

Mr. James Moroney, Sr.
Vice President
The Dallas Morning News
Dallas 2, Texas

Dear Jim:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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Sincerely yours,

Edwin W. Craig

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October 19, 1961

Mr. Harold Hough
Radio Station WBAP
Fort Worth, Texas

Dear Harold:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

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October 19, 1961

Mr. Paul Loyet
Vice President and Resident Manager
Station WHO
1100 Walnut Street
Des Moines, Iowa

Dear Paul:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

C
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October 19, 1961

Mr. Victor A. Sholis
Director
Radio Station WHAS
6th and Broadway
Louisville 2, Kentucky

Dear Vic:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

C
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October 19, 1961

Mr. George A. Wagner
President and General Manager
Earle C. Anthony, Incorporated
141 N. Vermont Avenue
Los Angeles, California

Dear George:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

C
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October 19, 1961

Mr. Henry I. Christal
579 Fifth Avenue
New York 17, New York

Dear Hank:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

Reed has set out the problem with such clarity that I do not believe it necessary for me to attempt to explain further with regard to his difficulties. I know that he has been under some criticism from his principals in Chicago in regard to our account in the past. His law firm in the past few months has done a large amount of work in connection with the bills which were placed in Congress by various senators and representatives in our behalf. The petition for reconsideration with supporting information which was filed on October 16 is a very complete and thorough piece of work which undoubtedly required painstaking preparation.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

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October 19, 1961

Mr. Ward Quaal
Executive Vice President
General Manager
WSN, Inc.
2501 West Bradley Place
Chicago 18, Illinois

Dear Ward:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

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With all good wishes, I am

Sincerely yours,

Edwin W. Craig

C
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October 19, 1961

Mr. James Shouse
Chairman of the Board
Crosley Broadcasting Corporation
Crosley Square
Cincinnati 2, Ohio

Dear Jim:

Recently the attached letter came to me from Reed Rollo, our legal counsel in Washington, regarding the question of legal fees in connection with the current clear channel effort.

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LOUIS G. CALDWELL
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
FREDERICK M. ROWE
ALOYSIUS B. MISCABE

LAW OFFICES

KIRKLAND, ELLIS HODSON CHAFFETZ & MASTERS

WORLD CENTER BUILDING 1615 AND K STREETS N.W.

WASHINGTON 6, D. C.

TELEPHONE NUMBER 3-1700

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1 ILLINOIS

JOSEPH DUCOFUR
RAYMOND G. LAPOCA
HOWARD P. WILLENS
JOHN P. MANWELL

October 4, 1961

Mr. Edwin W. Craig
Chairman of the Board
The National Life and Accident Insurance Company
National Building
Nashville 3, Tennessee

Dear Mr. Craig:

It was indeed a pleasure for me to see you again in Nashville on September 14, and particularly enjoyable having you preside as chairman once again at a meeting of the CCBS members. The unanimity of views which you invariably inspire as chairman never fails to impress me.

Recently I have become somewhat concerned over the substantial discrepancy between our firm's actual time charges devoted to CCBS affairs and the amount of our monthly retainer. Prior to July 1955 it was our practice to bill CCBS our actual time charges or a monthly retainer of \$1,200, whichever was greater. Beginning in July 1955 I agreed to accept a monthly retainer of \$1,250 regardless of the amount of actual time charges, with the understanding that special arrangements would be made concerning other than routine matters. Since that time we have on one occasion obtained authority to bill actual time charges in excess of retainer with reference to the appeal we took on behalf of CCBS on the daytime skywave case; and effective July 1, 1960, our retainer was increased to \$1,500 per month.

During the period January 1 - August 31 of this year our time charges have exceeded the retainer which has been billed to CCBS by only \$5,000. Unfortunately, however, during the month of September when we were devoting substantial time to legislation before the Senate and the House, activities of the House Interstate and Foreign Commerce Committee and to the Final Decision by the FCC in the clear channel case our total time charges amounted to \$8,817, or \$7,317 in excess of the retainer. Inasmuch as I consider the above-mentioned matters as other than routine, I should like to have your approval to bill CCBS for work done, effective

LOUIS G. CALDWELL
(1901-1991)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
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LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

WORLD CENTER BUILDING 1600 AND K STREETS, N.W.

WASHINGTON 6, D. C.

TELEPHONE 476-1113

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

JOSEPH DUCOEUR
RAYMOND G. LARROCA
HOWARD P. WILLENS
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The National Life and Accident Insurance Company
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

In the Matter of
Clear Channel Broadcasting
in The Standard Broadcast Band

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)
)
)

Docket 6741

PETITION FOR REHEARING

ON BEHALF OF

CLEAR CHANNEL BROADCASTING SERVICE (CCBS)

Reed T. Nollo
Percy H. Russell
K. Russell Egan
Aloysius B. McCabe
of
Kirkland, Ellis, Hodson,
Chaffetz & Masters
800 World Center Building
Washington 6, D. C.

Attorneys for CCBS

October 16, 1961

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OVER

efore the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

In the Matter of)
Clear Channel Broadcasting)
in the Standard Broadcast Band) Locket 6741

PETITION FOR REHEARING

Clear Channel Broadcasting Service (hereinafter referred to as CCBS),
by its attorneys and pursuant to Section 405 of the Communications Act of 1934,
as Amended, hereby petitions the Commission to reconsider and set aside the Report
and Order adopted herein on September 13, 1961, and released on September 14,
1961. In support thereof, it is stated as follows:

I. Standing and Identity of CCBS

1. CCBS, one of the original parties to the instant proceeding, is
an informal organization composed of the following twelve licensees of Class I-A
standard broadcast stations:

<u>Call Letters and Location</u>	<u>Frequency (kc)</u>	<u>Licensee</u>
1. KFI, Los Angeles, Calif.	640	Earle C. Anthony, Inc.
2. WSM, Nashville, Tenn.	650	WSM, Inc.
3. WDN, Cincinnati, Ohio	700	Crosley Broadcasting Corporation
4. WGN, Chicago, Illinois	720	WGN, Inc.
5. WSB, Atlanta, Georgia	750	Atlanta Newspapers, Inc.
6. WJR, Detroit, Michigan	760	The Goodwill Stations, Inc.
7. WFAA, Dallas, Texas	820	A. H. Belo Corp.
8. WBAP, Fort Worth, Texas	820	Carter Publications, Inc.
9. WHAS, Louisville, Kentucky	840	WHAS, Inc.
10. WHO, Des Moines, Iowa	1040	Central Broadcasting Co.
11. WHAM, Rochester, N. Y.	1180	Genesee Broadcasting Corp.
12. WOAI, San Antonio, Texas	1200	Southland Industries, Inc.

2. The origin of CCBS goes back to a meeting held in Chicago in May of 1934. The meeting was attended by representatives of various Class I-A stations who shared a common concern over the then mounting pressures to duplicate or break down the then remaining clear channel frequencies by assigning more than one fulltime station on each frequency. Although the November 11, 1928 allocation had set aside 40 frequencies on each of which only one station was authorized to operate during nighttime hours in order to "give good service to rural and remote listeners"^{2/}, by May of 1934, the following inroads had been made on the original 40 clear channel frequencies:

- a. Seven of the original forty clear channel frequencies had been broken down by the assignment of a second fulltime station on each of the seven frequencies^{3/}.
- b. A number of applications seeking additional fulltime authorizations on clear channel frequencies were filed during the early part of 1934.
- c. Mexico announced the assignment of fulltime stations on 19 U.S. clear channel frequencies.

3. As a result of the meeting held in Chicago in May of 1934, a joint petition was filed with the Commission on August 7, 1934 by several of the present Class I-A stations. As a result, the Commission announced on August 7, 1934, that "a survey will be made for the purpose of determining the service available to the people of the United States and the type of station that the listener in rural areas are dependent upon for the service" (FCC P.M. 11325). This survey was followed by the hearings held in 1935 and 1938 (Dockets 4063 and 5072-A) for the

^{2/} Federal Radio Commission Second Annual Report, Page

^{3/} See Exhibits 1 and 2 of CCBS Comments filed herein on August 15, 1958.

purpose of determining what could be done to improve broadcast service.^{4/} The primary issues dealt with the still present questions of the extent to which Class I-A frequencies should remain free of duplication and the minimum and maximum power which should be authorized respecting Class I-A stations.^{5/}

4. In the 1936 and 1938 clear channel hearings, the Clear Channel Group, the predecessor to CCBS, was one of the principal parties. The Clear Channel Group advocated that a minimum of forty Class I-A frequencies be retained and that Class I-A stations be authorized to operate with power in excess of 50 kw in order to improve service to rural and remote areas and populations.

5. In 1941 members of the Clear Channel Group formed Clear Channel Broadcasting Service which had the following three self-imposed qualifications:

- a. A member must be the licensee of a Class I-A station.
- b. A member must be interested in preserving the channel on which his station operates as a clear (unduplicated) channel.
- c. A member must be the licensee of a Class I-A station which is not owned or controlled by a network.

^{4/} Further details concerning these events are set forth in the "Summary History of Allocation in the Standard Broadcast Band" filed herein on behalf of CCBS on January 12, 1948.

^{5/} These issues were first debated in 1924 when several stations, including KFI and WLM, sought to increase operating power from 1 kw to 5 kw. The issues were again debated in the fall of 1930 when a hearing was held to determine which of a number of affiliates would be authorized to operate with 50 kw. General Order 42 had been amended on June 16, 1930 so as to provide that 50 kw (25 kw on a regular basis and 25 kw on an experimental basis) could be used on 20 of the 40 clear channel frequencies.

6. When the instant proceeding was initiated on February 20, 1945, CCBS became a party to the proceeding and has actively participated in all stages of the hearing and has uniformly urged that service can be improved to rural and remote areas only by preserving the too few existing Class I-A frequencies and authorizing Class I-A stations to operate with power in excess of 50 kw. The Report and Order released herein on September 14, 1961 retains the power ceiling of 50 kw, breaks down 13 of the Class I-A frequencies^{6/} and leaves for a future decision the question of whether duplication or higher power or a combination thereof will be authorized respecting the remaining 12 Class I-A frequencies.^{7/}

^{6/} Including the frequencies on which CCBS member stations WGN (720 kc), WSB (750 kc), WJR (760 kc) and WHAN (1180 kc) operate.

^{7/} One of which is already duplicated (770 kc) and two of which (640 and 830 Kc) are subject to "special circumstances" so these applications for partial duplication at Ames, Iowa and New York City will be accepted and acted on in light of decisions to be rendered in Dockets 11290 and 11227. KFI (640 kc) is a member of CCBS.

II. Summary of Action Taken In The Notices of
April 15, 1958 and September 22, 1959, and
September 14, 1961 Report and Order.

7. When the instant proceeding was commenced in February of 1945, the number of Class I-A frequencies had been reduced from 40 to 24 (See Exhibits 1 and 2 of CCBS Comments filed herein on August 15, 1958 regarding the details of the breakdowns)^{8/}. In addition, a 25th frequency (1030 kc), which was then classified domestically and internationally as Class I-B, has been subsequently classified internationally as a Class I-A. The February 20, 1945 Notice, which commenced Part I of the proceeding, specifically specified the following eleven issues (1 RR, Part 1, Page 53:1111):

- (1) What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Regional Broadcasting Agreement.
- (2) Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I-A channels and as I-B channels.
- (3) What minimum power and what maximum power should be required or authorized for operation on clear channels.
- (4) Whether and to what extent the authorization of power for clear channel stations in excess of 50,000 watts would unfavorably affect the economic ability of other stations to operate in the public interest.
- (5) Whether the present geographical distribution of clear channel stations and the areas they serve represent an optimum distribution of radio service or whether the fair, efficient, and equitable distribution of radio service among the several states and communities specified in Section 307(b) of the Communications Act requires a geographical redistribution at this time.
- (6) Whether it is economically feasible to relocate clear channel stations so as to serve those areas which do not presently receive service.

^{8/} One of the 24 (770 kc) had not in fact been "clear" since 1941 it being of the authority granted KOB, Albuquerque, New Mexico to operate fulltime on the frequency in addition to WABC, New York City.

(7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels.

(8) What changes the Commission should order with respect to geographical location, frequency, authorized power or hours of operation of any presently licensed clear channel station.

(9) Whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas.

(10) The extent to which the service areas of clear channel stations overlap and the extent to which this involves a duplication of program service.

(11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this Order.

see bottom for
insert here.

8. a. Issue 1. The issue has been rendered moot by the entry into force of the North American Regional Broadcasting Agreement of 1950 and the U. S. - Mexican Bi-lateral Agreement of 1954.

b. Issue 2. There is no practicable basis for increasing the number of clear channels and it would not be in the public interest to decrease the number thereof.

c. Issue 7. The issue is rendered moot by the decision reached in Dockets 8333, 12274 and 12729.

d. Issues 9 & 10. The pertinent record evidence is "too outdated to provide a sound basis for judgment * * *".

e. Issue 11. Enactment of additional legislation is not necessary.

INSERT: 8. The following six of the eleven issues were resolved in the manner indicated by the Further Notice of Proposed Rule Making (Part II) released herein on April 15, 1954x 1958:

9. With respect to the unresolved five issues (Nos. 3, 4, 5, 6^{2/} and 8), the April 15, 1958 Notice proposed, in pertinent part, as follows:

A. A maximum power ceiling of 50 kw should be retained with respect to 12 Class I-A frequencies (660, 670, 720, 770, 780, 830, 890, 1020, 1100, 1120, 1180 and 1210 kc).

(1) On five of the above-noted frequencies (660, 770, 830, 1100, and 1180 kc), additional Class I fulltime stations (one on local frequency) should be assigned in specified Western states, the new Class I station and the existing Class I-A to operate with power of 50 kw employing directional antennas so as to afford mutual protection.

(a) On the remaining seven of the above-noted frequencies (670, 720, 780, 890, 1020, 1120 and 1210 kc), additional Class II fulltime stations (one on each frequency) should be assigned in underserved areas, the existing Class I-A station not being required to directionalize.

~~III~~

???

III. Processing of applications for new and expanded daytime facilities on the above-noted 12 Class I-A frequencies should be deferred until reasonable opportunity has been provided for the assignment of the proposed additional fulltime stations.

(b) Resolution of the question of authorizing high^{or} power (in excess of 50 kw) for the Class I-A station on the remaining 12 Class I-A frequencies (640, 650, 700, 750, 760, 820, 830, 840, 870, 1040, 1160 and 1200 kc) should be deferred and the status quo should be retained, daytime and nighttime.

(c) Should the separate EOB proceeding be resolved by assigning EOB to 770 kc, 1030 kc will remain available for a fulltime Class I assignment at a location other than Albuquerque in addition to WEE, Boston.

^{2/} It was resolved that the record failed "to support the desirability of outright relocation of clear channel stations ***."

10. In the Third Notice of Further Proposed Rule Making released September 22, 1959 (Part III), the Commission proposed, in pertinent part, to resolve Issues 3, 4, 5, 6 and 8 as follows:

a. Defer final resolution of the question of whether Class I-A stations should be authorized to operate with power in excess of 50 kw.

b. The existing fulltime operation in Fairbanks, Alaska on 660 kc (KFAA) and in Albuquerque, New Mexico (KOB) should be maintained and the Class I-A stations on the frequencies (WNBC, New York and WABC, New York) should continue to operate as presently authorized.^{10/}

c. Additional fulltime stations (one on each frequency) should be authorized to operate within specified states on the remaining 23 Class I-A frequencies, the new stations to operate with a minimum power of 10 kw and to directionalize so as to "provide a satisfactory degree of protection" to the pertinent Class I-A stations.

11. In the Report and Order released herein on September 14, 1961, Issues 3, 4, 5, 6 and 8 were resolved as follows:

a. Existing or additional Class II stations (one on each frequency) may operate fulltime, within specified locations, on each of the following 13 Class I-A frequencies: 670, 720, 750, 780, 880, 890, 1020, 1030, 1100, 1120, 1180 and 1210 kc.^{11/}

(1) 750 kc is reserved for Class II-3 use by KFQD, Anchorage, Alaska, with a maximum power of 10 kw. KFQD must protect the 0.1 mw/m daytime groundwave and 0.5 mw/m nighttime 50% skywave contour of WSB, Atlanta, Georgia.

^{10/} Except WNBC operates on a non-directional basis with power of 50 kw. WABC operates with power of 50 kw but employs a directional antenna to protect KOB.

^{11/} It appears that 890 kc was inadvertently omitted from the list of frequencies set forth in Par. 35. KOB will continue to operate on 770 kc and existing stations will be permitted to change their frequencies to 750 and 760 kc. KFAA will continue to operate on 660 kc.

(2) 760 kc is reserved for Class II-B use by KFMB, San Diego, California with a maximum power of 5 kw. KFMB must protect the 0.1 mv/m daytime groundwave and 0.5 mv/m nighttime 50% skywave contours of WJR, Detroit, Michigan.

(3) On each of the remaining 11 Class I-A frequencies listed above, one new fulltime Class II-A station will be permitted to operate within specified states (see Rule 3.22 a). Such new stations must operate with a minimum power of 10 kw (and a maximum of 50 kw), must protect the 0.1 mv/m daytime groundwave and the 0.5 mv/m nighttime skywave 50% contours of the co-channel Class I-A station and must provide the first nighttime primary service to either 25% of the nighttime interference-free primary service area or to 25% of the population residing therein.

(h) Applications for new daytime or limited time stations (Class II-D) on any of the above-noted Class I-A frequencies to be located within the continental U.S. will not be accepted for filing and such applications now on file will be dismissed (Par. 56 and Rule 3.25 (a)(5)).^{12/}

(5) Applications for new or changed facilities (except applications of existing Class IV stations on 1230 or 1240 kc to increase daytime power to 1 kw) on any of the frequencies located within 30 kc of the above-noted 13 Class I-A frequencies which involve undue risk of prohibited overlap with or prohibited interference to or from the above-noted frequencies provide new Class II assignments on the pertinent 13 Class I-A frequencies will not be acted upon until the location and operating facilities of the new Class II stations are established (Rule 1.351 (c)).

^{12/} Rule 3.25(a) also prohibited the assignment of any fulltime station located within the continental limits of the United States on the 13 pertinent frequencies other than the specified Class I-A and Class II stations. The degree to which existing Class II-D stations assigned to the pertinent Class I-A frequencies may prosecute modification applications is not spelled out in the Report and Order or in the new rules.

(6) The assignment of the above-noted Class II fulltime assignments on the above-noted 13 Class I-A frequencies "at least limit and at worst frustrate the future probabilities for employing ~~more~~" (Par. 18) the use of higher power on the Class I-A stations operating on the pertinent 13 Class I-A frequencies.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

b. Two Class I fulltime stations may be assigned on 770 kc, one of the remaining 12 Class I-A frequencies (Note 3, Rule 3.25(a)).^{13/}

(1) The exact form of operations which will be permitted on the two Class I stations (WABC, New York, and KOB, Albuquerque, New Mexico) will be determined in the proceedings to be held as a result of the May, 1960 decision of the Court of Appeals in American Broadcasting Company v. FCC, 280 F. 2nd 631, 20 A.R. 2001 (Pars. 82-85).

(2) Applications for new daytime or limited time stations (Class II-D) on 770 kc to be located within the continental United States will not be accepted for filing and pending applications for daytime, limited time or fulltime hours of operation on 770 kc will be dismissed (Pars. 56, 86(d) and Rule 3.25(a)(5)).^{14/}

(3) Applications for new or changed facilities on non-Class I-A frequencies 30 kc removed from 770 kc, (740 and 790 kc) are subject to the restrictions noted above in Par. 11 a(5) hereof (Rule 1.351(a)). In addition such applications for 790 kc are also subject to the provisions of Rule 1.351(b) and (c).^{15/}

^{13/} 770 kc was inadvertently omitted from the list of frequencies set forth in Rule 3.25(a).

^{14/} See footnote 11, ~~XXXXXX~~.

^{15/} It would appear that it was intended to also include 740 kc in Rule 1.351(b)(1).

(h) Although 770 kc is included among the 12 Class I-A frequencies concerning which the Commission has apparently deferred final judgment on the question of higher power for the Class I-A stations assigned thereto (Par. 18-21), it would appear that higher power is foreclosed for any Class I-A station on 770 kc in view of the decision to authorize two fulltime Class I stations on the frequency which would "at least limit and at worst frustrate the future possibility of authorizing higher power for a Class I-A station on 770 kc (Par. 18).

G. Although Par. 29 of the Report and Order released September 14, 1961 states that the status quo will be maintained respecting 640 kc and 830 kc, two more of the remaining 12 Class I-A frequencies, Rule 3.25 is in fact amended so as to accept applications for operation during nighttime hours by WOI, Ames, Iowa on 640 kc and WNYC, New York City on 830 kc.

(1) The exact form of operation for WOI and WNYC is left open for final decision in Dockets 11290 and 11227 (Par. 73-76).

(2) Applications for new daytime or limited time (Class II-D) stations on 640 and 830 kc to be located within the continental United States will not be accepted for filing and pending applications for such stations will be dismissed (Par. 56 and Rule 3.25(a)(5)).^{16/}

(3) Applications for new or changed facilities on non-Class I-A frequencies 30 kc or less removed from 640 and 830 kc are subject to the provisions of Rule 1.351(b) & (c).^{17/}

(h) Although 640 and 830 kc are included among the 12 Class I-A frequencies concerning which the Commission has apparently deferred final judgment

^{16/} See footnote 11, supra.

^{17/} 800 and 810 kc applications are also subject to the provisions of Rule 1.351(a).

on the question of higher power for the Class I-A stations assigned thereto (Par. 18-21), it would appear that higher power for KFI and WCCO is foreclosed in view of the contemplated action of authorizing WOI and WNUC to operate during nighttime hours on 640 and 830 kc which would "at least limit and at worst frustrate the possibility ~~was~~" of higher power for KFI and WCCO (Par. 18).

D. With respect to the remaining 9 Class I-A frequencies (650, 660, 700, 820, 840, 870, 1040, 1160 and 1200 kc.), ~~REMAK~~ final decision is deferred as to whether higher power for the Class I-A stations assigned thereto should ^{18/} ~~REMAK~~ be authorized, or whether additional fulltime stations should be assigned to the frequencies or whether a combination of higher power and duplication should be employed respecting these frequencies (Par. 24, 25, 29-33 & 63).

(1) Applications for new daytime or limited time stations (Class II-D) on any of the above-noted Class I-A frequencies to be located within the continental United States will not be accepted for filing and such pending applications will be dismissed (Rule 3.25(a)(5)).^{19/}

(2) Until September 1, 1964 (or an earlier date, if so announced) applications to operate for the first time at any particular location on any non-Class I-A frequency 30 kc or less removed from any of the above-noted 9 Class I-A frequencies will not be granted (Rule 1.351 (b)(2)). Any application by stations now operating on any of the above-noted frequencies to increase power or hours of operation will be placed in the pending file if it appears that a grant of the application would "risk prejudice" to possible future uses of the pertinent Class I-A frequencies (e.g. higher power, duplication, etc.) (Rule 1.351 (b)(3)).

^{18/} et the Commission concluded "there is insufficient basis before us for finding that the public interest would be served by authorizing higher power ~~was~~" (Par. 20).

^{19/} See footnote 11, supra.

Accordingly, there is no basis for the ~~erroneous~~ assertion in Par. 6 of the September 14, 1961 Report and Order that "perhaps as many as" 25 million people within the continental United States "are estimated to be outside the range of usable nighttime groundwave service." Paragraph 6 (and other portions of the September 14, 1961 Report and Order^{22/} erroneously ignores that although the bulk of the white area (74.8%) lies West of the Mississippi River, the bulk of the white area population (71.3%) lives East thereof (Par. 10 of Third Report).

14. Paragraph 1 of the September 14, 1961 Report and Order states with impreciseviness that the action taken respecting the 25 Class I-A frequencies was designed to "improve service" in the "most practicable manner" in the standard broadcast band. As shown above, the basic questions to be resolved in this proceeding is the most practicable method of improving service to the numerous white areas^{23/} population in the East and in the West. The Report and Order is correct in the assumptions^{23/} that the 25 Class I-A frequencies afford the only possible means of improving service to these white area populations. However, the Report and Order erroneously assumes that service to these white area populations can be improved significantly by the creation of new nighttime primary service by new fulltime stations operating on Class I-A frequencies.^{24/} This assumption is contrary to all of the record evidence which supports the conclusion reached by the Commission in Paragraph 41 of its April 15, 1958 Further Notice that "improvement of nighttime service throughout most of the existing white areas must be provided, if at all, by new or improved skywave service" (emphasis added).

15. Thus, the September 14, 1961 Report and Order erroneously fails to recognize that the precise basic question to be resolved in this proceeding is the best practicable method of improving service to white area populations which, if to be done in any significant degree, must be done by creating new or improved

^{22/} E.O. Pars. 36 and 83.

^{23/} E.O. Pars.

^{24/} E.O., Pars. 22, 34, 41, 44, 46, 54, 55, 61, 64, 81, 85a, 94, 97, 98 & 101.

skywave service. Of course, any improvement of nighttime groundwave service to white area populations is desirable, provided it is not created at the expense of prohibiting new or improved nighttime skywave service to white area populations.

B. Failure to Improve Service to White Area Populations

16. Although the September 14, 1961 Report and Order states that the action taken was designed to "improve service" to white areas^{25/}, the fact is that the action taken will not result in any significant improvement of service to white area populations and will forever bar any significant improvement through the use of higher power on the Class I-A frequencies duplicated.

17. Initially, it may be noted that the proposed duplication of 13 Class I-A frequencies is obviously an inadequate and irrational attempt to improve service to white area populations in view of the facts that (1) it will degrade rather than improve existing nighttime skywave service, (2) it will not create any new nighttime skywave service and (3) the only new service created will be nighttime groundwave service.^{26/}

18. To graphically portray the known fact that creation of new groundwave service will not significantly improve nighttime service to white area populations, CCBS has retained Andrew D. Ring and Associates to analyze the improvement of service which would result if the 13 Class I-A frequencies were to be duplicated as set forth in Rules 3.22 and 3.25(a)(1)-(3).^{27/} In view of the fact the Report and Order recognizes that the new Class II stations authorized to operate on 750 and 760 kc will not improve service to white area populations (Par. 35), the study was confined to the 11 Class I-A frequencies and the duplications authorized thereon as specified in Rule 3.22.

^{25/} See footnote 23, supra,
in Par. 14 hereof,

^{26/} As shown above, the Commission has previously correctly concluded that nighttime groundwave service cannot be provided to any significant portion of the white areas.

^{27/} It appears that 890 kc was inadvertently omitted in Par. 34 of the Report and Order.

19. As shown in the Engineering Statement of Howard T. Head, which is attached hereto and incorporated herein, the 11 new Class II-A stations operating on the pertinent 11 Class I-A frequencies would provide no nighttime skywave service at all, could be expected to provide interference-free nighttime groundwave service to a total of _____ square miles, within which resides a population of _____. Only _____ % of the total square miles served, in which reside a total of _____ people, are white areas. This represents only _____ % of the existing 1,725,095 square miles of white area and only _____ % of the existing white area population of 25.6 million people. The specific details are as follows:^{28/}

<u>Class I-A Station Freq.(kc) & Location</u>	<u>Areas Served</u>	<u>Pop. Served</u>	<u>White Area Served</u>	<u>White Area Served</u>
1. 670, Idaho				
2. 720, Nevada				
3. 780, Nevada				
4. 880, North Dakota				
5. 890, Utah				
6. 1020, New Mexico				
7. 1030, Wyoming				
8. 1100, Colorado				
9. 1120, Calif.				
10. 1180, Montana				
11. 1210, Oklahoma				
Totals	_____	_____	_____	_____

^{28/} Area expressed in square miles. All figures relate to nighttime interference-free groundwave. Assumptions used respecting power and location of Class I-A stations are set forth in attached Engineering Statement of Howard T. Head.

20. It is thus abundantly clear that the proposed duplication of 13 Class I-A frequencies will provide no significant improvement of nighttime service to white area populations. As Commissioner Lee correctly related in his dissent, the 11 new Class II-A stations, if constructed, "can be expected to render nighttime primary service to but scant populations." It should also be noted that the 11 new Class II-A stations would not provide nighttime service to a single one of the white area populations of 18.27 million residing East of the Mississippi River and would serve only 5% of the 7.35 white area population residing West of the Mississippi River.

21. The above-noted facts demonstrate conclusively that the purported solution of the white area problem set forth in the September 14, 1961 Report and Order is not a solution at all. For the reason alone, the Commission should reconsider and set aside the Report and Order and issue a modified Report and Order taking action which would improve nighttime service to white area populations. As shown below in Part III D hereof, the only realistic way in which service can be significantly improved is through the authorization of operating power in the order of 750 kw for each of the Class I-A stations assigned to the existing 25 Class I-A frequencies.

C. Failure to Afford Required Adjudicatory Modification Hearings

22. The September 14, 1961 Report and Order erroneously modifies the licenses of the Class I-A stations assigned to the 13 Class I-A frequencies^{29/} on which additional fulltime Class II stations are authorized to operate (Rules 3.22 and 3.25(a)(1)-(3)) in that adjudicatory hearings required by Section 316 of the Communications Act of 1934, as Amended, have not been held. Should the Commission resolve, contrary to the record evidence, that the Rules should be amended so as to authorize additional fulltime stations on the pertinent 13 Class I-A frequencies,

^{29/} WMAQ (670), WSH (720), WSB (750), WJR (760), WHEM (780), WORS (800), WLS (890), KDKA (1020), WBE (1030), KYW (1100), KMOX (1120), WJAM (1180), and WCAU (1210).

no such fulltime stations may be assigned to any such frequency without first affording the Class I-A stations concerned a Section 316 adjudicatory hearing. As shown in the attached Engineering Statement of Howard T. Head, the Class II-A stations authorized to operate on the 13 Class I-A frequencies would destroy all of the nighttime skywave service beyond the 0.5 mv/m 50% skywave contour now provided by the pertinent Class I-A stations, which service is now protected by Rule 3.182(v).

23. It is respectfully submitted that upon reconsideration of the September 14, 1961 Report and Order, it should be recognized that the primary objective of the proceeding is to improve nighttime service to white area populations, that such improvement can be made only by improving the nighttime skywave service now afforded to such populations and that existing skywave service should be extended and improved rather than curtailed. However, if upon reconsideration it is decided to degrade rather than improve existing nighttime skywave service by the assignment of new fulltime stations on Class I-A frequencies, and the Class I-A frequencies so duplicated include any of those to which CCBS member stations are assigned, such CCBS members hereby assert their rights to a Section 316 adjudicatory hearing before such duplications are finalized. In connection therewith, the individual petitions for rehearing filed simultaneously hereby by CCBS member stations WGN, WSB, WJR, and WMAZ are ~~fully~~ hereby incorporated herewith and made a part hereof. ^{20/}

D. Failure to Resolve Higher Power Question

(1) 5 kw was "super power" in 1924

24. At the Third National Radio Conference held in 1924, the question was debated as to whether the then maximum power limitation should be increased from 1 kw to 5 kw. Those opposing the requested increase in power referred

^{20/} Likewise incorporated herein and made a part hereof is the individual petition for rehearing filed simultaneously herewith by CCBS member KFI which shows the ~~irreparable~~ invalidity of Note 1 to Rule 3.25(a).

to 5 kw as "super power". In spite of the objections raised, the Conference correctly concluded as follows:

"It has been conclusively demonstrated by experimental work during the past year that only by the use of higher power can static and other kinds of interference be overcome, and that some general increase over the 1,000 watt limitation now imposed is therefore desirable."

25. The Department of Commerce accepted the above-noted recommendation and announced that "licenses for use in broadcasting of power to 5,000 watts on a purely experimental basis will be issued".^{31/} By the time of the Fourth Radio Conference held in 1925, experimentation with 50 kw power was being carried out with the approval of the Department of Commerce. The actual experience with "super power" lead Secretary of Commerce Herbert Hoover to state as follows:

"A year ago we were fearful of the effect of greater power. We were told by some that the use of anything more than 1000 watts would mean excessive blanketing, the blotting out of smaller competitors, the creation of large areas into which no other signals could enter. Some of the most pessimistic even warned us that our tubes would explode under the impact of this tremendous force. But our experience so far leads to the opinion that high power is not only harmless in these respects but advantageous. Power increase has meant a general rise in broadcasting efficiency; it has meant clear reception; it has helped greatly to overcome static and other difficulties inherent in summer broadcasting, so as to give us improved all-year service. Whatever the limit may be, I believe that substantial power increase has come to stay, and the public is the gainer from it."

26. Following the chaos of 1926, when rural reception was completely obliterated because of co-channel interference which eliminated skywave service, and the creation of the Federal Radio Commission in 1927, the November 11, 1928 allocation was promulgated which established 40 frequencies on which only one

^{31/} Radio Service Bulletin 92, Dec. 1, 1924, Page 11.

station was authorized to operate at night. The amount of power to be used by the stations on these 40 frequencies was determined by General Order 42 dated September 7, 1928 which imposed a maximum power ceiling of 25 kw but provided that power of 50 kw could be authorized on an experimental basis for the next license period.

27. By 1929 most of the clear channel stations were using 5 kw but a few were operating with 50 kw. In the spring and summer of 1929 the Commission conducted surveys to ascertain the extent to which the November 11, 1928 allocation had resulted in improved service to rural areas. The results showed that over the greater part of the country, in terms of area, listeners relied on clear channel stations for broadcasting service. Reports received from the Department of Commerce Supervisors were to the same effect. For example, the Radio Supervisor at Detroit reported:

"The use of high power^{32/} on clear channels is the only factor at this time which makes possible any degree of good radio reception to the rural broadcast listener. ~~see~~ It would be of far greater benefit to the radio industry and to the public if the number of cleared channels were increased to provide still more diversified reception. ~~see~~ When it is remembered that most broadcast listeners, especially those in the country, rely on their radio set entirely for weather reports, time signals, news, education, information and entertainment, it will be appreciated that they should have the best receiving conditions which it is possible from an engineering point of view to furnish, and to impair their reception by abandoning the use of cleared channels is very comparable to placing their radio service on a 1920 basis when it was a plaything and not a public necessity."

^{32/} It should be recalled that 5 kw was characterized as "super power" in 1924.

29. In the fall of 1929 the proposals of the United States Government at the Hague Conference included the following statement:

"Power should not be limited on any broadcast channel occupied by a single station. The use of increased power on these channels, if stations are properly located with respect to populous areas, will give improved service to listeners. Experiments with increased power will make it possible to determine the optimum power which it is desirable to use for this class of service."^{33/}

(2) 1930 50 kw Hearing

30. On June 16, 1930 Second Order 42 was amended so as to provide that 50 kw power could be used on not more than 20 of the 40 clear channel frequencies (4 of 8 in each of the five zones). At the time, the 50 kw stations were operating and five were under construction. Following a hearing, 20 stations were authorized to use 50 kw and the remaining 20 were confined to 25 kw. Even the 20 stations authorized to use 50 kw were licensed on a regular basis for only 25 kw, the additional kw having been licensed on an experimental basis.

(3) 50 kw Maximum Established in 1930

31. Effective October 3, 1933, the Federal Radio Commission's Rules were amended so as to authorize all 40 clear channel stations (rather than just 20) to use power of 50 kw. Nearly all of the clear channel stations operated with power of 50 kw "with a vast improvement in service to the listening public in both urban and rural areas, an increase in the rural areas provided with services and no substantial complaint based either on interference or economic considerations".^{34/} The October 3, 1933 allocation was continued in effect by virtue of Section 604(a) of the Communications Act of 1934. No change has ever been made with respect to

^{33/} Jolliffe, R. 76; Report of the Delegation of the United States of America, International Technical Consulting Committee on Radio Communication, First Meeting, The Hague, September 18-October 2, 1929, p. 261

^{34/} Statement of Edwin W. Craig, October 5, 1936, Clear Channel Hearing.

the maximum power ceiling of 50 kw for Class I-A stations although WLN operated on an experimental basis with power of 500 kw from April 17, 1934 until May 15, 1939 and the question of removing the power ceiling has been explored extensively in hearings held in 1936 (Docket 4063), 1938 (Docket 5072-A) as well as in the instant hearing (Docket 6741).

(4) 1936 Decision on Higher Power of 500 kw

32. Following the 1936 hearing, the Commission's Engineering Department issued a preliminary engineering report on January 11, 1937 which stated as follows on page 8 concerning higher power:^{35/}

"While we believe that powers in excess of 50 kw on clear channels are technically sound and are in accord with scientific progress, we recognize that social and economic factors involved in the use of 500 kw may outweigh in importance engineering considerations, and request instructions from the Division as to its desires with respect to regulations on the question of super-power. We feel that, in the matter of super-power, the Commission should give full consideration to our report summarizing the economic testimony in the October 5 hearing prior to making a decision.

"We feel that there is a need for increased signal intensity and have recommended that in general power increases are required to better the service to the public. However, we recommend that the regulations in this respect be sufficiently flexible to permit the Commission to judge each individual case upon its merits, particularly as to the needs and economic and social circumstances."

^{35/} While 5 kw was "super power" in 1924, the term was applied to 500 kw in 1937. Today it is applied to 750 kw.

33. In support of the above-noted conclusions, it was stated as follows on pages 23 and 24:

"In general, the trend of all engineering testimony was toward higher power for all classes of stations. It was clearly indicated that in general the existing empirical standards of the Engineering Department with reference to signal intensities required for good service should be used as a minimum and that in many instances there is needed a higher order of signal intensity to overcome the noise level in cities and the noise level in rural areas, particularly during the summer and in the southern sections of the country.

"The only way to secure increased signal intensity is by increase in radiated power."

* * * * *

"The greatest controversy and difference of opinion existed with respect to power greater than 50 kw. However, with but one exception, all engineers who testified admitted that where side channel interference was not a factor, powers on clear channels in excess of 50 kw would be a technical advance and would result in an increased signal intensity to remote areas. It is clear to the Engineering Department that from a technical standpoint any power less than 50 kw on a clear channel is a wasteful use of such frequency on the North American Continent."

34. On July 1, 1939 the Engineering Department submitted its "Report on Social and Economic Data" which stated as follows on page 120 respecting higher power:^{36/}

"* * * we feel that no one should fear technical progress, and therefore we see no logical reason for an arbitrary defensive regulation which would prevent the future use of power in excess of 50 kw in the event that evidence and data should show conclusively that such power in certain individual cases is in the interest of the public. It should be noted that in this connection other nations on this continent have licensed stations to use powers greatly in excess of 50 kw and sight should not be lost of this fact from either a technical or economic standpoint."

^{36/} Page 121 of the Report recommended that the Commission "consider each individual application [for higher power] on the basis of the evidence presented."

35. The Commission, upon consideration of the above-noted reports and the evidence of record promulgated proposed rules which were made the subject of a hearing set for June 6, 1938. The proposed rules limited power of Class I-A stations to 50 kw.

(5) 1938 Decision on Higher Power of 500 kw

36. The 1938 Clear Channel hearing was held before a Committee of three Commissioners.^{37/} The Clear Channel Group (the forerunner of CCBS) urged, as it had in the 1936 hearings, that the power ceiling of 50 kw should be removed. The Committee's Report stated as follows concerning the use of higher power (Part I):

"The evidence shows conclusively that, from a technical standpoint, the use of power in excess of 50 kw has a distinct advantage because it provides better quality service to the vast population residing in rural areas and in towns which neither have broadcasting stations of their own nor are located within the primary service areas of any station. The public residing under these circumstances must now rely for their only program service upon distant clear channel stations having not more than 50 kw power. Therefore, from a technical standpoint, it is safe to conclude that the higher signal intensities produced by greater kilowatt power, with the consequent improvement in technical service, tends to equalize the quality of service rendered to the population in urban communities more fortunately equipped with broadcast transmission facilities of their own.

"The evidence indicates that there would be no difficulty in securing economic support for the operation of 500 kw stations in the principal markets of the country. However, there is doubt as to whether the necessary number of competitive 500 kw stations could be supported economically in the sections of the country where the need for improvement in signal intensity in rural areas is the greatest."

^{37/} While the 1938 hearing was being held, the 1938 Senate Resolution was adopted on June 13, 1938 (S. Res. 294, 83 Cong. Rec. 8944). As shown herein, this resolution did not amend the Communications Act of 1934 which authorized the Commission to determine the operating power for broadcast stations and its effect, if any, died with that session of Congress.

37. However, the report went on to state:

"The evidence to date is far too meager to warrant this Commission's advocating super power as the only means of improving service to the rural listeners of the nation . . . At a latter date the subject of super power may be reopened and decided more positively upon the basis of more accurate evidence and experience than is available at present."

(6) 1961 Decision on Higher Power of 750 kw

38. The question of power in excess of 50 kw was again explored in the instant proceeding which commenced in 1945. The September 14, 1961 Report and Order is somewhat confusing with respect to the disposition of the argument advanced by CCBS that all Class I-A stations should be authorized to operate with power of 750 kw in order to improve nighttime service to white area populations. At several points the Report and Order seems to say that a final decision on the question of removing the power ceiling of 50 kw for Class I-A stations will be deferred until some unspecified date in the future:

a. Par. 18 states "whether the public interest would be served by authorization of higher power, * * * we do not now decide."

b. Par. 20 states "the question/higher power warrants further consideration in the light of * * * the future results ~~for~~ flowing from the duplication of 13 Class I-A frequencies.

c. Par. 21 states "We thus leave open and unprejudiced the question of * * * changing the rules affecting the use of the 12 Class I-A channels now left in status quo."

d. Par. 25 states "while we do not now reach a decision either for or against the use of higher power * * *".

39. On the other hand, it appears that the Commission has decided affirmatively that higher power should not be authorized:

a. Par. 20 states "* * * we conclude that there is insufficient basis before us for a finding that the public interest would be served by authorizing

higher power * * *." This statement presumably applies to all 25 Class I-A frequencies.

b. Par. 18 states that assignment of additional fulltime stations on Class I-A frequencies would "at least limit and at worst frustrate the future possibilities of * * * higher power on these frequencies. Thus the proposal to duplicate 13 Class I-A frequencies appears to be a determination to foreclose authorization of higher power on these frequencies. Likewise, higher power on 3 of the 12 Class I-A frequencies left in "status quo" appears to be foreclosed because of ~~the~~ contemplated nighttime operation^D on 640, 770 and 830 kc.

(7) The Question of Higher Power Should Be Resolved.

40. Upon reconsideration, the Commission should modify its September 14, 1961 Report and Order so as to state with clarity the precise nature of its decision with respect to the question of higher power.

41. With respect thereto, it is respectfully submitted that no valid grounds exist for deferring a decision on the question of higher power. As shown above, the question was the subject of intensive hearings in 1936 and 1938 and a decision was deferred at that time on the basis that the evidence was "too meager to warrant" advocating higher power "as the only means of improving service to the rural listeners of the nation." This ground is no longer valid today as the evidence set forth in the record shows conclusively that higher power and the retention of Class I-A frequencies is the only realistic means of improving nighttime service to white area populations. As shown in Part III B hereof, the proposal to duplicate certain of the Class I-A frequencies will not result in any significant improvement of service to white area populations. In fact, the proposed duplication will be an absolute bar to using the frequencies concerned so as to effectively improve service by means of higher power. As shown in the attached Engineering Statement of Howard T. Nead, the 11 new Class I-A stations

would destroy existing nighttime skywave service, would create no new nighttime skywave service and provide a first primary service to only _____ of the total white area population of 25.6 million. On the other hand, if these stations were not authorized and the Class I-A stations on the 11 frequencies were authorized to operate with 750 kw, a first nighttime primary service would be provided to _____ people and nighttime skywave service afforded to _____ of the white area population would be improved substantially. As CCBS has maintained from the outset of the proceeding, all Class I-A stations ~~xxxxxxx~~ should be authorized to operate with power of 750 kw, and if possible, some I-B frequencies should be converted to I-A status. Because of time zone differences and the fact that one station cannot serve the entire country (DeWitt, R. 4946), it is necessary to divide the country into five ~~xxxx~~ regions and authorize stations in each region to operate with power of 750 kw if nighttime skywave service is to be improved in all white areas. If a minimum of 4 signals in each region is to be afforded, at least 4 Class I-A stations in each of the five regions must be authorized to operate with power of 750 kw. The CCBS 20 station plan, which would achieve the result, is not even discussed in the September 14, 1961 Report and Order. Although a specific request was made by the then Chairman of the Commission for the parties to come forward with specific plans designed to improve service to white areas (Chairman Denny, R. _____), CCBS was the sole party to present such a plan. Although the parties included advocates of duplication, no such party submitted any plan looking toward an improvement of service to white areas.

42. Thus, the need recited in 1938 to secure additional evidence as to means other than higher power for improving service to white areas is not a valid reason for deferring at this time a decision on the question of higher power. What other reason does exist for deferring a decision on the higher power question? Par. 20 says there is "insufficient basis" for finding that the public interest would be served by authorizing higher power. However, no attempt is made to support the

conclusion with valid reasons. As shown above, the record shows that only through higher power can any real improvement to service to white areas be made. If there are valid reasons for deferring a decision on higher power, then a decision on duplicating Class I-A frequencies should likewise be deferred as the two methods are mutually exclusive^{39/}. Par. 21 infers that "additional light" may be provided by the experience gained as a result of the duplication of the 13 Class I-A frequencies. However, no clue is given as to what "additional light" is needed or expected. The effects of duplicating all but 25 of the original 40 Class I-A frequencies are well known. These duplications have led to more service to well-served city areas at the expense of degrading service to underserved rural and remote areas (See Exhibits 1 and 2 of CCNS Comments filed August 15, 1958). The duplication of the additional 13 Class I-A frequencies will at best provide a first nighttime primary service to but a handful of the white area populations. There is every reason to believe, in the light of past history, that the Class II stations authorized on the 13 frequencies will be moved in the future to centers of population and that additional fulltime assignments on the 13 frequencies will be made with the result that the white area population will be increased rather than decreased. It is thus difficult to see any valid basis for making a decision on the higher power question because of the alleged "additional light" to be gained under the duplication of 13 Class I-A frequencies. Par. 21 infers that changes have incurred since the evidence in the record was first adduced which dictate a deferral of a decision on the question of higher power. Again, no supporting reasons are given. Actually, the basic facts concerning the existence of vast white areas and populations and the use of higher power to improve service thereto have not changed in any material way since the 1936 Clear Channel hearings.

^{38/} See page 39 ff of CCNS Brief filed herein January 12, 1948.

^{39/} Should higher power be authorized, it may prove feasible to duplicate under corrected conditions. However, duplication at 50 kw will prohibit forever any possibility of higher power.

~~12~~

43. For all of the above reasons, the Commission should either resolve the higher power question or defer a final decision with respect to duplication as well as higher power.

(8) Failure to Accord Due Recognition to National Defense and Military Needs.

44. The mere fact that some 25.6 million people do not receive a single satisfactory nighttime groundwave service and must rely on skywave service for their only nighttime broadcast service points up the fact that it is of crucial importance from a national defense aspect to preserve and improve nighttime skywave service. What other instantaneous means exist for conveying information to these people during a state of emergency? Likewise, the mere fact that Class I-A stations provide interference-free groundwave and skywave service to vast areas points up the fact that these facilities could well be used for military communications in times of emergency and war.

45. It seems obvious that the duplication of 13 Class I frequencies, will curtail rather than improve the skywave service provided by the Class I-A stations assigned to these frequencies, will have a serious adverse impact on the usefulness of these frequencies for national defense and military needs. Yet, this factor is not even discussed in the September 14, 1961 Report and Order except for a footnote reference on page 19 that "We recognize the importance of clear channel service to national defense communications and in emergencies * * *."

E. Failure to Recognize Threat of Foreign Duplications

46. If a decision on higher power is deferred, if the 13 Class I-A frequencies are duplicated domestically in the manner set forth in Rule 3.22(a) and if 640, 770 and 830 kc are duplicated as indicated in Notes 1, 2 and 3 to Rule 3.25, it is certain that at the next North American Regional Broadcasting Conference neighboring countries will press demands to assign additional fulltime stations on the 25 U.S. Class I-A frequencies. When the 1941 NARBA Agreement was first negotiated in 1937, all foreign countries agreed to assign no nighttime stations on U.S. Class I-A frequencies within 650 miles of the nearest U.S. border. At that time, higher power was being considered for U.S./I-A stations. Since that time, the following foreign assignments have been authorized within 650 miles of the nearest U.S. border:

a. 1941 Engineering Conference

660 kc (Mexico City)
830 kc (Mexico City)

b. Interim Agreement of 1946^{40/}

640 (Cuba)
670 (Cuba)
830 (Cuba)
890 (Cuba)

c. 1951 NARBA Agreement

640 (Cuba)
660 (Cuba)
670 (Cuba)
760 (Cuba)
780 (Cuba)
830 (Dominican Republic)
830 (Cuba)
880 (Jamaica)
1030 (Cuba)
1180 (Jamaica)

^{40/} The U.S. I-A stations were not required, as in the 1951 Agreement, to restrict radiation toward the Cuban stations. Cuba never implemented the 670 and 890 assignments.

d. 1954 Mexican-U.S. Agreement

660	(Mexico City)
760	(Mexico City)
830	{
1030	}

47. Thus, past history demonstrates that if we further degrade our own Class I-A frequencies by assigning additional fulltime stations and if we retain our power ceiling of 50 kw, we will invite demands, which will be difficult to resist, for additional fulltime foreign assignments on our 25 Class I-A frequencies. This serious ~~economic~~ threat to our natural resources is not considered in the September 14, 1961 Report and Order which confines itself to a reference to the fact that the existing Agreements provide international protection to Class I-A frequencies regardless of the number of fulltime stations assigned thereto. Thought must be given as well to the inevitable day when the existing treaties will have to be renegotiated.

f. Failure to Delineate Actual Reasons for Selecting The Class I-A Frequencies to be Duplicated.

48. As Commissioner Lee correctly stated in his dissent, "The majority's method of determining which [I-A] channel is to be duplicated and which channel is to remain in status quo for further consideration is strained." In fact, no national basis is set forth. This is demonstrated by the fact that the action taken does nothing to solve in any significant way the white area problem and leaves free of domestic duplication only 9 Class I-A frequencies (650, 660, 830, 840, 870, 1040, 1160 and 1200 kc), one of which is duplicated in Alaska (660 kc). As shown above, a minimum of 20 750 kw stations is to provide a choice of four signals ~~mk~~ to all regions of the United States.

49. No duplication of any Class I-A frequency can be justified unless it is demonstrated that such action will improve service to white area populations to a higher degree than any other possible action. Here, no such showing has been made with respect to the 16 Class I-A frequencies ^{41/} selected for 41/ The 13 plus 660, 770 and 830 kc.

domestic duplication. As shown above, higher power will improve service to white area populations to a higher degree than will duplication.

G. Failure to Recognize Lack of Effect of 1938 Senate Resolution

50. Par. 19 of the September 14, 1961 Report and Order states that at earlier stages of this proceeding, strong objection to the authorization of higher power was expressed by Congress and reference is made to Senate Resolution 294, 75th Congress. It is respectfully submitted that the statement is erroneous in the following particulars:

a. Since the proceeding was instituted in 1945, Congress has expressed no opinion on the question of higher power except the express refusal in 1948 and 1949 to amend the Act so as to prohibit higher power.^{42/}

b. The 1938 Senate Resolution pre-dated the earliest stages of the proceeding.

c. The 1938 Senate Resolution was not an expression by Congress and was in fact an expression by the Senator who happened to be on the Senate floor when the resolution was offered by a Senator whose family then owned an interest in a station seeking fulltime hours on a Class I-A frequency. One of the Senators on the floor at the time the resolution was offered commented "We have had no time to consider; no one has ever seen the resolution except, perhaps, the Senator from Montana (83 Cong. Rec. 6944).

^{42/} E. G., see S. 2231, 80th Congress on which hearings were held in April of 1948.

7 On _____, the House Committee on Interstate and Foreign Commerce adopted a motion directing the Chairman to request the Commission to defer final action on Docket 6741 until the Committee had an opportunity to hold hearings on and consider the results of pending legislation which would prohibit any breakdown of the _____ Class I-A frequencies and compel the Commission to grant higher to any Class I-A station proving that increased power would improve significantly nighttime skywave service to white areas. (Broadcasting Magazine, issue of _____ and _____ at pages _____)

51. Accordingly, it is not accurate to refer to the 1938 Senate Resolution as constituting the "policy of Congress." It is clear as stated by Senator Capehart on the Senate floor on July 20, 1961, "that the resolution passed by the Senate in 1938 (S. R.s. 294) did not amend the basic law [which authorizes the Commission to grant higher power as do existing pertinent treaties], died with that session of Congress and is in no way a bar to the authorization of higher power by the FCC."

52. That the 1938 Resolution is not a bar to the authorization of higher power should be specifically acknowledged by the Commission.

I. Failure to Resolve Issue 9

53. As noted above, the Further Notice released herein on April 15, 1958 concluded that the listener surveys contained in the record were "too outdated to provide a sound basis for judgment" respecting Issue 9 which posed the question as to "whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas".

54. In its Comments filed herein on August 15, 1958, CCBS stated as follows (Pars. 67 - 69):

"It is respectfully submitted that the fact that listener surveys set forth in the record are outdated does not lead to the conclusion that the record is too outdated to provide a sound basis for resolving the basic issue posed in this proceeding -- namely, how to improve service to the vast underserved areas and populations. This problem must be solved regardless of the content of the programs carried over the signals which must be improved from a reception viewpoint. The Commission must first lay the 'tracks for good reception'. After this is accomplished, the Commission may then concern itself, if it is shown to be necessary, 43/ * * * with the program content carried by the signals.

"* * * Apart from the legal question as to whether the Commission has authority to consider program content and apart from the issue whether Issue 9 is in fact relevant to the basic question presented in this proceeding, it is respectfully submitted that no changes which have occurred since the closing of the record vitiate the evidence contained in the record which shows the clear channel stations do in fact render a program service particularly suited to the needs of listeners in rural areas.

43/ In this connection, it is noted that the Commission's legal right to enter the field of program content was challenged earlier in this proceeding by CCBS (R. 56).

*** To demonstrate this fact, current program information with respect to each member of CCBS is submitted herewith in the attached exhibits 18 through 30. These exhibits demonstrate that clear channel stations are currently meeting the general and particular needs of listeners in rural areas."

55. In the September 14, 1961 Report and Order, no reference is made to the above-noted assertions of CCBS. It is respectfully submitted that upon reconsideration the Commission should adopt these assertions and resolve Issue 9 in accordance therewith.

J. Failure to Resolve Issue 10

56. Issue 10 of the Commission's February 28, 1945 Hearing Notice relates to the duplication of network programs. This issue was the subject of elaborate presentations made by CCBS and NBC and certain other parties to the proceeding. In the Commission's April 15, 1958 Further Notice, it was stated that the information contained in the record concerning this issue "is too outdated to provide a sound basis for judgment at this time."

57. It is respectfully submitted that upon reconsideration of the September 14, 1961 Report and Order, which fails to mention Issue 10, the Commission should conclude that Issue 10 is irrelevant to the basic considerations involved in this proceeding. Regardless of the extent of duplication of network program services which may have existed prior to 1948 and regardless of the extent of duplication

which exists today, the fact remains that vast areas and populations of the United States are presently without adequate broadcast service and that the public interest requires that broadcast service be improved to the extent that it is technically feasible to do so. Due to the nature of the geographical distribution of the population in this country, it is obvious that there must be a certain overlapping of groundwave and skywave signals from all classes of stations. The fact that a certain amount of overlapping of signals is bound to exist constitutes no reason for failing to improve service to the underserved areas and populations. Accordingly, the present state of the record with respect to Issue 10 is such as to provide a sound basis for a resolution of the basic question presented the Commission in this proceeding.

K. Failure to State Valid and Consistent Reasons in Support of
Conclusions Reached

58. Although the Commission is not required in a rule making proceeding of the type involved herein to rely solely on record evidence, it is required in a final decision to spell out valid reasons in support of the conclusions reached. ^{44/} Here, the Commission's September 14, 1961 Report and Order is defective in that it ^{is} replete with inconsistencies[?] and unsupported conclusions. A partial list of the inconsistencies[?] and unsupported conclusions, some of which are referred to above, are set forth below. Upon reconsideration, the Commission should issue a modified Report and Order which eliminates the inconsistencies contained in the September 14, 1961 Report and Order and sets forth valid reasons in support of the modified conclusions reached.

59. There is no support for the conclusionary recitations in Pars. 1 and 13 that this proceeding was instituted "largely as a result of insistent claims that the clear channel concept * * * is wasteful of valuable spectrum space * * *". All record and non-record facts make it clear that the proceeding was commenced in the Commission's own motion with the primary objective of finding a way to improve service to white areas.

60. Par. 2 correctly recites the fact that the primary objective of an AM allocation plan is to provide "some service of satisfactory signal strength to all areas of the country". However, the action taken inconsistently fails to achieve this primary objective (see Part III B hereof).

61. Par. 3 correctly admits that the assignment of more than one fulltime station on the same frequency "dilutes the effective range of nighttime skywave propagation to distant rural areas". However, the action taken inconsistently authorizes the immediate elimination of all skywave service beyond the *0.5 m.v/m* 50% skywave contours of Class I-A stations operating on a majority of the 25 Class I-A frequencies.

62. Par. 6 correctly states that the 1947 white area was not substantially reduced by a 50% increase in fulltime stations between 1947 and 1957. However, the action taken inconsistently purports to reduce white areas by the creation of 11 new fulltime assignments. 45/

63. Par. 7 correctly states that improvements of service to white areas "must be sought from existing or newly-assigned stations" operating on clear channels. However, there is no mention of the

45/ The record shows that as of January 1, 1957 the white area population totaled 25.6 million rather than "perhaps as many as 25 million, the bulk of whom (18.27 million) resided east of the Mississippi River. (Par. 10 of Third Notice released September 22, 1959; see also footnote 3 on page 6 of September 14, 1961 Report and Order.

uncontroverted fact, admitted in Par. 7 of the ? Notice released
 ? , 195? that any significant improvement of nighttime
 service to white areas must come from improving skywave service as
 it is impossible to provide a satisfactory nighttime groundwave service to
 all white areas. The action taken is inconsistent with this basic fact
 as it (1) reduces existing skywave service, (2) creates no new skywave
 service and (3) for all practical purposes prohibits the improvement of
 existing skywave service through use of higher power on 16 of the 25
 Class I-A frequencies.

64. Par. 11 refers to the opportunity provided in the Third
 Notice released September 22, 1959 to update the record regarding higher
 power. However, no disposition is made anywhere in the September 14,
 1961 Report and Order of the assertions advanced by the parties in response
 thereto.

65. Par. 12 refers to the uncontroverted fact that there is
 "little prospect of large-scale improvement in primary service". However,
 the action taken inconsistently attempts to improve service to white areas
 solely through the vehicle of extending primary service.

66. Par. 13 ^{CON}cludes that it is feasible to assign additional
 fulltime stations on Class I-A frequencies which will provide "needed service"
 and at the same time preserve the capacity of Class I-A stations to provide
 service over wide primary and secondary service areas. This conclusion
 is not supported by any underlying reasons and in fact is inconsistent with *the*

undisputed facts that the contemplated additional fulltime stations will not provide any new nighttime skywave service, will provide a first nighttime primary service to an insignificant portion of the white area population, will curtail^L existing nighttime skywave service and will prohibit forever any significant improvement of nighttime skywave service on the channels concerned through the use of higher power.

67. Par. 13 correctly acknowledges that the white area population has grown since this proceeding was instituted and will continue to increase in the future in the absence of any action taken to improve service to the white areas. However, the action taken inconsistently fails to improve significantly the nighttime service now ^{afforded} extended to white areas.

68. No supporting reasons are given for the conclusion set forth in Par. 14 which infers that the "administrative burden" prohibits authorization of higher power for all Class I-A stations. Obviously, no undue administrative burden would be involved in so resolving the question as to the degree to which existing rules concerning Class I-A frequencies should be amended.

69. The "compelling reasons" referred to in Par. 15 are not delineated anywhere in the September 14, 1961 Report and Order.

70. Par. 16 justifies the duplication of the 13 frequencies set forth in Par. 17 on the alledged grounds of "the compelling need to go as far as possible toward reducing * * *" the nighttime white areas. Inconsistently, the duplication of the 13 Class I-A frequencies will not

reduce nighttime white areas in any significant degree.

71. Par. 18 correctly states that duplication of Class I-A frequencies frustrates future possibility of Class I-A stations on these frequencies operating with power in excess of 50 kw. Inconsistently, the action taken forecloses the possibility of higher power on 16 Class I-A frequencies (the 13 set forth in Par. 17 plus 640, 770 and 830 kc).

72. Par. 18 states that the question of higher power on the 13 Class I-A frequencies not listed in Par. 17 is left open for future determination (see also Pars. 21 and 25 to this same effect). However, Par. 20 inconsistently concludes "that there is insufficient basis before us for a finding that the public interest would be served by authorizing higher power * * *".

73. Par. 19 inaccurately states that the Congress enunciated a policy in the earlier stages of this proceeding expressing "strong objection to the authorization of higher power". The fact is that Congress has never expressed a policy on the question of higher power other than the enactment of Section 303 (c) of the Communications Act of 1934 which authorizes the Commission to determine the operating power of broadcast stations. The Senate did adopt a resolution in 1938 (prior to the commencement of this proceeding), but this did not constitute an expression of Congressional policy, did not amend the basic law and died with the 75th Congress. Inconsistently, the Report and Order makes no mention of the fact that in September of 1961 the House Committee on Interstate and Foreign

Commerce (with only one dissenting vote) asked the Commission to defer a final decision in Docket 6741 until a reasonable time after January of 1962 in order to allow time for the House committee to hold hearings on pending legislation to amend the Communications Act of 1934 so as to prohibit any further breakdown of any of the 25 Class I-A frequencies beyond that authorized as of July 1, 1961 (Broadcasting magazine, September 18, 1961, page 36).

74. Par. 20 acknowledges that higher power will significantly improve service to white areas, but sets forth the conclusion that the Commission is not persuaded that the objections set forth in the record against the employment of higher power have been sufficiently met. However, the Report and Order is silent as to the nature of the objections and as to the reasons for concluding that the objections have not been overcome by record evidence. It is respectfully submitted that the objections voiced in opposition to higher power are more than overcome by the record evidence, the reasons set forth in the pleadings filed herein by CCBS on January 12, 1948 (Pars. ? to ? of the Brief), August 18, 1958 (Pars. ? to ?) and April 1, 1960 (Pars ? to ?). For the reasons set forth in Part III D hereof, the Commission should upon reconsideration authorize each of the existing Class I-A stations to operate with power in excess of 50 kw.

75. Par. 21 fails to specify what "additional light" is needed and what "additional light" is expected to be gained in the future. Also,

there is no specification of the "circumstances which have changed markedly" or of what effect the unspecified changes have on a resolution of the basic issue of improving service to white areas. It is respectfully submitted that in view of the fact the Commission has been exploring the white area problem since 1936 and in view of the fact that all but 25 of the original 40 clear channels have been duplicated, the boundaries of the problem are as definitely established as they ever will be and that a solution to the problem should be reached at this time rather than some time in the indefinite future with respect to "the 12 clear channels not now disturbed". As stated above, higher power should be authorized on these 12 Class I-A frequencies as well as the 13 Class I-A frequencies set forth in Par. 17.

76. Par. 25 concludes that the curtailment of nighttime skywave service on the 13 Class I-A frequencies to be duplicated is justified by "the additional service * * * made possible from new stations in underserved areas." However, no supporting reasons are set forth in the Report and Order which inconsistently ignores the fact that the new fulltime stations will afford a first nighttime primary service to but an insignificant portion of the white area population, will curtail rather than improve existing nighttime skywave service, improvement of which affords the only practical basis of improving service to white areas and prohibits improvement of the existing nighttime skywave service of the Class I-A stations assigned to the frequencies concerned.

77. Par. 27 recites that the decision of choosing the 13 Class I-A frequencies to be duplicated was arrived at "by the painstaking process of determining and evaluating all the pertinent factors * * *". However, the Report and Order does not set forth a rational basis for the choice exercised (compare paragraphs 28-33 and ^{5.} ~~34~~³-38).

78. Par. 27 recites the "desirability of endeavoring to preserve the potential of at least four reasonably reliable and satisfactory skywave services throughout all white areas." Inconsistently, the Report and Order takes action that for all practical purposes forecloses the possibility of providing for reasonably reliable and satisfactory skywave services to all white areas, since (?) only 9/ Class I-A frequencies are left with a real potential for higher power. As shown in the CCBS station plan, there must be a minimum of 20 higher power Class I-A stations if all regions of the country are to receive at least 4 reliable signals (see Part III D (8) hereof).

79. Par. 30 correctly concludes the potential for improving skywave service in the West should be preserved. Inconsistently, the remainder of the Report and Order ignores^e the fact that it is equally, if not more important to preserve the potential for improving skywave service in the East in view of the fact that the bulk of the white area population (71.3% or some 18.27 million people) lives east of the Mississippi River. (Par. 10 of Third Notice released September 22, 1959).

80. Pars. 32 and 33 correctly recognize the potential for improvement of skywave service in connection with the 5 Class I-A frequencies specified. Inconsistently, the remainder of the Report and Order fails to recognize that each of the remaining Class I-A frequencies afford^s a potential for improved skywave service. The Report and Order fails to take advantage of the potential of any one of the Class I-A frequencies by authorizing higher power.

81. Par. 34 alludes to "the important and immediate objective of providing nighttime primary service to white areas" and thus inconsistently (as do Pars. 41 and 61) fails to recognize that the addition of new nighttime primary service can not significantly improve service to white areas, but the primary objective of this proceeding is to improve the skywave service now rendered to white areas (see Par. 41 of Further Notice released April 15, 1958 which states "that improvement of service throughout most of the existing white areas must be provided, if at all, by new or improved skywave service").

82. Par. 35 fails to specify the nature of the "immediate objective" and "possible future goals", and fails to specify the nature of the conflict between the so-called immediate objectives and future goals. A reading of the remaining portions of the Report and Order imply^{ies} that there is but one objective, namely the improvement of nighttime service to white areas. Accordingly, there is no rational basis for concluding that a proper balance is best achieved by duplicating 13 Class I-A frequencies and preserving the status quo of the remaining 12. As shown above, the only possible means of achieving the one basic objective is to authorize higher power for each of the existing Class I-A stations.

83. Pars. 35 and 77-81 conclude that 750 and 760 kc should be duplicated to meet "special situations arising out of the entry into force of the United States/Mexican Broadcasting Agreement". No rational reasons are given leading to the conclusion that 750 and 760 kc offer the

best solutions to meet these special situations. Admittedly, the duplications do nothing to further the acknowledged primary objective of improving service to white areas.

84. Pars. 36 and 37 correctly conclude that the need for improvement of service in the West "is great" in view of the fact that 74.8% of the white area is located west of the Mississippi River. However, the paragraph inconsistently ignores the fact that the need for improvement of service in the East is likewise "great" in view of the fact that 71.3% of the white area population resides east of the Mississippi River.

[SHOULD ANYTHING BE ADDED CONCERNING THE STATEMENT THAT THE USEFUL SKYWAVE SERVICE PROVIDED BY CHICAGO I-A STATIONS IS CONFINED TO THE REGION OF THE GREAT LAKES?]

85. Contrary to Par. 37, Chicago I-A frequencies do not have a "limited potential * * * for improving skywave service in areas which need it". (see Petition for Rehearing filed simultaneously by WGN, Inc.) Par. 37 refers to requirements of protection to stations in Cuba and Mexico as limiting radiation of Chicago I-A stations to the South and refers to adjacent channel Class I-A operations in New York as limiting radiation to the East. As shown in the Petition for Rehearing filed simultaneously herewith by WGN, Inc., these statements are not true with respect to 720 kc, and thus constitute no reason for duplicating 720 kc. The fact that the potential of WGN for improving skywave service to the West is not

so great as that of 12 Class I-A channels on which the status quo is reserved constitutes no valid reason for duplicating WGN in as much as WGN operating with higher power will improve significantly nighttime service to significant white areas. Par. 37 ignores the fact that the white areas are not confined to the West.

86. Par. 40 purports to set forth the underlying reasons for designating the particular state or states to which additional fulltime stations are assigned. However, no valid reasons are given to support the conclusion that duplicating Class I-A channels in the designated states constitutes "the most fair, equitable and efficient use of the frequency". As shown above, the additional fulltime stations will not improve nighttime service to white areas in any significant way.

87. Par. 44 concludes that the assignment of additional fulltime stations on the Class I-A frequencies concerned "more nearly achieve^s the objectives of broadcasting in the standard band than does the present utilization of Class I-A clear channels at night by only one station." Inconsistently, no comparison is made of the extent to which the Commission's action will improve nighttime service to white areas as compared to the ultimate action of authorizing higher power for the Class I-A stations concerned. As shown in Part III D hereof, the ultimate action of higher power will improve nighttime service to white areas to a much higher degree than will the duplication of the channels.

88. Par. 46 gives no underlying reasons in support of the conclusion that "a careful analysis of the entire allocation picture" leads to the conclusion that the additional assignment of Class I-A frequencies "will go furthest toward achievement of our objective". As shown above, the action taken does not meet the objective of significantly improving nighttime service to white areas. Under the standards proposed, the new Class II stations would provide a first primary service to only ? people or ? % of the white area population of some 25.6 million.

SHOULD WE ? IS THAT 109 STANDARDS SHOULD BE USED TO RESOLVE THE USES? DO WE QUARREL WITH ANYTHING ELSE IN PARS. 49 OR 50, INCLUDING THE USE OF DIFFERENT CURVES IN THE DIRECTIONAL ANTENNA SUPPRESSION ISSUES INVOLVED? /
RATES

89. Footnote 6 to Par. 47 correctly recognizes "the importance of clear channel service to national defense communications and in emergencies * * *". However, the Report and Order inconsistently takes action which degrades rather than improves existing skywave service.

90. Par. 76 states that the instant Report and Order does not "decide upon or prejudice the decision in * * * " Docket Nos. 11290 and 11227. However, the paragraph inconsistently ^{and}prematurely amends the rules so as to establish a basis for resolving these adjudicatory hearings, [?]contrary to the ^{positions}petitions advanced by Class I-A stations KFI and WCCO (see Petition for Rehearing filed simultaneously herewith by Earle C. Anthony, Inc.).

91. Par. 83 concludes, inter alia, that "service is substantially more abundant" in the East. This conclusion is inconsistent with Par. 10 of the Third Notice released September 22, 1959 which concludes that 71.3 % of the white area population reside east of the Mississippi River.

V. Upon Reconsideration, A Modified Report and Order
Should be Issued

92. For all the reasons set forth above, the Commission should reconsider the Report and Order released herein on September 14, 1961 and issue a modified Report and Order. The modified Report and Order should recognize the following:

(a) The primary objective of this proceeding is to improve nighttime service to white area populations residing within the continental limits of the United States.

(b) The only way in which nighttime service to white area populations can be improved is through new or improved skywave service on Class I-A clear channel frequencies.

(c) The only realistic method of creating new or improved skywave service is by authorizing Class I-A stations to operate with power in excess of 50 kw.

(d) A minimum of 20 Class I-A stations operating with power of 750 kw is needed in order to provide for reasonably reliable skywave service to all regions of the United States.

- (e) The assignment of additional fulltime stations on Class I-A frequencies prior to authorizing the Class I-A station concerned to operate with power of 50 kw will (1) forever prohibit any significant improvement of skywave service by the Class I-A stations concerned through the use of higher power, (2) lead to demands for additional domestic and foreign fulltime assignments on the Class I-A channels concerned with the result that the white areas will be increased and (3) defeat completely the objective of improving nighttime service to all existing white areas.
- (f) Following authorization of higher power for all Class I-A stations, additional fulltime assignments may be made under controlled conditions on the Class I-A frequencies concerned.

93. If upon reconsideration, it is concluded that a resolution of the question of authorizing higher power should be deferred with respect to any of the Class I-A frequencies, it should be likewise concluded that a resolution of the question of assigning additional fulltime stations on any of the Class I-A frequencies must be deferred.

V. Pending Issuance of a Modified Report and Order,
the Effectiveness of the September 14, 1961 Report and Order
Should be Stayed

94. For the reason set forth in the "Petition for Stay" filed simultaneously herewith on behalf of CCBS, the effective date of the new rules attached as an appendix to the Report and Order released herein under date of September 14, 1961 should be postponed to a date to be set by a modified Report and Order.

Respectfully submitted,

CLEAR CHANNEL BROADCASTING SERVICE

By _____
Reed T. Rollo

Percy H. Russell, Jr.

R. Russell Eagan

Aloysius B. McCabe

of
Kirkland, Ellis, Hodson, Chaffetz & Masters
800 World Center Building
Washington 6, D. C.

Attorneys for CCBS.

October 16, 1961

Engineering Statement of Howard T. Head

Certificate of Service

I hereby certify that a copy of the foregoing "Petition for Rehearing" was either personally delivered this 16th day of October, 1961 or deposited this 16th day of October, 1961 in the United States mails, postage prepaid, addressed to each of the following:

R. Russell Egan

Matters Not Covered

1. Use of higher power by foreign stations.
2. Specific answers to charge of economic injury resulting from higher power.
3. Specific answer to charge of "too much power in the hands of too few".

CLEAR CHANNEL BROADCASTING SERVICE



Your Attention Please!

MINUTES OF SPECIAL MEETING OF CLEAR CHANNEL BROADCASTING SERVICE THURSDAY, SEPTEMBER 14, 1961

CONFIDENTIAL

CONFIDENTIAL

Pursuant to notice sent out by Chairman Craig, a special meeting of the Clear Channel Broadcasting Service was held in the offices of WSM, Inc. in Nashville, Tennessee on Thursday, September 14, 1961, commencing at 9:45 a.m.

Chairman Edwin W. Craig presided, and R. Russell Eagan served as Acting Secretary. The following representatives of member stations (arranged by frequency) were present:

<u>KFI</u>	George A. Wagner	<u>WBAP</u>	A. M. Herman
<u>WSM</u>	Edwin W. Craig John H. DeWitt, Jr. George A. Reynolds Robert E. Cooper Johnnie S. Campbell	<u>WFAA</u>	James W. Cooper
		<u>WHAS</u>	Victor A. Sholis
		<u>WHO</u>	William D. Wagner Roy W. Pratt
<u>WLW</u>	R. J. Rockwell	<u>WHAM</u>	Henry I. Christal
<u>WGN</u>	Ward L. Quaal Carl J. Meyers	<u>WOAI</u>	Charles Jeffers
<u>WSB</u>	Frank Gaither		
<u>WJR</u>	John F. Patt		

Also present were Rex L. Campbell of KSL and Reed T. Rollo and R. Russell Eagan of Kirkland, Ellis, Hodson, Chaffetz & Masters, CCBS legal counsel.

Reading of the minutes of the Annual Meeting held in Washington, D.C. on May 7, 1961 was dispensed with.

Mr. Craig opened the meeting by extending a warm welcome to all present and expressing his gratitude to the members for coming to Nashville. He expressed his regret at the inability of Mr. Hough to attend the meeting and reminisced briefly about the numerous emergencies which have arisen in the 27 year history of CCBS.

At Mr. Craig's request, Mr. Rollo gave a report on the status of the Clear Channel Proceeding (Docket 6741) before the FCC. Mr. Rollo summarized the report he gave at the May 7 Annual Meeting at which time it appeared that a final resolution of Docket 6741 was imminent. Trade Press stories indicated at the time a disposition on the part of a majority of the Commission to duplicate all of the existing 25 Class I-A Clear Channel frequencies. Since the May 7 meeting, the Commission made public (on June 13) its Instructions to the staff to prepare a final Report and Order which would duplicate 13 of the 25 clears. In view of the fact that a recent Court of Appeals decision appeared to prohibit contact of Commissioners, directly or indirectly, concerning the merits of the proceeding, legislation seemed to afford the only chance of preventing a breakdown of the clears. Accordingly, legislation which would prohibit duplication of any of the remaining clears was introduced in the House and Senate in July of 1961. As the Commission's August recess neared its close, it was evident that either the Commission would issue a final

decision in early September or would defer the adoption of a final decision because of the pending legislation. A substantial fall workload faced CCBS in that it would be necessary in either event to prepare for legislative hearings and it might prove necessary also to prepare legal documents in opposition to any adverse Final Decision released by the Commission. Mr. Rollo explained that the law office is equipped to handle any legal problems involved, including the preparation and filing of a petition for reconsideration and/or an appeal to the Court and the direction of the preparation for legislative hearings. However, the law office is not equipped to (1) do the necessary contact work on the Hill explaining the Clear Channel concept in support of the pending legislation, or (2) build up support for the Clear Channel cause with the farm organizations, or (3) coordinate, without additional assistance, the actual preparation of statements and exhibits for the legislative hearings. Accordingly, it appeared to Mr. Rollo to be highly desirable for the group to employ a Director for the Washington office. This need was one of the principal reasons for calling the special meeting. Mr. Rollo went on to note that the House Committee on Interstate and Foreign Commerce, through a letter dated **Sept. 7** from its Chairman, Oren Harris, to the Chairman of the FCC, requested the Commission to defer final action in Docket 6741 until a reasonable time after January of 1962 so as to give the House an opportunity to hold hearings on the various bills. Mr. Rollo stated that although it was difficult to see how the Commission could ignore this request, there was a possibility that the request would in fact be ignored.

At this juncture, a telephone message was received from Washington to the effect that the Commission would release today some sort of a decision in the Clear Channel Case.

Mr. Rollo then resumed his report and emphasized that under the duplications proposed in the June 13 Instructions, the 11 proposed new stations operating at 10 kw (excluding the proposed duplications on 750 and 760 kc which concern existing stations) would provide a nighttime primary service to a total of only 292,919 people, some of whom undoubtedly are presently receiving nighttime primary service. At 50 kw, the 11 new stations would provide nighttime primary service to a total of only 511,835. Accordingly, the proposed duplications would in no way solve the problem of improving service to the some 25 million people who do not now receive a single satisfactory nighttime primary service.

Mr. Rollo also reported that since the release of the June 13 Instructions, petitions have been filed seeking additional duplications on 750, 830, 850 and 1100 kc. In answering questions, Mr. Rollo expressed the opinion that these petitions were one of the indications that if 13 of the clears are duplicated at this time, the remaining 12 will be duplicated at a later date.

Mr. Eagan reported on the legislative activities referred to during Mr. Rollo's report. He summarized the various activities which had taken place since the release of the June 13 Instructions which led to introduction of legislation designed to prohibit the breakdown of any of the remaining clears. The legislation was introduced in the Senate by Senators Capehart and Talmadge, and in the House by Congressmen Bennett, Flynt, Dingell and Loser. The various details regarding the legislation are set forth in CCBS Memos mailed to members during July and August. Mr. Eagan, in concluding his report, distributed copies of the letter Chairman Harris addressed to Chairman Minow on September 7, a copy of which is attached hereto.

Following discussion of the question of appointing a CCBS Director, a motion was made by Mr. Wagner, seconded by Mr. Patt and unanimously carried authorizing the Executive Committee to seek to retain Mr. Roy Battles as Director or to hire an alternate in the event Mr. Battles was not available, the salary involved being left to the discretion of the Executive Committee.

Mr. DeWitt reported on the status of the current engineering studies being conducted in cooperation with military authorities and the Commission for the military use of standard broadcast signals.

In the absence of Mr. Hough, Mr. A. M. Herman gave the Treasurer's report. Mr. Herman first expressed Mr. Hough's regrets at his inability to attend the meeting and stated that Mr. Hough wished to tender his resignation as Treasurer. Following the "ruling" that the attempted tender of resignation, as previous such tenders, was out of order and would not be considered, Mr. Herman reported that all outstanding statements had been paid except one and that the treasury had a balance of some \$10,000.

At this point, the meeting was recessed for luncheon.

During the luncheon, word was received from Washington that the Commission had issued a press release at 3:00 p.m., Washington time, reporting the fact that it had adopted the previous day a final Report and Order in Docket 6741 which duplicated, as proposed in the June 13 Instructions, 13 of the 25 Class I-A Clear Channel frequencies. It was agreed that this news did not alter any of the decisions reached during the morning session.

The meeting was then adjourned at about 2:00 p.m.

Respectfully submitted,

R. Russell Eagan

CONGRESS OF THE UNITED STATES

C
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Y

September 7, 1961

Honorable Newton N. Minow
Chairman
Federal Communications Commission
Washington 25, D. C.

My dear Mr. Chairman:

I have your letter of September 6, 1961, in response to copy of my letter of September 2 to Congressman Dingell, with reference to the Clear Channel proceeding. I am glad to have the clarification as to the status of the proceeding before the Commission.

Yesterday, September 6, this matter was raised in an executive session of the Committee on Interstate and Foreign Commerce. A great deal of interest was expressed by members of the Committee. I explained to the Committee the status, as you have given me by telephone and confirmed by your letter.

The Committee directed me, as Chairman, to transmit to the Commission a letter requesting postponement by the Commission final order concluding the Clear Channel proceeding (Docket 6741) until the expiration of a reasonable time after the reconvening of the Congress in January 1962. This request is made in order to give the Committee an opportunity to give consideration to the matter and probably conduct some hearings on several bills which have been introduced and referred to the Committee affecting Clear Channel operations (H.R. 8210 by Mr. Dingell, H.R. 8211 by Mr. Flynt, H.R. 8228 by Mr. Bennett of Michigan, H.R. 8274 by Mr. Loser).

This problem has only recently been called to my attention. I have, therefore, not had an opportunity to schedule any hearings or other consideration on it during this session. In view of the fact that proposed legislation would be in conflict with an order in Docket 6741, under preparation by direction of the Commission in accordance with its Public Notice 6295 of June 13, 1961, the Commission is urgently requested to defer final action until the Committee and the Congress have had a reasonable opportunity to consider the pending legislation.

It would be my purpose to schedule Committee consideration of it early in the next session. The cooperation of the Commission would be greatly appreciated.

By direction of the Committee.

Sincerely yours,

OREN HARRIS, M.C.
Chairman

III. Error Contained In September 14, 1961 Report and Order.

A. Failure to Recognize Precise Nature of Basic Question.

12. Paragraph 1 of the September 14, 1961 Report and Order erroneously states that the instant proceeding was commenced on February 20, 1945, "largely as a result of insistent claims that the clear channel concept was wasteful of valuable spectrum space and otherwise not in the best interests of efficient utilization of the frequencies involved." The record fact is that the Commission's February 20, 1945 Press Release and the February 20, 1945 Designation Order accompanying it both make it clear that the Commission initiated this proceeding, on its own motion, in an attempt to find a solution to the long standing problem of improving the technical quality of standard broadcast (AM) service provided to the millions of persons who reside in "white areas", i.e., areas which do not receive a single satisfactory (in terms of reception) primary (groundwave) signal^{20/}. Paragraph 2 correctly recognizes that the Commission's primary objective in allocating AM frequencies is to provide "some service of satisfactory signal strength to all areas of the country."

13. Although all areas of the country presently receive "some source of satisfactory signal strength" during daytime hours, it is beyond dispute that the record in this proceeding (as well as all other information available to the Commission) supports the premise of the February 20, 1945 Notice that large areas and populations do not receive any adequate nighttime broadcast service. As the Commission itself concluded in its September 22, 1959 Third Notice, 57.99% of the total land area of the continental United States, in which reside some 25.6 million people as of January of 1957. The additional fulltime stations assigned since that date have not affected in any substantial way the above-noted white area realistics.^{21/}

^{20/} Inseparably involved is the problem of providing second, third and fourth satisfactory signals to residents of some areas receiving both 1 (day), 2 or 3 primary (groundwave) signals.

^{21/} This is shown by the fact that the addition of some 536 fulltime stations between May 9, 1947 and January of 1957 reduced the white area insignificantly (from 60.59% to 57.99%). (Third Notice, Par. 10). During the same period the white area population increased from some 23.2 million to some 25.6 million. As the Commission recognized

in Par. 13 of the September 14, 1961 Report and Order, the white area population has probably increased since January 1, 1957.



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

September 12, 1962

Mr. John H. DeWitt, Jr.
President & Station Manager
WSM, Inc.
301 - 7th Avenue North
Nashville 3, Tennessee

Re: CCBS Annual Audits.

Dear Jack:

Bernice Hase got back to the office Monday following a week's vacation at which time we reviewed thoroughly the matter of the financial records of CCBS filed in this office.

Bernice, who has been serving as secretary in this office for the past seven years, reports that during this time we have not received the annual audit reports for review or filing. These reports, therefore, are apparently in the hands of the treasurer, Mr. Harold Hough, that is, unless Mr. Craig or you or Mr. Quaal has them.

The only financial records that we have of the operation of CCBS are that portion of the reports given by Mr. Hough at the annual CCBS meetings which are included in the minutes of those meetings. These reports as you know are rather sketchy. The other financial reports that we have filed in this office by quarters are the Congressional Lobbying Reports required by the Federal Regulations of the Lobbying Act. We have all of these reports. These reports include the cost of operating the Washington office of CCBS. The Lobbying Reports state that because of the difficulty of apportioning expenditures between activities falling within the purview of the Lobbying Act and those falling without, all CCBS expenditures made during the current quarter in connection with the CCBS Director and the Washington office are included therein. These reports, however, do not include taxes, legal and certain engineering fees or the clerical salaries and auditing fees paid in connection with the treasurer's work.

We do, of course, have a complete over-the-years record of all bills authorized and paid from this office by the treasurer.



Sponsored by Independently Owned
Clear Channel Radio Stations

September 12, 1962

These records as you see are incomplete insofar as the total expenditures of CCBS are concerned.

I agree with you that these audit reports mentioned above should be kept in a safe permanent location. Perhaps this office is the best place for them although there are certain disadvantages connected with this conclusion.

On the other hand, probably now is not the right time to bring this matter into discussion. Maybe the best time to do this would be at the time that Mr. Hough possibly retires as treasurer of the organization. What do you think?

Best wishes.

Sincerely yours,



Roy Battles

RB/bh



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

August 27, 1962

NOTE TO: Messrs. DeWitt, Quaal, Rollo & Eagan

FROM: Roy Battles

Re: Steuart L. Pittman - Assistant Secretary
of Defense for Civil Defense.

If clear channel stations are called upon to play a major role in civil defense alerting and/or communications in the future, we will probably be working with Steuart L. Pittman, Assistant Secretary of Defense for Civil Defense.

Therefore, for your files, you will find enclosed a copy of his biographical sketch.



ROY BATTLES

RB/bh
Encl.



DEPARTMENT OF DEFENSE

STEUART L. PITTMEN

(BIOGRAPHY)

Steuart Lansing Pittman, Assistant Secretary of Defense (Civil Defense) was appointed by President Kennedy on September 19, 1961 and took his oath of office on September 21st.

The sub-cabinet post is one newly created after President Kennedy transferred major civil defense activities from the Office of Civil and Defense Mobilization to the Defense Department, and assigned to the Secretary of Defense responsibility for plans to protect the civilian population in the event of a direct attack on the United States.

Before taking over his civil defense job, Mr. Pittman was a partner in the Washington law firm of Shaw, Pittman, Potts and Trowbridge where he specialized in aviation and foreign affairs.

Before entering law practice in 1954 he was associated with the development of our foreign aid program and became assistant general counsel of the Foreign Operations Administration, now the Agency for International Development.

During seven years of law practice, he found frequent occasion to contribute public service. He has rendered distinctive service as a consultant to the Government on international financial and economic matters. As consultant to the Second Hoover Commission on Government Operations, he wrote the Commission staff report on public lending activities and participation of private capital in U.S. Government foreign operations. In 1955, he toured Latin America as a consultant to the Department of State to negotiate arrangements for instituting the Investment Guaranty Program in certain South American countries. As consultant to the Development Loan Fund in 1958 and 1959 he assisted in establishing loan policies and procedures for the new agency. In 1959 he participated in the development of the so-called "Straus Report" on expanding private investment abroad, which was submitted by the State Department to the Senate Foreign Relations Committee.

Mr. Pittman was born June 6, 1919, in Albany, New York. He attended Yale University as an undergraduate, graduating cum laude in 1941 after majoring in International Relations.

His part in World War II began before Pearl Harbor in 1941 when he went to work for Pan American Airways Africa Ltd. on the air ferry route across Africa which kept supplies flowing to the British RAF during the North African campaigns. He was transferred to Pan American's Chinese subsidiary, China National Aviation Corporation, and served as Assistant Operations Manager in Calcutta during 1942 when the airline was flying supplies into General Chennault's Flying Tigers in Burma, and supplying the Chinese over the "hump".

Mr. Pittman returned to the United States to enlist and was a Marine for the last three years of the war.

As a Marine lieutenant he commanded a Chinese-American amphibious guerilla unit which operated along the East China Coast, assisting civilian and irregular forces to maintain active resistance against the Japanese in Wenchow. He won the Silver Star for gallantry in action in one of the war's most unusual naval actions -- a battle in which a Chinese junk under his command fought and captured an enemy junk in the East China Sea on the last day of the war.

After the war, Mr. Pittman attended Yale Law School and received his law degree in 1948. He was associated with the New York law firm of Cravath, Swaine and Moore before entering government service with the Foreign Operations Administration in 1950.

He is married to the former Barbara Milburn White and has six children. The Pittmans live in Northwest Washington, D. C.

ooOoo



AM-FM-TV

FORT WORTH TELEPHONE JE 6-1981

DALLAS TELEPHONE AN 2-5224—AN 2-4622

P. O. BOX 1780

OFFICES AND STUDIOS 3900 BARNETT STREET
FORT WORTH, TEXAS

August 31, 1962

AMON CARTER
FOUNDER
1922-1955

AMON CARTER, JR.
PRESIDENT

HAROLD HOUGH
DIRECTOR

ROY BACUS
MANAGER

Mr. John H. Dewitt, Jr.
W.S.M. Inc.
301 Seventh Avenue, N.
Nashville 3, Tennessee

WBAP-820
50,000 WATTS
NB

Dear Jack:

Thank you and your fine organization for the
hospitality during my recent visit.

WBAP-570
5,000 WATTS
ABC

WBAP-TV
CHANNEL 5
NB

Sincerely yours,



Rupert Bogan

WBAP-FM
96.3

RB:vr

PETERS, GRIFFIN, WOODWARD, INC., *National Representatives*

WBAP SHARES FREQUENCIES WITH WFAA. THE TWO STATIONS MAINTAINING CONTINUOUS SERVICE ON 820 KC. AND 570 KC

1962 STARLETSGRAM STATION

DALLAS TELEPHONE NUMBER - AN 7-6222

1962
DALLAS TELEPHONE NUMBER - AN 7-6222
1962
DALLAS TELEPHONE NUMBER - AN 7-6222

August 30, 1962

Mr. Ward L. Quaal
Station WGN
2501 Bradley Place
Chicago 11, Illinois

Dear Ward:

I have your nice wire from Nashville of August 25th, and was delighted to hear from the CCBS Group. If any contribution has been made by me, certainly I am glad, but the associations and friends over the past twenty-five years have more than outweighed any work attached.

It was with deep regret that I was unable to attend this important meeting, but Mr. Hermann ably sat in for me, and I will look forward to greeting everyone at the next session.

Again, my personal thanks for the telegram, and I trust the goals of CCBS may be fully realized, and that this fine Group continue to function for the advancement of all concerned.

Kindest regards.

Sincerely,

Harold Hough

HVH:b

September 19, 1962

Mr. Roy Battles
Clear Channel Broadcasting Service
532 Shoreham Building
Washington, D. C.

Dear Roy:

I think your idea of a bulletin to CCBS station members is an excellent one. I have no comment to make on it other than to say that it might be well to have the lawyers check it. The ideas in your document are fine and I feel that this effort is an absolutely essential part of our plan to get and keep high power. I know that here in Nashville I can use this document quite effectively as a means of discussing the entire problem with the people in WSM radio.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

C
O
P
Y

September 19, 1962

Mr. O. W. Towner
Station WHAS
Louisville, Kentucky

Dear Orrin:

Thanks so much for your kind note. I feel certain that as the station engineers and their consultants realize their potential interference problems they will find them worse than expected. Following your suggestion it would probably be good to have a discussion of the problems for out of it might come a solution for someone which would be well worthwhile. When things are a little further along we will try to set up a meeting of the type suggested.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

C
O
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BARRY BINGHAM
President

LISLE BAKER, JR.
Executive Vice-President

MARK F. ETHRIDGE
Chairman of the Board

W H A S INC.

LOUISVILLE 2, KENTUCKY
TEL JUNIPER 5-2211

VICTOR A. SHOLIS
Vice-President and Director

August 31, 1962

Mr. John H. DeWitt, Jr.
President
WSM, Inc.
301 7th Avenue, North
Nashville 3, Tennessee

Dear Jack:

Again, may I express my thanks and appreciation for your exceptional hospitality during our visit to Nashville Monday and Tuesday. I feel our meetings were very worthwhile and that we might even get what we have been after for so many, many years.

One question; should we not have some date as our objective when all of us have our interference problems analyzed so that we can get together and look at them as a whole?

Best regards,



O. W. Towner
Director of Engineering

OWT :mhw



from JACK DEWITT

9/19/62

Mr. E. W. Craig -

Since the meeting in Nashville we learned that Jimmy Shouse does not favor a pre-announcement of the fact that a number of stations will file for high power. Vic Sholis still is in favor of announcing that such will take place because he feels that unless such an announcement is made someone might draw the conclusion that the few stations that file on the agreed upon date will be the only ones who might file. Roy Battles and I feel that these two points of view can be brought together by simply making the announcement at the time the first applications are placed with the FCC.

JHD

THE TOTALPOP IN THE WHITE AREA OF CONTERMINOUS USA IS 25,162,118
OR 14.1 PER CENT OF THE YOTALPOPULATION OF THIS SAME AREA

THIS DOES NOT INCLUDE THE LAST BATCHOF MAPS

ANN

END OR GAP

WILL GIVE MR DEWITT MESSAGE IMMEIATELY

THANKS BERNICE END OR GA

THAT FIG SHOULD BE 25,162,218

REGARDS END W

#an 30th 62

11:40 PM

Dear Ann:

We finally made it.

The total pop in the white area of

"Conterminous" USA is: 25,162,218 .

or 14.1 % of the total population of
this same area (178,464,236).

Be sure that they understand this figure
is without the last batch of maps

due us from ~~the~~ Reed. See you tomorrow.

Johnie



from JACK DeWITT



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

9/6/54

Dear Jack:

Just for my own sake, following your telephone call.... I looked for the CCBS audits. I did not find them. Bernice will be back from vacation next monday. I'll then dig into this problem .

I agree that they should be in this office... soo that we can not only keep our finger on the trend of expenditure... but also have them where they won't get lost.

Therefore you'll hear from us next week about this.

Sincerely,

Mr. John H. Dewitt
Radio Station WSM
Nashville, Tenn.



Sponsored by Independently Owned
Clear Channel Radio Stations

September 19, 1962

Mr. James D. Shouse
Crosley Broadcasting Corporation
Crosley Square
Cincinnati, Ohio

Dear Jimmy:

Thanks so much for your very nice letter of the 12th. I told Ward Quaal when we left Cincinnati that it had been a great pleasure to have been there and to have done business with you three fine gentlemen.

I talked the whole matter over thoroughly with Mr. Craig who felt that there would be no problem whatsoever in getting members of our group to agree to a date before which no one would apply. Since that time Mr. Battles has explored the matter with Clyde and others and I believe that we have tentatively set October 15 as the date.

Congratulations on your Indianapolis victory. I was delighted to see that things came out as they did.

Most sincerely,

John H. DeWitt, Jr.

JHD:am

C
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P
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CROSLY BROADCASTING CORPORATION
CROSLY SQUARE
CINCINNATI

JAMES D. SHOUSE
CHAIRMAN OF THE BOARD

September 12, 1962

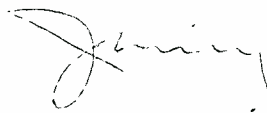
Dear Jack:

It was wonderful to see you today, and while I felt I loss some ground, businesswise, I felt that perhaps I gained more than if I had held firm.

Seriously, it was so nice to see you and I do hope that you will give my very best to Ed Craig.

With warm regards,

Very sincerely



Mr. John H. DeWitt, Jr.
Radio Station WSM
Nashville 3,
Tennessee



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

September 13, 1962

NOTE TO: Messrs. DeWitt, Quaal, Rollo & Eagan

FROM: Roy Battles

Gentlemen:

Pursuant to our recent discussions in Nashville, the final outcome of pending and future clear channel/higher power decisions may well be largely determined by the conduct of our stations during the delicate immediate period ahead.

Next to our actual conduct and equally important will be our ability to get the clear channel/higher power story across, and to motivate those forces which have the power to help the FCC do the right thing in the national interest.

With this in mind someone has to lead with their chin and it appears that this is my responsibility.

Therefore, I propose to immediately issue a bulletin transmitting it to CCBS general managers with a personal letter of transmittal. The first draft of the letter and the bulletin are enclosed.

Would you please give me your comments and suggestions as to how they can be improved at your earliest opportunity, starting by answering the question "is the bulletin a good idea."

Later on, depending upon developments, perhaps I should try to visit several of our stations in the interest of motivating the kind of things that are mentioned in the proposed bulletin. Also, starting immediately, I plan to go to work in cooperation with James Hanlon on the proposed brochure. More about that later.

What about the Broadcasting editorial? Should I do anything about it? Then there is the matter of the speech mentioned in the proposed bulletin. Is this a good idea? If so who should give it - where - and when?

Sincerely,

Roy Battles

Sponsored by Independently Owned
Clear Channel Radio Stations

RB/bh



PROPOSED PERSONAL LETTER TO CCBS STATION MANAGERS

September , 1962

Re: Clear Channel/Higher Power
Public Relations Program.

Dear _____

The final outcome of pending and future clear channel/higher power decisions will be largely determined by not only the performance and conduct of clear channel stations during the delicate period ahead, but by the kind of a job we do in getting our story across in important places and motivating those forces which can be of paramount importance in assisting the FCC to do the right thing in the national interest.

Bulletin #_____ enclosed contains suggestions to attain these ends. Actually these suggestions recommend a continuation and perhaps an expansion of activities that you have been pursuing for a long time.

As we said in Nashville, CCBS stations now have at least a chance to make real progress. The power ceiling is beginning to crack. The next several months are key months for us to meet our educational PR - motivating ~~and~~ obligations wisely, fully and effectively.

The suggestions in bulletin #_____ are general and written primarily to provide you with a quick vehicle to stimulate your own people to amply recognize the problems and to meet the challenge that lies immediately ahead.

Sincerely,

RB

Suggestions - A Public Relations and Educational Program for
Clear Channel Stations in the Interest of the Preservation of
Radio Clear Channels and the Use of Adequate Power Thereon.

The future of radio clear channels and their unique present and potential usefulness to America is indirectly squarely in the hands of CCBS and its member stations.

Technically, clear channel policies are made by the FCC. Actually many forces enter into the development of these policies. One predominant force is Congress. Members of Congress generally reflect the desires of constituents. "White area" residents are constituents.

Civil and military defense officials who favor the preservation of adequately powered clear channel stations are also a force.

CCBS and its member stations therefore face the obligation, in the national interest, of:

1. Acquainting members of Congress with radio clear channel facts, insisting that they take steps to preserve these irreplaceable resources and to insure their fuller use.
2. Educating "white area" residents and their organizational leaders to the clear channel facts, helping them to mobilize to bring their desires to the attention of Congress.
3. Assist military and civil defense leaders to implement their desired uses of adequately powered clear channel stations.

Except for CCBS and its members, there is no other way to achieve the above ends. The question is "will we get the job done?" With these goals in mind the following ideas have been developed:

I. Suggestions for the period just prior to filing with the FCC applications for the use of adequate power on certain clear channel stations.

(a) CCBS announce through a press release that several member stations plan soon to apply for authority to use more adequate power pursuant to the House expression contained in and relating to House Resolution 714.

(b) Member stations discuss their clear channel problems and higher power application plans and reasons therefor with state and area leaders in their home and adjacent states where such discussions can "comfortably" be pursued. (Keeping these leaders informed is a continuing perennial necessity).

- (1) Farm and other rural leaders
- (2) Congressmen and Senators
- (3) Other political leaders
- (4) Civil Defense officials
- (5) Others of local and regional importance

(c) Member stations embark upon a plan to alleviate "fears" of competition. For instance: discuss your plans with management and/or owners of neighboring radio stations located in centers of population who may feel apprehensive over the use of higher power by clear channel stations. (It can generally be shown that the clear channel station, through the use of a reasonable and practical amount of added power, cannot put a signal into outlying thickly populated markets of sufficient strength to effectively compete with the local signals. This fact coupled with listener loyalty to local stations should serve to help alleviate potential fears of other radio broadcasters).

II. Suggested announcement by CCBS member stations at the time they file application for adequate power.

(a) It is felt that higher power applications should be made without undue fanfare. A simple release stating the facts, including the reasons for the application, should be sufficient.

Unless unforeseen developments take place, it now appears that a big fanfare, including purchased space in trade publications, would

serve little beneficial purpose and might incite more opposition and criticism than would otherwise be the case.

The undisputed case for the use of adequate power on clear channels largely rests upon:

1. The unquestioned need for improvement in "white area" skywave clear channel signal strength.

2. On the record and strong support for the preservation of radio clear channels utilizing higher power by the Department of Defense for military and civilian defense reasons.

3. Clear Channel stations have what amounts to a mandate from the House of Representatives (House Res. 714) to apply for the use of sufficient power to meet national needs.

(b) At about the time the first applications are filed it would be highly desirable if:

1. The trade press carried editorially or otherwise a complete and accurate resume showing the many reasons why the national interest requires that clear channels be preserved and the use of adequate power be permitted thereon. There are many ways this might be done.

There is no sound argument against the conclusion that the public interest requires this action. Therefore, the facts must be made to speak for themselves, namely, that to oppose these goals is to oppose the public interest, convenience and necessity, both civilian and military, a position in which no responsible and patriotic broadcaster (or groups of broadcasters) would knowingly or wittingly wish to find himself.

2. A strong and objective speech made by a respected and responsible national leader clearly laying out the facts in the clear channel case putting the cat squarely on the back of the FCC might help form the background against which the above national industry attitude toward the preservation of clear channels with authority to use adequate power might be formed. (Such a speech could also be the basis for the trade press story mentioned in 1 above.)

While such a speech might well come from Congressman Oren Harris or Governor LeRoy Collins; probably realism dictates that it will have to be made by one of the prominent CCBS broadcasters.

III. Suggestions for period between the time the first applications are filed and the FCC acts thereon, including action relating to the September 1961 Docket 6741 decision.

(a) Member stations will want to continue to discuss their clear channel/higher power plans (with reasons) with those state and area leaders not contacted previously (see I (b) above). (at least those who are not antagonistic). Keeping these leaders informed periodically on the status of progress is very necessary. It is especially important that newly elected organizational officials and members of Congress know the clear channel story. After all, this is a team work matter between the 25 million Americans who would be the recipients of improved AM nighttime radio signals and their elected representatives plus the civil and military defense interests of this country and the clear channel broadcasters. Beside, in some areas, non-clear channel broadcasters are approaching rural leaders in an attempt to distract the clear channel facts.

(b) This may well be a period when the less said publically about higher power the better. On the other hand, if inaccurate charges, damaging to the goals we mutually seek, are openly or privately leveled at the implementation of these goals, either in ignorance or for selfish reasons,

CCBS and/or its member stations will be faced with appraising the merits of answering these charges with facts. Resolutions from state associations of broadcasters opposing the use of adequate power on clear channels, for instance, could be particularly damaging.

IV. Suggestions for the period immediately following FCC action on Docket 6741 and the applications for the use of higher power.

(a) The educational and PR efforts of CCBS and its member stations relating to these actions must be tailored somewhat in accordance with the nature of the actions. Therefore, it would be inappropriately speculative to attempt to develop such detailed suggestions at this time.

For instance, if the FCC acts contrary to the public interest by continuing with plans to duplicate several clear channels and refuses to authorize the use of adequate power on a satisfactory number of these channels, we will be faced with a different problem than would be the case if the opposite takes place.

It is indelibly clear however, that some and perhaps a great amount of opposition to the use of higher power will come from other broadcasters in the event the FCC authorizes the use of more adequate power on clear channels. CCBS and its member stations must be prepared to neutralize this criticism especially in the halls of Congress, where much of it will be directed.

It is expected that the crucial period in terms of this potential opposition will be immediately following a possible FCC favorable decision relating thereto, and then during the first two years of the actual use of added power. It will be during these periods that the results of our forthcoming intensive educational and PR efforts will need to be effective, both in and out of Congress. General plans for this eventuality should be formulated and implemented as rapidly and practical.

This is especially true since the numerical impact of rural people is less pronounced in Washington than in the past. Therefore, we must intensify our rural support and expand our base for such support to more organizations.

Another means of gathering support for holding on to more adequate power, once we have possibly been authorized to use it, would be a nationwide clear channel mail pull vehicle based on bringing to the attention of Congress an avalanche of letters saying in essence "thank goodness we are now able to use and enjoy radio at night because, etc. etc."

But all of this is the subject for a later letter.

Roy Battles

AFFIDAVIT OF G. F. LEYDORF

G. F. Leydorff is duly sworn and deposes and says:
I am a registered professional consulting radio engineer. My
qualifications are a matter of record with the Federal
Communications Commission:

The studies were made by me or under my direction
1. I was employed as a radio engineer of the Crosley Radio
Corporation and its successor, Crosley Corporation, licensee
of WL and WOL.

The only potential adjacent channel interference problem
encountered during WL 5 kilowatt KC operation
April 1938 to March 1939 was the nighttime interference of
CFRB licensee WL 69 KC. Field intensity measurements
revealed that CFRB was radiating approximately three kilowatts.
The problem was caused by the installations, in April 1938,
of a directional antenna which reduced the skywave signal
in the immediate CFRB coverage area to approximately
0.1 KW. Using this directional antenna the WL signal in the WOR,
(WL, 1 KC) area was 0.1 KW or less, with
a maximum ERP of approximately 0.1 KW toward the outer
portion of the WOR 1/2 m/m service area.
Field measurements and observations made in the WOR service

at or some time in case of the OR i fact ca sed
more i teifer o L L o W O R. In oth
cases inter er was well wi .it acceptable limi s.

This unexpected ma ittle o. he O R i ferrence to W L W
led o a tail d i g e on o modula ons practice of
each station. The stud was made wit a General Radio Modulation
Monitor. The necessary wa t input wa provided by a special
T R F amplifier with a pair o 's in al stage. The
G R Mond or prov wo i ications: i antaneous percenta e
modula on on a calibrate me r and a la i l
indica ion: at a selecte d rcentage o modula ion has been
exceeded. An observ he i r a recorded result a
a no. ook. In addi i ve per ta modula ion ndicator
was con ted to a special circui whic. provided a rap ic
recordi averag per ta o modula ion. Also a a tomic
r ord was made o: o per ta o line hat : various per
ta es o modula io wer x eded

The modulation stud urid the reason o: W O R in r .
W L W bei , greater W L W i er rence o W O R.
O R was usin a varia le gain program ampli fier ad usted so as
o provide a high re o compre io. This was indica ed
measurements o only a igher a ta percentage o
modulation also low and hi per of modula io
exceeded or also qual per a of time. The W L W

area and immediately a complete proof of performance of the L W direct wave measurement that interference of the W O R groundwave and skywave was negligible.

Regardless of these results some skepticism remained. Consequently,

1. W L W began an elaborate study of his interference to W O R groundwave and skywave signal. As a control and to assist in interpretation, results were simultaneously identical standard six-tube receivers manufactured in 1935 were used connected to W O R and other to W L W. These receivers utilized two intermediate frequency amplifier stages. The receivers were periodically interchanged on a regular basis to remove the possibility of error due to asymmetric selectivity. Each station was monitored by an engineer and occurrence of interference noted. In addition an acetate transcription at 3 1/2 rpm was made for the first fifteen minutes of each hour. A total of some 150 minute sides were recorded during the study which extended over a six-month period during the fall of 1935 and winter of 1935-1936.

Since daytime interference was obviously impossible observations were confined to the midnight hour and later. The results clearly indicated negligible interference from W L W to

W O R night time groundwave

and observations had made it clear that W O R skywave service

picram material was so operated. This was indicated by
a lower average percentage of modulation and higher percentage
of modulation being exceeded or a much smaller percentage of
instances were lower percentages of modulation.

These results emphasize the importance of operational practice
with respect to modulation as well as demonstrating interference
free operation day and night with 50 KW and 100 KW stations
or adjacent channels 1 KC removed.

The foregoing statement is true and correct to the best of my
knowledge and belief.

G. F. Leydor

Subscribed and sworn to before me
this _____ day of _____ 1952.

Reine Hetzelt

Notary Public for the County of
Oakland.

My commission expires May 1, 1953.

G. F. LEYDORF, P. E.
CONSULTING ENGINEER

211 Savings & Loan Building
Birmingham, Michigan

Lurhettts, Va
10 Sept., 1962

Dear Jack:

Enclosed you will find our time and expense record and invoices for services through July. I have not billed CCB5 for the May retainer since I was excused to do the WGW - KID study. Following your suggestion I took a vacation in June, which worked out very well since, on June 29, we moved to our present home address:

1654 Stanley Blvd
Birmingham, Michigan

Also enclosed you will find a copy of our statement on the 1938-39 WLW - WOR interference study. If you have comments or suggestions please drop a line to me at the CCB5 office, copy to Hachuk. I expect to get back to Birmingham on the 24th unless CCB5 duties take me elsewhere.

Regarding our further study of side channel interference, I am still inclined to avoid an extensive study of the receiver population. It is not difficult to build a receiver which will do a good job of receiving stations 10 Kc removed, - many automatic receivers do this.

If we had an acceptable (to the FCC) spectrum distribution we might show what a receiver design must be to attain various adjacent channel rejection ratios. I feel sure that the resulting receivers would be inexpensive to build.

My old field strength set had two 175Kc IF stages, six tuned circuits. With this set I used to monitor CFRB in Lebanon Ohio, 8 miles from the 500 KW transmitter (about 500 mw/m²). There was relatively little monkey chatter.

If you are coming to Washington, I would like to discuss this with you.

Hope everything is going well. Give my best to all.

Yours truly
Felix

TIME AND EXPENSE RECORD

May 1962

Date	Description	Time
9	Compile time and expense data. Start study of BRECUM-SIGALERT compatibility.	1
10	Complete study of BRECUM-SIGALERT compatibility. Draft letter to J. H. DeWitt.	2
12	Study questions in R. Battles letter: 1) world standards on power of stations registered, 2) effect of side channel interference 750-1000 kw to adjacent 50 kw sky wave to sky wave.	4
14	Telephone conference with R. Battles re 1) world standards of rating power of transmitting stations, 2) clear channel side channel skywave interference to skywave service 750-1000 kw to 50 kw. Great gains far exceed slight losses, 3) effect of 6 to 6 daytime operations. Ruinous especially in winter time, but also in spring and fall.	4
	Telephone conference with G. A. Reynolds on BRECUM test results. Atmospheric noise as a factor limiting reliability. Peak clipping suppression of atmospheric noise. Loop and other directional antenna effects.	
	Mailed letter, time and expense record and statements to J. H. DeWitt. Toll charges and tax \$6.66	
22	Telephone calls from J. H. DeWitt re meeting with E. C. Theleman tomorrow. Discuss WGN-KID problem.	1/2
23	Dinner conference with J. H. DeWitt, E. C. Theleman, R. D. Linx on BRECUM and related subjects.	5
	Mileage 72 @ 9¢ \$6.48 Parking 1.00	
31	Telephone conference with George Lang, WGN, on BRECUM. Polarization diversity with loop. Prudential Building TV antenna as AM receiving antenna for WLW, WJR. Not as good on WHO.	

TIME AND EXPENSE RECORD
CONTINUED

May 1962

Date	Description	Time
	Luncheon discussion with R. Battles on AM and FM propagation characteristics.	1
	Telephone 14th \$6.66 Mileage 23rd 6.66 Parking 23rd 1.00 <u>\$14.32</u>	

TIME AND EXPENSE RECORD

June 1962

Date	Description	Time
4	Conference with R. Battles	1½
6	Review work on FSK self-interference effects	1
8	Continued work on FSK self-interference	1
12	Letter to J. H. DeWitt re material in WGN-KID study	1
27	CCBS Office. Discussions with R. Battles and J. H. DeWitt re House Committee action and with JHD on noise suppression in FSK receivers	4

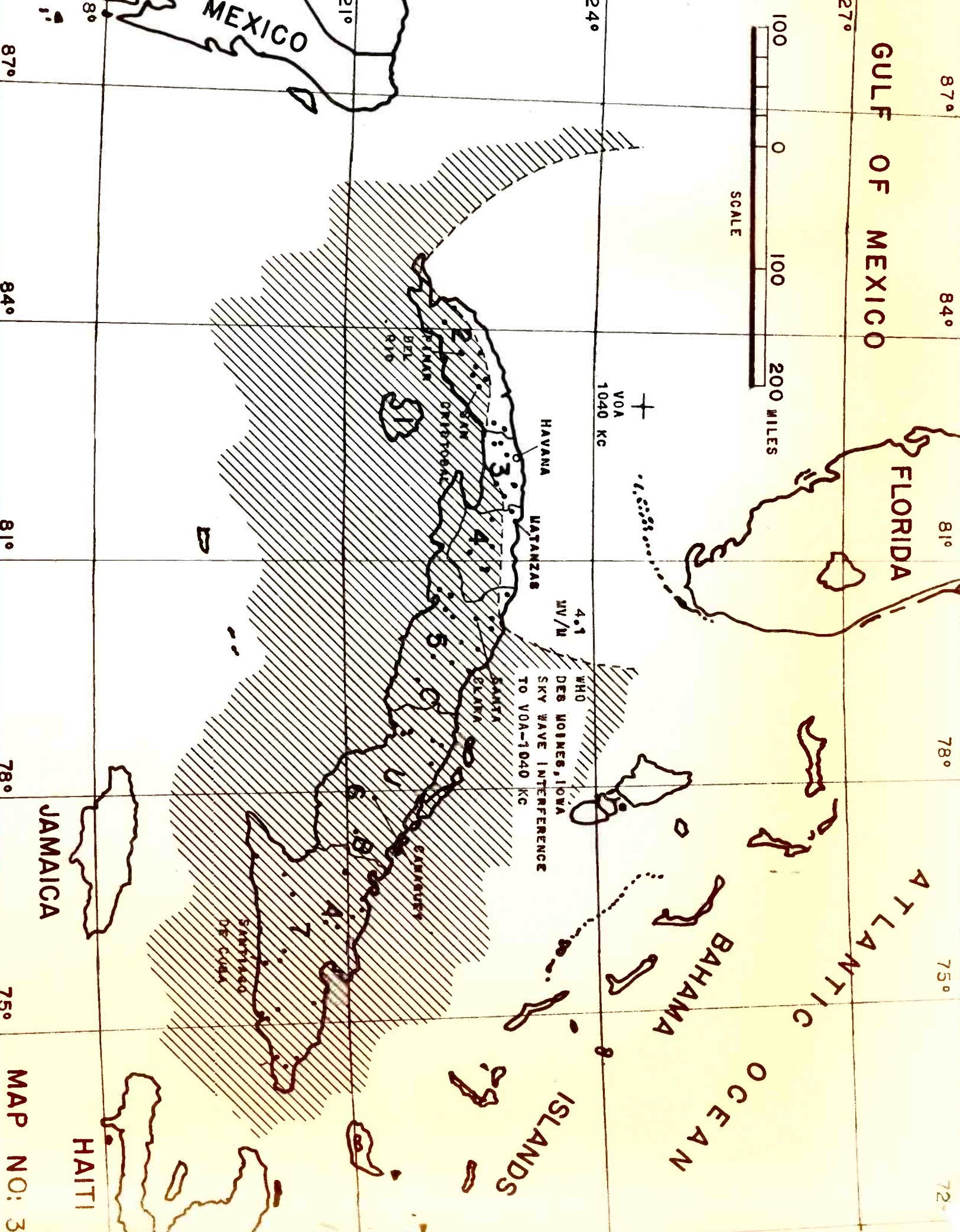
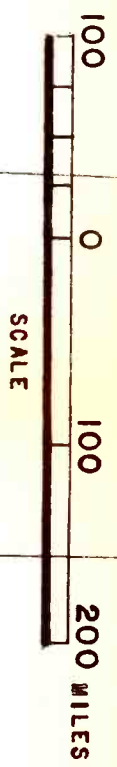
TIME AND EXPENSE RECORD

July 1962

Date	Description	Time
5	Telephone conference with G. A. Reynolds regarding trip to Boulder, Colorado. Started arrangements for transportation and Hertz car from Denver to cover conference at Boulder on 10 July.	1
6	Telephone conference with GAR confirming arrangements for Boulder conference. Wire received in evening re Kearney Motor Hotel reservation. Transportation confirmed.	½
7	Searched literature for material relating to local thunderstorm problem on BRECOM.	4
9	Trip to Denver. Met GAR at airport. Checked out Hertz car. To Kearney Motor Hotel. Discussion of impulse noise problem.	9
	Round trip ticket to Denver \$159.06	
	Mileage to Detroit Airport 42 @ 7¢	2.94
		<u>\$162.00</u>
10	Denver. Drive to Boulder. Conference through lunch with GAR and R. Marshall Coon on thunderstorm noise suppression techniques, concluding 2:30 P. Visited NBS field station on table mesa, then to Denver Airport. GAR left via Braniff 5:30 P. Leave United 7:50 P MST. Ar Birmingham 3 P EST.	17

Kearney Motor Hotel #202	\$10.40
Check bags	.20
Dinner, Denver Airport	3.40
Tip	.15
Parking - Denver	.35
Detroit	2.00
Hertz Car - Denver	19.23
Mileage - Detroit Airport to Birmingham - 42 @ 7¢	2.94
Total	<u>\$38.67</u>

GULF OF MEXICO

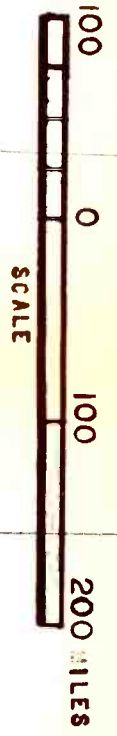


27°
24°
21°
18°
87°
84°
81°
78°
75°

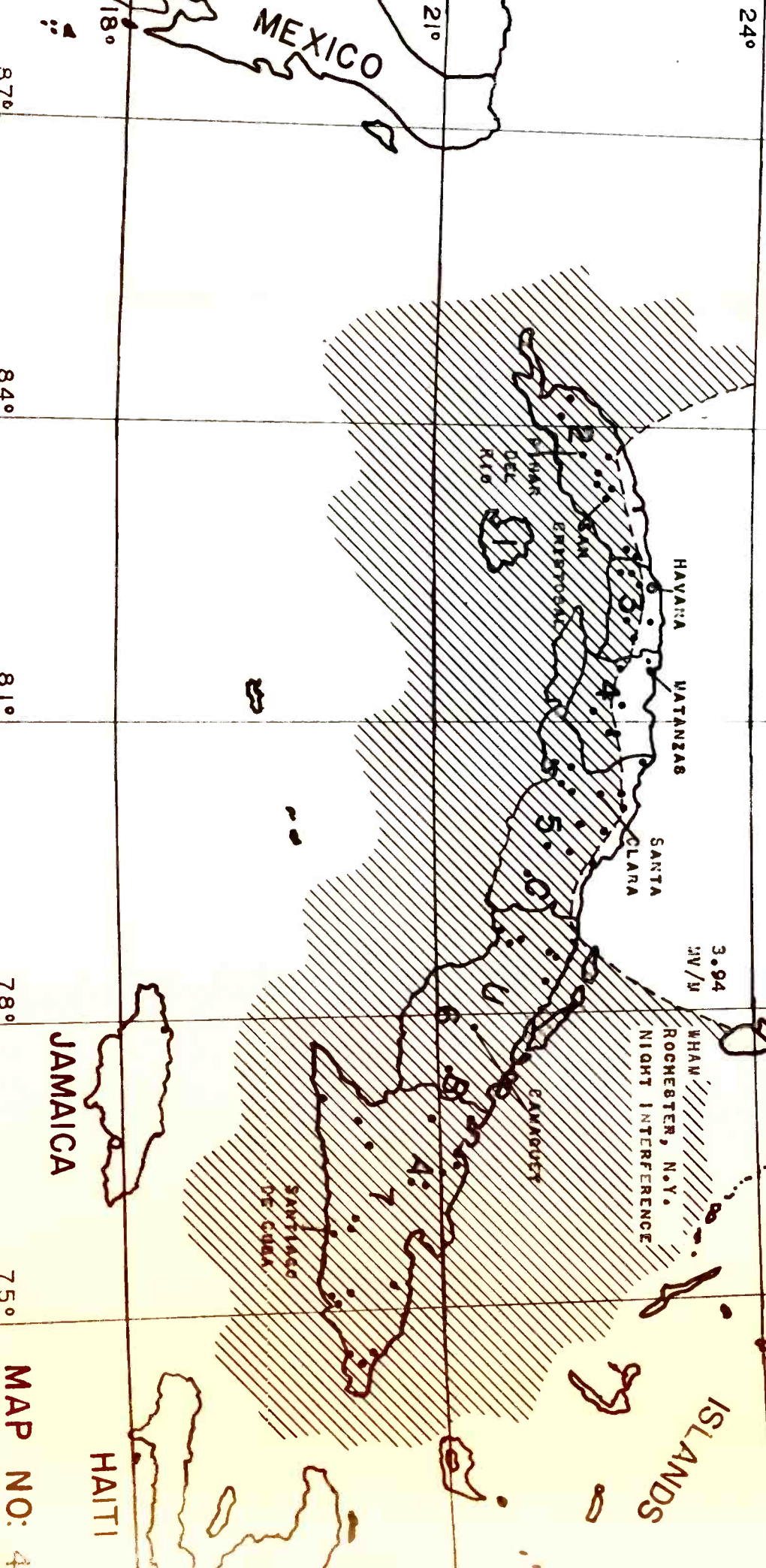
87°
84°
81°
78°
75°
72°

MAP NO: 3

GULF OF MEXICO



87° 84° 81° 78° 75°
27°
ATLANTIC OCEAN



January 16, 1963

Mr. Russell Eagan
Kirkland, Ellis, Hodson, Chaffetz & Masters
World Center Building
Washington, D. C.

Dear Russ:

In reading over your report on the FCC-NAB Overpopulation Conference, I am shocked at the long list of recommendations made by David L. Steel who purportedly represents the Association of Consulting Engineers there in Washington. It reads like a studied attempt on the part of an unscrupulous engineer to develop as much business as possible for his colleagues and himself without any regard whatsoever as to the public service aspect of the problem or the pocketbook of the station owners or applicants. I am convinced now that the proposal of the AFCC engineers to "unionize" their profession in Washington should be fought on the grounds that their president is not representing the public interest.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

cc: Mr. Roy Battles

P. S. Would you please send us two copies of the FCC opinion regarding the clears.

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS
WORLD CENTER BUILDING - 1627 AND K STREETS, N. W.
WASHINGTON 6, D. C.
TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

January 8, 1963

Memorandum Re FCC-NAB "Overpopulation"
Conference Held January 7-8, 1963

January 7 was devoted to the NAB presentation. Following an opening statement by Chairman Minow, which dealt with the great growth of stations since World War II and the decline of the average net income of stations, Governor Collins offered a few introductory remarks and identified the members of the special NAB committee. He emphasized that NAB spokesmen had come "to praise, not to bury radio".

The first NAB witness was the Chairman of the special NAB committee, George Hatch of Salt Lake City. His introductory remarks were based on the proposition that "interference has become of serious concern, and it is necessary to review policies governing AM allocations if we are to provide a sound future development of radio". He emphasized that NAB is opposed to the placement of any arbitrary limitations on the number of radio stations in any given market.

Following Mr. Hatch's introductory remarks, the chairman of the NAB engineering subcommittee, Mr. Carl Lee of Kalamazoo, Michigan testified. He alluded to forthcoming testimony by George Davis (Washington consulting engineer) and George Bartlett (NAB Director of Engineering) which he stated would demonstrate the following two propositions:

1. Stations operating on the frequencies studied have undergone no appreciable change in their limitations during the past 20 years.

2. The Commission, in the administration of its standards and application of the rules over the past 20 years, has accomplished its overall objectives of forming a great nationwide radio system.

At this point, Mr. Lee's testimony was interrupted to permit testimony by George Davis, whose office conducted the following engineering studies: 1/

1. A study, nationwide, of the daytime and nighttime limitations to stations operating on 600 kc and 1300 kc as of 1940, 1950 and 1960.

2. A study of the daytime coverage (0.5 mv/m and 2.0 mv/m) of all stations located in a southeast regional area selected on the basis of its varying terrain, as of 1940, 1950 and 1960.

With respect to the study of the frequencies on 600 kc and 1300 kc, the 1960 nighttime limitations of stations in existence in 1940 and 1950 did not differ materially from the 1940 and 1950 nighttime limitations. The study did show that the stations added in the intervening period were added with an initial nighttime limitation substantially in excess of that of the stations which were in existence in 1940. Five fulltime stations operating on 600 kc in 1940 had a population of 2.3 million within their interference-free contours, whereas 14 fulltime stations operating in 1960 had a population of 9.27 million. With respect to 1300 kc, 5 fulltime stations in 1940 had a nighttime population of 1.76 million, whereas 20 fulltime stations operating in 1960 had a nighttime audience of 7.52 million.

With respect to the study of the southeast region, over 500 stations were studied respecting daytime coverage. In general, the studies showed that between the years of 1940 and 1960, daytime white areas were virtually eliminated. Mr. Davis concluded by making a projection of potential further use of the broadcast spectrum in the region concerned. He concluded that there were 21 possibilities, engineering wise, of assigning stations to areas containing communities in excess of 10,000 persons. He numbered the possibilities as 45 with respect to areas containing towns of 3,000 to 10,000 persons and as 48 for areas where the largest town was less than 3,000 population. In all cases, some areas encompassed from 3 to 4 of the "possibilities". He stated it was possible that in some instances the possibilities might include nighttime use, but this had not been studied.

1/ Interference was computed on the basis of the standards set forth in Rule 3.182, with the exception that interference caused by stations 20 kc removed was not considered. Conductivities were based on the Commission's soil conductivity map.

George Bartlett commenced his testimony by referring to the basic objectives of the Commission: (1) some service to all; (2) each community with at least one station; (3) a choice of at least two services to as many as possible; (4) two stations to as many communities as possible; and (5) multiple program choice to as many listeners as possible.

Bartlett stated that the study of the southeast region by George Davis showed the following had been accomplished with respect to the above priorities concerning daytime service:

1. In 1960, 99.4% of the area received at least one service, compared to 60.9% in 1940.

2. In 1960, 97.3% of the communities over 2,500 population had at least one station, compared to 38.1% in 1940.

3. In 1960, 96.7% of the population received at least two services, compared to 33.9% in 1940.

4. In 1960, 10 of the 119 communities with a population range from 5,000 to 10,000 had two or more stations as compared to none of 61 such communities in 1940. In 1960, 49 of the 96 communities with 10,000 to 50,000 had two or more stations as compared to 2 of 53 such communities in 1940.

5. In 1960, 89.6% of the population had a choice of 3 or more services and 81.6% had a choice of 4 or more as compared with 11.3% and 3.7% in 1940.

6. In 1960, there were 22 cities with a population range of from 5,000 to 10,000 without AM stations but only 9 were not served by 3 or more 5 mv/m signals. All cities above 10,000 had 1 or more stations and 3 or more 5 mv/m services.

Jules Cohen appeared on behalf of the NAB Radio Development Committee and proposed the following with respect to directional antennas:

1. A standard could be adopted which would not authorize a new directional antenna system wherein the minimum radiation on any bearing would be less than 5% of the RMS of the horizontal plane radiation pattern.

2. The Commission requirements should include the expected operating impedances, together with a description of the manner in which the impedances were calculated.

3. Minimum qualification requirements should be established for persons submitting engineering studies and the Commission should refuse to accept such studies from individuals failing to meet the minimum specifications.

William F. Duttera of NBC, a member of the NBC Engineering Subcommittee, presented special studies of 630 kc, 980 kc and 1260 kc in Washington which showed that between 1941 and 1962, the limitations to the Washington stations immediately prior to and following sunset had substantially increased but that the second hour after sunset limitations remained substantially the same -- based on Commission standards. In response to a question from Jim Barr, he stated that in his opinion the actual interference suffered during the nighttime period is higher today than it was in 1941 but that he could not specify how much higher.

Carl Lee, the Chairman of the NAB Engineering Subcommittee, made a summation of all of the engineering testimony. He repeated the opinion that the studies showed "that for all practical purposes, the Commission's announced objective for the over-all development of nationwide radio had been met from an engineering standpoint". /This statement, of course, ignored the objective of providing a first nighttime service to the entire country./ He expressed the opinion that the point had been reached where further grants based upon sound engineering principles will be a scarce commodity and that it would be in the public interest to tighten certain rules involving engineering and to reappraise others. The following suggestions were offered:

1. The 10% rule (Rule 3.28) should be eliminated and where a proposal involves more than insignificant interference, the applicant should be required to bear the burden of proof that his is the most efficient proposal possible.

2. Any proposal that does not meet the engineering requirements should not be granted on the basis of providing a "first service" where the community applied for is in fact part of a metropolitan area already served with three or more 5 mv/m signals.

3. Although the theoretical studies show "there isn't supposed to be any increased interference, those who listen to radio

know from a practical standpoint that many times an interfering signal can be heard". It thus appears that either the efficiency of some directionals in operation have "slipped" since the original proofs of performance or the engineering rules regarding directionals and skywave interference were not entirely correct to begin with, or possibly both. Accordingly, the Commission should review its directional antenna standards and methods of calculating skywave interference. "A forward step would be to set the minimum limit to which a directional system could be designed and the results achieved in actual practice". Further, consideration should be given to requiring the filing of a skeleton proof with each renewal application.

4. The Commission should complete a study of the rest of the United States and the rest of the frequencies similar to the studies of George Davis.

Merrill Lindsay of Decatur, Illinois, the Chairman of the special non-engineering subcommittee "charged with investigating various aspects of AM radio broadcasting not directly related to engineering or other technical matters", stated that "it was our ultimate conclusion that none of the studies warranted conclusions upon which to pass recommendations for the purposes of this conference." He presented charts summarizing the following factual information:

1. The population over the last 20 years has increased by about 38% while the number of operating AM radio stations has increased nearly 500%.

2. Whereas advertising expenditures as a whole have shot upward spectacularly, radio revenues have failed to keep pace and radio revenues were shared by an increasing number of stations between 1945 and 1961.

3. There have been dynamic changes in population shifts, age groups, etc. Any rules adopted by the Commission should be sufficiently elastic to accommodate future changes in the U. S. population.

The following recommendations were offered:

1. Closer scrutiny should be given to each applicant's qualifications, financial and otherwise. For example, the Commission might require information as to the bases for an applicant's estimate of station revenues for the first year of operation. Also, the present yardstick for determining financial qualifications might be strengthened.

2. The Commission should consider allowing station mergers, particularly where one of the merged stations vacates an assignment that either causes or receives interference.

The NAB presentation was concluded with the reappearance of the General Chairman, George Hatch, who had a short concluding statement which recommended the following:

1. Proceedings should be instituted looking toward a general overhaul of engineering standards (including the possible elimination of the 10% rule, a more precise definition of first service, the use of intermediate powers for the improvement of existing services and a general review of directional antenna standards and methods of calculating skywave interference).

2. The Commission should continue the frequency usage studies developed by NAB for the southeastern part of the country to include all areas and all frequencies.

3. A reexamination should be made of policies respecting the authentication and documentation required to establish adequate financial qualifications.

4. The institution of a policy which would permit one or more stations to merge should be considered.

In response to questions posed by Commissioner Lee, the witness made it clear that his statements to the effect that the NAB studies demonstrated that the Commission has achieved its objective were not meant to constitute an assertion that adequate nighttime service was being afforded to the entire U. S. at the present time.

The January 8 hearing opened with questions directed to George Davis by Commissioners Craven and Lee in response to which Davis responded as follows:

1. The "possibilities" of new assignments in the southeast region studied were based on an assumption that the new station would suffer a daytime limitation to approximately the 1 mv/m contour.

2. With respect to the two regional frequencies studied, he believes as a practical matter, stations operating today which were operating 10 or 20 years ago have had their daytime service areas reduced but their nighttime service areas have remained essentially the same.

Robert M. Booth, Jr., a Washington communications attorney who is also a qualified radio engineer, recommended the following:

1. Elimination of the 10% rule and the 2 and 25 mv/m overlap rule.

2. In weighing the effects of interference caused by new proposals, the Commission should make realistic evaluations of all pertinent factors, including the location of the interference area in relation to the principal city concerned.

3. Existing stations be encouraged to improve their service in areas where people live even if service would not be provided to the entire city or metropolitan area. Coupled with this was the suggested elimination of the requirements to provide a 25 mv/m or better signal to business areas.

4. The Commission should encourage rather than discourage "attempts to improve service * * * by a reallocation of facilities". For example, a daytime only station on a frequency might apply for the fulltime assignment on that frequency assigned to a station which renders a comparatively inferior program service or which is located in an area with a larger number of other services.

5. In revising the engineering rules and standards, the Commission should give due consideration to the views of industry and consulting engineers as well as to those of Commission staff engineers.

6. The financial section of the application form should be revised so as to require greater detail and supporting data regarding operating and anticipated revenues.

7. The Commission should apply the same standards in passing upon renewal applications, etc., with respect to AM and FM stations.

8. If an existing station opposes the grant of an application for a new station in the area, the existing station's renewal application should be designated for hearing together with the application for the new station so that if it is determined the market will only support one of the two stations, the better qualified may be selected.

9. Some means should be found to control, "to some extent", rate cutting (that is, the selling of time below the published rate).

In his introductory remarks, Mr. Booth seemed to assert that noise levels in city areas are lower today than they were 20 years ago. (This is contrary to recent studies conducted by Crosley.)

Everett Dillard, a Washington consulting engineer who also owns a daytime station in a suburb of Washington, appeared on behalf of himself although he represents the Daytime Broadcasters Association. He advanced the following propositions:

1. In view of the fact that the Commission has had "only 1/2 of the band to work with", the results have been good. The economic problems stem essentially from the "unequal facilities" used by broadcasters. He referred to most stations as being "have nots" who are handicapped by limited and varying hours of operation; limited coverage, particularly at night; and different coverage during the daytime and nighttime.

2. There is a need for more local stations. In this connection, he submitted a DBA map showing 913 communities which had only one station, each of which was a daytime only station. /Actually, many of these 913 communities are suburban adjuncts to metropolitan areas and receive many signals./ In this connection, he also emphasized the increase in urban population and the decrease in rural population in the last two decades.

3. He presented an argument in support of free competition.

4. He advocated that the Commission express more explicitly its approval of specialized program service as contrasted to "well balanced program service" under appropriate circumstances. Chairman Minow and Commissioner Ford supported his viewpoint.

The afternoon session opened with the completion of Mr. Dillard's questioning by members of the Commission. Commissioner Ford expressed the view that the problem was what, if anything, the Commission could do to make radio more healthy from an economic standpoint without interfering with the free competition concept. He expressed the tentative conclusion that the only thing that could be done would be to tighten up the application of engineering standards in processing applications and let the market place determine which stations

prosper or fail. Dillard again emphasized the problems of the "have nots" -- those who entered the business following the 1940's and as a consequence did not obtain choice markets or frequencies. Dillard also expressed the viewpoint that FM in the next five years will cure most of the AM problems, including the daytime problem.

Rogan Jones, a broadcaster from Bellingham, Washington, urged that the Commission strictly enforce its rules and policies, especially those with respect to double billing and logging. He believed this would take care of controlling the number of stations.

Lauran A. Colby, a Washington attorney, appeared on behalf of six applicants whose applications were caught by the "freeze". He argued that an engineering basis should not be used as a means of economic control and urged the immediate lifting of the freeze. He argued that engineering standards should be applied equally to applicants for new stations and to applications seeking improvement of existing facilities.

Pete Johnson, a Charleston broadcaster, who is also a consulting engineer, urged that numerical limitation respecting stations was not the answer but that the Commission should approve any steps taken by stations to enter into agreements resulting in combined activities which would result in savings (such as joint engineering, accounting and sales departments).

Joseph J. Kessler, a Washington lawyer who is also an applicant for a new station in the Washington metropolitan area, urged that the needs of shifting populations should be met by granting new stations rather than by authorizing improvements in existing facilities.

The next witness was a Tom Fleet who supported the testimony given by Rogan Jones.

David L. Steel, President of the Association of Consulting Engineers, stated that his testimony was approved by the majority of the Association's eight-man Executive Committee consisting of himself, Jules Cohen, Carl Jones, Ronald Culver, Frank Kear, Russell May, George Davis and Oscar Reed. 1/ Steel made the following suggestions:

1/ Jules Cohen and George Davis called me to state they did not agree with Steel's recommendations 2 and 3. Undoubtedly, this is true of other members of the Executive Committee. Steel also stated in response to a question by Commissioner Craven, that he was aware of the fact there were consulting engineers who did not agree with his recommendations 2 and 3.

1. The AM freeze should be lifted at once.
2. No further consideration should be given to powers above 50 kw.
3. Clear Channel frequencies should be duplicated "for further development of new stations in underserved * * * areas and for the improvement of existing stations". Special consideration should be given to converting limited and share time facilities to fulltime.
4. Eliminate the 30 to 1 adjacent channel interference ratio regarding 20 kc separations and change the 2 and 25 mv/m overlap prohibition to 10 and 25.
5. Eliminate the 10% interference standard which is "inadequate and inappropriate".
6. Require each licensee to file daytime and nighttime measured contours.
7. Require applicants to base predicted coverage on test-site measurements.
8. Eliminate the population and area showings in applications unless objectionable interference is involved or waiver of a rule is required.
9. Require the filing of FCC Form 202, the directional antenna computer form.
10. Require that all nighttime interference-free limitations be computed on the basis of the theoretical horizontal and vertical radiation patterns for directional stations.
11. Establish a uniform method for determining MEOV for directional stations. The suggestion that MEOV values should not be less than 5% of the pattern RMS needs additional study and clarification.
12. Station to station night limits should be calculated by use of the FCC computer and the resulting data released as an official publication.

13. Exchange of foreign radiation patterns should be expedited and the time for examination extended from 30 to 60 days.

14. Adopt provisional engineering requirements for all engineers filing applications and reports.

15. Require directional stations to file skeleton proofs with each renewal.

16. Require non-directional stations to file antenna resistance measurements with every license renewal.

17. Amend Rule 3.67(a)(6) so as to require readings once each 24 hour period for each pattern.

18. Permit AM stations to change the type or make of transmitter upon 30 days informal notice where the transmitter is type approved.

19. Revise the skywave curves so as to have one curve applicable to all classes of stations (Figures 1(a) and 2 of Rule 3.190).

20. Consolidate Figure 6 and 6(a) of Rule 3.190 into one graph to be used to determine the pertinent skywave vertical angle versus distance.

21. Expand Figure 8 of Rule 3.190 to include a correction factor for the computation of antenna efficiencies where the ground system is less than 120 radials and/or less than 1/4 wave length long.

Harry J. Daly, a Washington lawyer, submitted a statement on behalf of himself and on behalf of WJET, Erie, Pennsylvania. He urged that the Commission should not try to control the number of stations based on economic considerations. WJET urged that a hearing should be held on all applications proposing to add a new station to a "loss" market or to markets having a certain number of existing stations.

The next witness, from Gates Radio Company, read a letter to the Commission from the head of the company (Parker S. Gates) which requested an immediate lifting of the freeze and which pointed out the economic losses suffered by Gates Company since the imposition of the freeze.

In view of the fact that Mr. Steel alluded to the Clear Channels, I made a short statement on behalf of CCBS. I first explained that because each individual member of CCBS was a member of NAB and because the Commission's inquiry did not appear to us to include the question of how best to improve service to nighttime white areas, CCBS did not seek to participate in this proceeding. I added that we did not wish to indicate by silence our agreement with Mr. Steel's position and that in fact CCBS remained of the opinion that higher power was the only feasible means of improving nighttime service to the more than 25 million underserved Americans. I concluded with the statement that CCBS intended to follow the Commission's suggestion and to request a rule making proceeding looking toward the authorization of higher power.

The hearing was concluded with the following closing remarks of Mr. Hatch, Chairman of the NAB committee:

1. Contrary to statements of other witnesses, NAB did not recommend a double standard respecting applications for new stations and applications to improve existing facilities; did not propose a ceiling on the maximum number of stations; did not recommend a "go, no go" approach; and did not recommend the financial qualification test should be expanded to require a showing of an ability to construct and operate without revenues for a period of one year as compared to three months.

2. No witness contested NAB's four basic recommendations.

In response to a question by Commissioner Ford, he expressed the opinion that the freeze could be lifted at once in that many of the suggestions advanced by NAB could be carried out without changing the rules.

R. Russell Eagan

CLEAR CHANNEL BROADCASTING SERVICE
SHOREHAM BUILDING
WASHINGTON 5, D. C.

January 7, 1963

NOTE TO: Messrs. DeWitt, Quaal, Rollo and Eagan

FROM: Roy Battles

The enclosed letter to Frank Gaither was prepared at his request. I am sending you a copy of it even though it is a personal letter to him, since there is no information contained therein which is confidential either to Frank or to WSB.

Best wishes.

Sincerely,

Roy Battles

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January 7, 1963

Mr. Frank Gaither
General Manager
Radio Station WSB
1601 West Peachtree St., N.E.
Atlanta 9, Georgia

Re: Changes-NAB Board of Directors

Dear Frank:

NAB procedures prior to 1963 for electing its Board of Directors provided for 17 District Directors elected from the 17 NAB Regions, each for a two-year term, said Director terms staggered.

In addition to that, an additional 10 Directors were elected. These were called Directors-At-Large and were elected for two-year terms. They were elected as follows:

Two from large AM stations (I-A stations, I-B stations and all Class II stations with 5000 kw or more power).

Two from medium sized stations.

Two from small stations.

Two from FM stations.

Four from Networks.

Under this category the so-called Directors-At-Large representing large stations were elected by something like 255 stations (35 I-A stations, 36 I-B stations, 195 Class II stations with over 5000 kw).

Under the new plan beginning in 1963, NAB will still have 17 District Directors and the same number of Directors-At-Large except that the Directors-At-Large will be elected under a new plan.

Under this new plan there will be:

Two Directors called Class A AM Directors elected from stations in markets of 500,000 or more people.

Two Directors ranging from 100,000 to 500,000 people. These will be called Class B AM Directors.

January 7, 1963

Two Directors from markets having less than 100,000 people. These will be called Class C AM Directors.

There will still be two Directors for FM stations and four Directors representing the Networks.

In the Class A AM Director category listed above, there are currently about 375 stations in markets of 500,000 or more.

Therefore, we must conclude that this category of At-Large Directorship now will be made up of some 375 stations where previously it was about 255 stations.

All CCBS member stations, incidentally, are in markets of 500,000 or more as used by the NAB.

The makeup of the stations that will be voting, however, in the Class A AM Directorships listed above will be far different than under the old "large station" category as you can see by studying this plan.

As you know, certification forms for all nominees to fill 1963 NAB vacancies should have been in the hands of NAB by January 2, 1963.

Soon then NAB will have a ballot by mail to bring each category of Directorship down to two top nominees. Then the final election will be handled by mail prior to the NAB meeting which gets underway in Chicago on March 31, 1963.

If I can be of further help, please let me know.

Sincerely yours,

Roy Battles

rb;bh

January 8, 1963
Dictated 1/6/63

Mr. James Wallace
President
Westcoast Broadcasting Company
Wenatchee, Washington

Dear Mr. Wallace:

Just before the Christmas holidays, I received your four letter in regard to "Simplimation" and the basic need for more automation in our industry. I noted also, and with great respect, your reference to the degradation of engineering standards in our industry.

Putting aside the automation matter, which in one form or another is more essential from each month to the next in our industry, I should like to address myself briefly to your statement which reads in part, "the FCC loused the air up when they broke down regional channels. There is hellum on the dial and no true regional service morning and night any more. If engineering standards were allowed to rule would be better today."

I subscribe to that statement wholeheartedly, but now that the regional channels have been "broken down" and are practically useless beyond the corporate municipalities in which they are physically located, the forces that brought them to ruination are attempting to reduce the clear channel stations to the same status. This not only will remove precious coverage to rural and small-town America, it will mean still more competition for you people in Washington State, Oregon, California and other parts of the west whose most cities need another station like you and I need a hole in the head or a ten-year stretch in Sing Sing. There are 26,000,000 Americans who have no dependable ground wave service at night and must rely upon the nation's clear channel stations for this service. Now, at least some of this service is to be whittled away through the breakdown of 13 of the 25 remaining RAs. It will be just a matter of time before the other 12 follow unless we are able to manifest strength in retaining engineering standards that helped establish a great industry in the late '20s.

Mr. James Wallace
Wenatchee, Washington

January 8, 1963
Page 2

If you feel this strongly, and I know you are sincere about the breakdown of radio channels, you should comment to your United States Senators and Congressmen because the hour is growing late.

Kindest wishes for good health, prosperity and happiness in 1963.

Sincerely,



Ward L. Quaal

WLQ:ek

Bcc: Messrs. C.J. Meyers
George Lang
Charles Gates
Marv Astrin
Robert Bradford
Dan Calibraro

John H. DeWitt ✓
James Quallo
Roy Battles
R. Russell Eagan, Esq.

AM Allocations Conference
January 8, 1963

Jack Schwartz
see page 2

Testimony of David L. Steel, Sr., President
Association of Federal Communications Consulting Engineers

Mr. Chairman and Members of the Commission:

I wish to thank you, on behalf of the Association of Federal Communications Consulting Engineers, for the opportunity to present our views on the growth and development of AM Radio, as well as to discuss and offer our suggestions to alleviate some of the present "growing pains" and administrative burden.

The AFCCE consists of 48 members who practice before you, as well as 32 associate members drawn from equipment manufacturers, networks and senior engineers from multiple station owners. The views expressed today are those of the majority of the eight man executive committee and I believe the majority of the members. They are presented in the interest of the public and not with any selfish motive or intent. Who?

We believe the United States today has the finest and most efficient broadcasting system anywhere in the world. We would like to see radio continue to grow under a free democratic system as the need and desire of the public and the economy continues to grow and not be frozen by indecision or unnecessary federal rules and regulations.

All of us at times are guilty of the misconception that efficient frequency allocation and good engineering practice can be assigned go-no-go or true-false answers, as long as we aren't responsible for the answer. Nothing of course could be more erroneous. Engineering and efficient frequency allocation is and will continue to be much more of an art than a science. We must

all be careful to constantly remind ourselves that engineering continually requires individual determination of a problem with as much flexibility as possible to find the best answer to each problem. Some engineering processes can, and should, be automated but good engineering cannot.

We wish to offer for your consideration, the following suggestions:

- * 1. The Clear Channel Rule Making should be terminated - with no further consideration given to powers above 50,000 watts by commercial AM broadcasting stations. We urge the AM freeze be terminated at once.
- * 2. Open up the clear channels for further development of new stations in under served and inadequately served areas and for the improvement of existing stations where a need is shown due to population growth or competitive inequality. We suggest that special consideration be given to converting limited-time and share-time facilities to full-time facilities, where possible.
3. Finalize the 20 Kc Rule Making to dispense with the 30 to 1 interference showing and change the 2 and 25 mv/m overlap rule which was not based on engineering considerations, to a realistic engineering standard, i.e., 10 and 25 mv/m. (Section 3.37)
4. Stop relating Section 3.28(d)(3) --- 10% efficiency consideration --- to Section 3.24(b) in making determinations as to what constitutes an efficient use of a facility. We believe this yardstick to be inadequate and inappropriate.

For the purpose of expediting the processing of AM applications, we present the following recommendations:

1. Require each licensee to file with the Commission a day and night protected contour service area map, based upon a prescribed procedure of measurements prior to station licensing, or, for existing stations within three years.
2. Require each AM applicant, for a new or changed facility, to base the predicted coverage contours on test - site measurements at the actual site of the proposed construction.
3. Eliminate the requirement on the FCC 301 Form, Section V-A, paragraph 13, to show population and area data unless objectionable interference to or from an existing station or pending application is involved, or where necessary to support a request for waiver of a Rule.
4. Adopt the FCC Form 202 (the directional antenna computer form) as a standard application requirement to facilitate the processing of directional antenna patterns.
5. Require that all nighttime interference-free limitations be computed using the theoretical horizontal and vertical radiation patterns for directional stations, to establish RSS interference-free service areas. Current practice tends to utilize measured radiation patterns which at best can only demonstrate the operating pattern is in substantial compliance with the CP requirements.
6. Establish a uniform procedure for determining (MEOV) maximum expected operating values of radiation for directional stations. We suggest

calculated null fill and allowance for change in predicted pattern RMS.

The Association can see some merit in requiring that MEOV values in nulls should not be less than 5% of the pattern RMS. However, this suggested standard is so dependent on the number of towers, the angle of suppression, the mutuals between towers and other factors, we feel that the suggestion needs additional study and clarification.

7. Use the FCC computer to calculate the station-to-station night limits and issue the resulting data as an official FCC publication.

8. Make arrangements with other countries to exchange foreign radiation patterns at more frequent intervals, or through informal channels to speed up the notification, and extend the time for examination of these patterns from 30 to 60 days. (Many applications have had to be amended due to changes made in other countries since the data was not available within a reasonable time at the Commission.)

9. Adopt professional engineering requirements for all engineers filing applications and reports filed with the Commission. (This would not include audio proof of performance reports and other data which is the normal responsibility of a station technician holding a First Class Radio-Telephone Operator's License.) This is a very difficult problem and as yet our Association has not been able to come up with a suggested set of criteria. However, we are continuing to work on the problem. Perhaps a conference between FCC engineers and attorneys, our Association, representatives, and those of the Federal Communications Bar Association is needed. We all recognize that the FCC processing procedures and the public would benefit if a

workable, fair criteria could be established.

For the benefit of existing stations we recommend the following:

1. Require directional stations to file a skeleton proof of performance for each license renewal.
2. Require non-directional stations to file antenna resistance measurements with every license renewal.
3. Amend Section 3.67, paragraph (a)(6) to eliminate the requirement for technical inspection of the remote control antenna system and transmitter within two hours after the commencement of operation for each pattern if the mode of operation is such that the pattern will be activated for a period of less than two hours and substitute a requirement that the readings must be made once each 24 hour period for each pattern. (An example of this situation arises when a directional station signs on with a nighttime pattern less than 2 hours before local sunrise. A technician is presently required to visit the transmitter even though the period of operation may be only 15 minutes before a change in the mode of operation.)
4. Change the Rules so that an AM station may change the type or make of transmitter upon 30 days informal notice to the Commission, provided the transmitter is type approved.

The following items are suggested for further study by the Association and the Commission to standardize, thereby simplifying, application processing:

1. Revise and consolidate Figures 1a and 2 of Section 3.190 of the

Testimony David L. Steel, Sr.
President, AFCCE

AM Allocations Conference
January 8, 1963
Page Six

Rules into one skywave signal graph with a frequency correction factor applied, if deemed necessary, to be used for all classes of stations.

The present Rules call for one curve to be applied to clear channel and one curve applied to regional channels without engineering justification for this discrimination.

2. Consolidate Figures 6 and 6a into one graph for determining the pertinent skywave vertical angle versus distance for all classes of stations.

3. Expand Figure 8 of Section 3.190 to include a correction factor to compute antenna efficiencies with sub-standard ground systems of less than 120 radials and/or less than 1/4 wavelength long.

Mr. Chairman, we thank you for the opportunity of making this presentation.

MEMORANDUM FOR FILE

Re: Application of WSM Radio for Increased Power

The Federal Communications Commission, in a Memorandum and Order released on November 28, 1962, in the matter of clear channel broadcasting in the standard broadcast band, basically held two things as we construe the opinion of the Commission. First, that all applications for increased power by the various clear channel stations filed in that proceeding would be returned to the applicants without prejudice. Second, that, in the event increased power is granted to any one or more stations, such permit would only be granted after the present rules of the Commission, particularly Section 3.21 (a) (1), have been amended so as to remove the 50 kilowatts maximum power and adopt some greater maximum power, possibly 750 kilowatts. The opinion of the Commission indicates that this is the customary and orderly proceeding, and apparently can only be accomplished after a proper notice of proposed rule making has been issued and a hearing held thereon.

It is our understanding that the other clear channel stations involved in the various applications for increased power will jointly file through their Washington attorneys an application with the Commission for a rule making proceeding, apparently upon which a hearing will be held to support the contention of the applicants that the present 50 kilowatt limitation on power should be increased to 750 kilowatts for all clear channel stations. It is my further understanding that WSM will join in the filing of this application since it is and always has been a member of the clear channel group.

From the opinion of the Commission above referred to, it appears at least to some extent that the Commission feels that an increase in power is neither justified nor warranted in the case of some of the applicants, but that in the case of certain other applicants the public interest might best be served by the granting of an increase in power in order to cover so-called "white" areas where there is a large population not presently adequately served by radio. This may be an overly optimistic

construction of the opinion of the Commission, but under the circumstances it points up the fact that the interests of WSM would be best served if WSM proceeds individually and separately by filing through its own independent counsel, first, an application for rule making to increase the present limitation on power; and, secondly, should the Commission amend its present rules to increase power, then WSM should independently and separately file an application for increase of power based on what we regard as the very strong merits of its own individual case.

In serving the public interest, it appears that WSM is so situated by area and otherwise to present a strong and clear-cut application for increase of power. This course of action on the part of WSM would simply be an effort to present its own case in the best possible light, and pursue its administrative remedy as far as possible under the Communications Act and regulations of the Commission, without being hampered or included with clear channel stations which do not have as meritorious a position from a factual and technical standpoint.

William F. Barry
Vice President and General Counsel

January 11, 1963

Cc to Mr. DeWitt

January 10, 1963

Mr. Roy Battles
Director
Clear Channel Broadcasting Service
Shoreham Building
Washington 5, D. C.

Dear Roy:

On Sunday, March 31, 1963, I will be pulling in to the Broadmoor Hotel at Colorado Springs (incidentally, the birthplace of CCBS) for a meeting of some five or six hundred National Life people. Unfortunately, I will have to be there throughout the week of April 1st and will therefore find it impossible to attend the Chicago meeting.

Because of these facts, I am turning the situation over to Jack DeWitt, asking that he determine the wishes of the Executive Committee and contact you concerning it all. I am deeply disappointed that I will not be able to be with you, but under the circumstances, it is simply a matter of impossibility.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

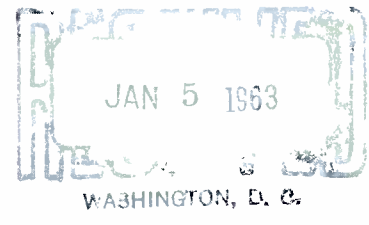
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CONTINENTAL ELECTRONICS
P. O. Box 5024
Dallas 22, Texas

January 3, 1963



Mr. Roy Battles
Clear Channel Broadcast Service
Shoreham Building
Washington 5, D. C.

Dear Roy:

Just a note to let you know that we are still plugging for the high power situation, as you will see from the enclosed copy of a letter from Mr. Hamilton Moses. We will keep you posted on any new developments.

With best wishes for a Happy and Prosperous New Year, we remain

Sincerely yours,

Thomas B. Moseley
Vice President and General Manager

TBM/tm
Enclosure

C
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Law Offices
Moses, McClellan, Arnold, Owen & McDermott
Union Life Building
Little Rock, Arkansas

December 27, 1962

Mr. Thomas B. Moseley
Vice President and General Manager
Continental Electronics
P. O. Box 5024
Dallas 22, Texas

Dear Mr. Moseley:

I note your letter of the 25th instant with reference to the situation in Washington on the Clear Channel Broadcasters situation ---and, I am going to try to keep you informed on this situation during this Session of the Congress.

Congressman Harris came to Arkansas yesterday and will be here, largely running around over his District until the Second of January. I discussed this subject with him on yesterday and found that he was not "down to date" on the picture in Washington. He said he would try to get a chance to check into the situation by telephone during the Holidays and then would again discuss this subject with me prior to his return to Washington. I felt, however, before he could get all the facts on this, it would be necessary for him to be back in Washington. The Congress passed a Resolution concerning Channel Broadcasters last Session, making certain recommendations for the Commission. The rumor is that the Commission is not very well satisfied with the suggestions in this resolution. Apparently, Congress thought the Commission ought to maintain a few higher frequencies and divide the others.

Harris would apparently like to see the Commission set up 12 of the "Clears" for power in excess of 50 KW --but, apparently some of the staff does not go along with his thinking.

It will be necessary for me to go to Washington in order to run down the actual situation in this matter. The real facts can be gotten best by Chairman Harris talking the matter over with the Commission -- and, with some of the members of his staff.

I will further discuss this subject with you during the first few days of January.

Very truly yours,

CHM:hj
cc: Col. D. H. Byrd
Power Petroleum Building
Dallas, Texas

C. Hamilton Moses

CLEAR CHANNEL BROADCASTING SERVICE
SHOREHAM BUILDING
WASHINGTON 5, D. C.

January 4, 1963

Mr. Edwin W. Craig
Chairman of the Board
National Life & Accident Insurance Co.
Nashville 3, Tennessee

Dear Mr. Craig:

Re: CCBS-Six Month Report Ending December 31, 1962

Two major actions during the last six months of 1962 highlight the progress and lack thereof of CCBS in meeting current priority goals of the organization.

First, the House of Representatives passed by a favorable vote of 198 to 87 on July 2, 1962, House Resolution 714. The nature and significance of this resolution was described in my last CCBS report dated July 24, 1962.

Several CCBS member stations, in accordance with the intent of House Res. 714, applied during the fall months for FCC authority to use adequate power so as to improve service to the millions of Americans who live in the vast regions known as the "white area." By late November 1962 the following member stations had filed FCC applications for authority to increase their power to 750 kw: WSM, WLW, WGN, WJR and WHO. At the same time, a survey indicated that KFI, WSB, WHAS and KSL had also made the decision to apply for adequate power and were well along with the preparation of their applications, and that the remaining member stations had such a decision under consideration at that time.

Second, on November 21, 1962, the FCC voted to deny or dismiss all petitions designed to alter, reverse or delay its September 13, 1961 decision in the Clear Channel Docket 6741 proceeding and voted to return the above applications for the use of power in excess of 50 kw, thus again failing to meet its obligation to provide much needed improvement in AM nighttime radio service to over 25 million remote rural and small town people. In so doing, it also literally ignored the wishes of the Department of Defense and the "sense" of the House of Representatives.

Hence, the progress reported above was materially diluted.

January 4, 1963

The Commission did, however, leave the door open for future progress. In its November 21, 1962 Memorandum Opinion and Order it (1) delayed until July 2, 1963, any further administrative action in assigning additional nighttime stations on Class I-A channels in order to give Congress time to take action if it desires to do so, (2) stated that the matter of authorizing the use of higher power on the 12 I-A channels not slated for duplication in its September 13, 1961 decision was an appropriate matter for rule making and that it would entertain petitions for such a rule making procedure, and (3) indicated that at least some of the 13 channels slated for duplication in the September 13, 1961 decision would not be precluded from the possible use of power in excess of 50 kw, even though duplicated, provided a decision favorable to the use of higher power was reached by the Commission.

The CCBS Executive Committee met in Washington on December 6, 1962 to discuss the FCC November 21, 1962 Docket 6741 matter. All CCBS member stations were invited to send representatives to this meeting. The following stations were represented: WSM, WLW, WGN, WJR, WFAA, WHAS, WHO and KSL. Two additional stations, KFI and WSB, planned to be represented but were prevented from so doing by inclement weather conditions. Mr. DeWitt, I am sure, has told you of the discussions that took place at this meeting.

In the meantime, other classes of broadcasters who do not carry the responsibility of reaching remote "white area" Americans in the national interest have carried on some activities designed to organize opposition to the preservation of Clear Channel resources and the use of adequate power thereon. It is too early to appraise the full extent, effectiveness, and significance of these efforts.

Two other developments meanwhile have taken place since July 1, 1962, of more than ordinary significance to CCBS members. First, the FCC has proposed rule making which would permit certain daytime stations to operate pre-sunrise where the station was the only station in the "community or urbanized area." This proposed action, while affecting mostly regional channels and threatening significant harm thereon, does contain one or two features which may affect adversely I-A clear channel stations. CCBS lawyers are currently developing in depth research concerning this possible harm to member stations and will take appropriate steps upon the conclusion of their study.

Second, the FCC has scheduled a two-day informal hearing on January 7 and 8, 1963 to explore with the radio industry the difficult economic problem of mounting financial losses now faced by many broadcasters including the problem of "over population." The radio industry will largely be represented by NAB, although individuals may testify or file comments if they desire to do so. CCBS will not testify at this hearing but has provided NAB with some of its "white area" maps and population data starting with the year 1938, a portion of which will be included in the NAB presentation. In short, NAB currently plans to point up the "white area" problem and will recognize that the only way AM nighttime service can be provided to that area is through clear channel stations, and that the only way signal strength to those areas may be improved is through the use of adequate power on I-A channels.

January 4, 1963

Meanwhile, John DeWitt, Chairman of the CCBS Engineering Committee, in cooperation with other CCBS member station engineers, has continued to implement technical improvements in BRECOM. While certain problems, according to Mr. DeWitt, must still be resolved, including the authorization for the use of power in excess of 50 kw on I-A channels, basically the period of initial BRECOM experimentation is approaching an end and the Government has under active, and what we believe to be favorable, consideration the implementation of BRECOM as a functioning integral part of its defense communications system. Thus, CCBS cooperating stations who have contributed heavily to this project have made a great contribution to the defense interests of our nation.

The Government, on the other hand, has not made a decision concerning the part radio, including CCBS member stations, will play in its civil defense plans for alerting and communicating with the population in case of a national emergency. CCBS, however, has continued to cooperate with Civil Defense and other governmental officials in the development of a sound alerting and emergency communications plan and system.

In this general area two I-A clear channel stations, WSB and WWL, made their facilities available to the Voice of America during the nighttime hours for several weeks following the recent Cuban crisis. The purpose of this usage was to direct Spanish language broadcasts directly to Cubans and other Latin Americans.

Although the above usage has been terminated, VOA now has "temporarily" duplicated the channels of two CCBS member stations, namely, WHO and WHAM, with mobile transmitters located in southern Florida and directionalized toward Cuba. Mr. DeWitt has probably told you of the problems caused by these transmitters to the successful operation of BRECOM and about other problems that have resulted from this usage of I-A channels by VOA.

Furthermore, Mr. DeWitt has developed Latin radio coverage maps to show conclusively that higher power on certain I-A channels represents a far better way of putting a consistently "listenable" AM nighttime signal into all of Cuba than by any other AM system in use or contemplated.

Here are other CCBS activities during the last six months of 1962 that you should have as a part of your permanent records.

1. Our efforts to help members of Congress and other national leaders to understand the AM nighttime rural radio problem continues. Member stations have done much to accomplish this goal. Robotyped letters and personal calls as well as meetings have been utilized. A brochure directed toward this end is currently being developed for the consideration of CCBS Executive Committee. At the request of the American Farm Bureau Federation and the National Grange, your CCBS Director participated in the annual meetings of both organizations.

January 4, 1963

2. WSM's Johnie Campbell selected certain valuable and vital engineering materials on file in this office to be photostated and stored in another location. This was done at a cost of around \$250.00. The photostats are now stored at WSM.

3. Your Director met during the past six months with CCBS General Managers and Chief Engineers in Nashville on August 28 and 29, 1962, and with CCBS Farm Directors in Chicago on November 26, 1962. All member stations were represented at the Nashville meeting and Farm Directors from all member stations were together in Chicago except for stations KFI and WHAM.

4. Your CCBS Director visited the following stations during the fall of 1962: WSM, WGN, WSB, WJR and WHAS.

5. In addition to tapes provided to requesting member stations from the annual meetings of the American Farm Bureau Federation and the National Grange featuring Charles Shuman and Herschel Newsom, the following short tapes have been provided to all CCBS Farm Directors:

- a. Jack Angell, American Farm Bureau Federation 1 tape
- b. Ken Naden, National Council of Farmer Coops. 1 tape
- c. Homer Brinkley, " " " " 1 tape
- d. Reuben Johnson, National Farmers Union 1 tape
- e. James Patton, " " " " 1 tape
- f. James Moore, National Apple Institute 1 tape
- g. James Dyess, National Assn. Wheat Producers 1 tape
- h. James Nance, National Swine Producers Assn. 1 tape
- i. E. M. Norton, Nat'l Milk Producers Federation 1 tape

CCBS continues to be made up of 13 stations. Our efforts to encourage membership on the part of other eligible clear channel stations, which include WCCO, WWL and the Westinghouse group, continue.

The brilliant leadership of the CCBS legal counsel continues to be of invaluable assistance toward reaching the goals we seek. Also, the capable services of Bernice Hase, Secretary at your Washington office, is eminently helpful.

Please send me your suggestions as to how this office can serve better the interests of the organization and its member stations.

Best wishes: ~~for~~ a very happy, healthful and prosperous New Year.

Sincerely yours,

Roy Battles

RB/bh

January 14, 1963

Mr. G. F. Leydorf
312 East Brown Street
Birmingham, Michigan

Dear Fritz:

It was with real distress that George and I learned of your automobile accident. It must have been a pretty tough one and we are thankful that you came out with bruises only and nothing more drastic.

I am sending your statement on to Harold Hough immediately so that you would receive a check shortly. If not, please let me know for I imagine at this juncture you could use the money.

I expect to be in Washington on January 25th and will arrive the night before and will be staying at the Hay Adams. If you plan to be in Washington at that time, perhaps we could get together on the evening of the 24th.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

G. F. LEYDORF, P. E.
CONSULTING ENGINEER
~~211 Savings & Loan Building~~
312 E Brown Street
Birmingham, Michigan

January 9, 1963

Mr. John H. DeWitt, Jr., President
WSM, Incorporated
Nashville 3, Tennessee

Dear Jack:

When I returned from the Continental presentation on 27 October, I found on my desk a notice to vacate by 1 December to make way for expansion of the Bank's facilities. I was occupying four rooms with two offices, a small laboratory and a file room. Moving within a month turned out to be a major operation, and was finally accomplished a week before the deadline.

I had anticipated completing the report on adjacent channel study during November, but because of the moving it was not completed until 8 December and mailed on the tenth. About a week later I returned to Birmingham intending to make up for lost time between then and the end of the holidays, but this was not to be. On 19 December I was in an automobile collision in which both cars were a total loss. Fortunately, I had no broken bones, only severe bruises.

During the past four or five days I have been at work with gradually improving efficiency. Within a few days I hope to get back to Leesburg for a two week's stay and catch up there on some urgent work.

If either or both you and George expect to be in Washington during the last half of January and have some time, I would like to get together with you to discuss the work done and to be done.

You will find enclosed a time and expense record for the remainder of 1962. Because of the lost time there will be no charge for December.

Best wishes to all.

Yours truly,


G. F. Leydorf

GFL:11
encl.

January 14, 1963

Mr. John J. Hooker, Jr.
Hooker & Hooker
214 Union Street
Nashville 3, Tennessee

Dear John:

I am enclosing herewith a copy of my letter of even date to Mr. Edwin W. Craig, advising him of the results of our conference on Friday, January 11, 1963.

I have given some considerable study to the opinion of the Commission in this matter, and have been unable to bring myself around to the point where I can get very much encouragement from the opinion. The entire proceeding, however, is in such shape that we have no other alternative except to pursue our administrative remedy before the Commission and hope for the best.

I believe I failed to mention in my letter to Mr. Craig the advancement of a part of the fee which we agreed on, but that matter will be attended to in accordance with our understanding.

With best personal regards.

Sincerely,

William F. Barry
Vice President and
General Counsel

Enclosure

CLEAR CHANNEL



WSM ★ WSM-TV ★

650 KILOCYCLES 50,000 WATTS ★ ★ ★ NASHVILLE 3, TENNESSEE

January 14, 1963

Mr. Edwin W. Craig
Chairman of the Board
WSM, Incorporated

Dear Mr. Craig:

On Wednesday, January 9, 1963, you, Mr. John H. DeWitt, Jr. and I had a conference as to the future course of action of WSM, Incorporated in the matter of clear channel broadcasting in the standard broadcast band, which is the Federal Communications Commission Docket #6741 relating to the application of WSM radio for increased power.

As a matter of background, the House of Representatives of the United States Congress, on July 2, 1962, adopted a Resolution (H.Res.714-87th Congress, Second Session), expressing the sense that the Federal Communications Commission might authorize the use of power in excess of 50 kilowatts on any of the 25 1-A clear channel stations should it find that such operation serves the public convenience and necessity.

Following the adoption of the above Resolution, the Board of Directors authorized WSM, Incorporated, through its Washington attorneys, to make application to the Commission for an increase of power from 50 kilowatts to 750 kilowatts. This application was duly filed with the Commission, and a number of other clear channel stations filed similar applications for increase of power.

In passing on all of these applications, the Federal Communications Commission, in a Memorandum and Order released on November 28, 1962, held, first, that all applications for increased power by the various clear channel stations filed in that proceeding would be returned to the applicants without prejudice; and,

Mr. Edwin W. Craig
Page #2

January 14, 1963

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secondly, that, in the event increased power is granted to any one or more stations, such permit would only be granted after the present rules of the Commission, particularly Section 3.21(a)(1), have been amended so as to remove the 50 kilowatt maximum power, and adopt some greater maximum power. From our study of the opinion, the Commission took the position that this is the customary and orderly procedure which can only be accomplished after a proper notice of Proposed Rule Making has been issued and a hearing held thereon. It is our understanding that the other clear channel stations involved in the various applications for increased power will jointly file, through their Washington attorneys, an application with the Commission for a rule making proceeding, apparently upon which a hearing will be held to support the contention of the applicants that the present 50 kilowatts for all clear channel stations on radio power should be increased to 750 kilowatts for all clear channel stations. It is my further understanding that WSM, Incorporated will join in the filing of this joint application, since it is and always has been a member of the clear channel group.

From our study of the opinion of the Commission above referred to, it appears, at least to a limited extent, that the Commission feels that an increase in power is neither justified nor warranted in the case of some of the applicants, but that, in the case of certain other applicants, the public interest might be best served by the granting of an increase in power in order to cover so-called "white" areas with a large population not presently adequately served by radio.

This may be an overly optimistic construction of the opinion of the Commission, but, under the circumstances, it points up the fact that the interests of WSM would be best served if WSM proceeds independently and separately by filing through its own independent counsel, first, an application for rule making to increase the present limitation on power; and, secondly, should the Commission amend its present rules to increase power, then WSM should independently and separately file an application for increase in power based on what we regard as the very strong merits

Mr. Edwin W. Craig
Page #3

January 14, 1963

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of its own individual case. In this manner, WSM would not be in the position of carrying the burden of other clear channel stations which do not have as meritorious a position from a factual and technical standpoint.

Since the above course of action was agreed upon in our conference above referred to, Mr. DeWitt and I, on last Friday, January 11, 1963, conferred with Messrs. John J. Hooker, Jr. and Henry Hooker and tendered them employment to pursue such administrative remedy as WSM has before the Commission. The administrative and regulatory bodies in Washington seldom dispose of any matter expeditiously, and we naturally ran into a stumbling block as to a proper legal fee, since none of us could tell with any degree of certainty the length of time or the amount of work that would be involved in the proceeding, nor could we tell the length of time that WSM would want to stay in the proceeding in the event it obviously became an empty or hopeless effort.

For these reasons, Mr. DeWitt and I agreed with Messrs. Hooker and Hooker that the fee for their employment would be based on \$35.00 per work hour and paid upon statements rendered monthly to WSM, Incorporated. This is a practice commonly followed by many of the best law firms, and the work hours are shown in their statement for legal services. In this way, the attorneys will be paid for all work performed, and either they or WSM could terminate the arrangement at anytime that the proceeding might develop into a useless effort.

I believe that this letter sets forth our understanding with the attorneys, and I am furnishing a copy of same to Mr. DeWitt and to Messrs. Hooker and Hooker.

Yours very truly,



William F. Barry
Vice President and
General Counsel

September 20, 1962

Mr. W. F. Rust
Station WHAM
Rochester, New York

Dear Bill:

C
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P
Y

Last week Ward Quaal and I went to Cincinnati to try to dissuade Jimmy Shouse from doing two things: (1) applying on an experimental basis and (2) applying for 750 KW. We succeeded in the first item which we considered to be the more important of the two although they are both important in our eyes. We felt that if WLW applied on an experimental basis and got the grant then in time history could repeat itself a la 1938 and we would wind up with nothing. We could not dissuade Jimmy from the 750 KW idea but very confidentially Ward and I felt that we can handle this later on in an entirely different way after the applications are in.

I can see that a power level of 250 KW might be a good way to save the clear channel and to improve service in your area and at the same time not increase the operating costs too drastically.

We are still working on BRECOM and have tests under way at the present time which appear far more successful than the previous one carried out last spring. Also, I can report that the office of Assistant Secretary of Defense Pittman is becoming more and more interested in the clear channels for the warning function in case of attack.

I was sorry that we were not able to show you and your wife around out town and hope to remedy this error the next time you visit these parts. Best wishes.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

WHAM

ROCHESTER • 350 EAST AVENUE • ROCHESTER 4, NEW YORK • LO 2-9200

50,000 WATTS
1A CLEAR CHANNEL
1180 KC

SINCE 1922

September 18, 1962

Mr. John H. DeWitt
President
Station WSM
National Building
Nashville 3, Tennessee

Dear Jack:

I enjoyed the meeting in Nashville and appreciate your many favors to make our stay so enjoyable.

I am sorry to learn that you were not successful in persuading WLW to limit their application to 500 kw. It does seem to me rather foolish to have an industry pattern set by such a minor consideration as securing full utilization of WLW's old transmitter, long written off their books.

As I tried to explain at the meeting, we do not feel that we could justify WHAM's applying for 750 kw. If the limit were 500 kw, we would be inclined to try to stay in step with the group but if several apply for 750 kw, since we must deviate, we would probably apply for 250 kw.

Whatever the outcome, I am sure we all owe you a real vote of thanks for your work on behalf of higher power.

Sincerely,



W. F. Rust, Jr.

djw

GENESEE BROADCASTING CORPORATION

CHANNEL BROADCASTING SERVICE
SHOREHAM BUILDING
WASHINGTON 5, D. C.

August 2, 1962

R. Russell Egan, Esq.
800 World Center Building
16th & K Streets, N.W.
Washington 6, D. C.

Dear Russ:

Jack DeWitt and I visited on July 27 Mr. Elmer R. Crane, Communications Specialist for Civil Defense in the Pentagon. Mr. Crane works directly under Mr. A. P. Miller who is Acting Director of Civil Defense Warnings and Communications. Both of these men, of course, are under Mr. Stuart L. Pittman, Assistant Secretary of Defense for Civil Defense, the Pentagon.

If you care to record Crane's address it is Room 2B315, the Pentagon, Washington 25, D. C.

You will be interested in the following observations relative to this meeting.

1. Mr. Crane and his co-workers are very enthusiastic concerning the use of radio clear channel stations with higher power to serve as the heart of a radio system of warning and communications with the U.S. population preparatory to any national emergency which might arise. The reason radio has not been harnessed more fully and considered more seriously for the central role in a system of warning and communication is that up until now only 40% of the country could consistently and reliably on a year-round basis receive nighttime AM signals. This fact accounts for the enthusiasm of Mr. Crane for the approval of higher power on clear channels.

In light of House Res. 714 Mr. Crane feels certain that Mr. Pittman will write a letter before September 1, 1962 to FCC Chairman Minow explaining to Mr. Minow the necessity of 12 or 15 stations going to higher power for Civil Defense reasons.

There are many "gadgets" selling from 8 to \$10 that can be hooked on to a radio in such a way as to alert Americans in case of national emergency.

new transistor receivers are being developed with alarm devices included.

} No

August 2, 1962

2. Mr. Pittman is currently married to the NEAR system of warning. The NEAR system, as you know, involves a gadget which is plugged into the electric circuit and when a certain cycle tone is put on this circuit a warning is given. This system has many fallacies and shortcomings which account for the lack of enthusiasm for it on the part of Congress and many others. Radio, you see, would be necessary as a method of communication even after the warning was given in case the warning actually came across the line.

Congress has consistently knocked out funds for the NEAR system. In fact, Congress is right at this time considering the 1963 appropriation for Civil Defense and the House has pared the requested \$127,000,000 down to \$65,000,000. If the figure stays at \$65,000,000 practically no funds will be available for the development of NEAR and Mr. Pittman, under these conditions, may well turn to radio rather than to continue to butt his head against the impregnable wall on the Hill. The NEAR system, incidentally, would cost in the ultimate somewhere between 500 and \$600,000,000.

3. Jack DeWitt feels, and I agree, that CCBS should attempt to (a) persuade NAB to become actively interested in this phase of Civil Defense, perhaps making certain that ~~his~~ policies are compatible with the goals we seek and should perhaps so testify before the appropriate committees in Congress pointing out the problems, many of them insurmountable that the NEAR system involves.

4. If Mr. Pittman continues to plug for the NEAR system, perhaps we may want to consider carefully approaching the power people who I understand also oppose ~~NEAR~~ NEAR.

The point of this letter is merely to say that if Mr. Pittman's letter goes to Mr. Minow, and if it is appropriately worded, it may help us tremendously in our efforts to gain authority for the use of higher power. Furthermore, if we can use such a letter as a springboard to our move toward higher power when coupled with the BRECOM and other projects our public relations challenge during the months ahead will be cut back materially.

Best wishes.

Sincerely yours,

ROY BATTLES

RB/lh

cc: Messrs. Rollo, DeWitt & Quaal

CCB
file

January 31, 1962

Suggested Questions Re H. R. 8210, 8211, 8228 and 8274

1. Do you agree that about 25.6 million people residing in almost 60% of the land area of the continental United States do not now receive a satisfactory nighttime groundwave service? Hasn't this situation existed for much too long a time?
2. Do you agree that these people must depend upon skywave service for their only source of nighttime radio service?
3. Do you agree that it is impossible to provide any significant portion of the white area population with satisfactory nighttime groundwave service?
4. Do you agree that the only way to improve nighttime radio service to the white area residents is through the vehicle of new or improved skywave signals?
5. Isn't it true that the Commission's proposal to duplicate some of the Clear Channels will not produce any new skywave service whatsoever?
6. Isn't it also true that the Commission's duplication proposal will not provide any new or improved service whatsoever to a single one of the 18.3 million people residing in white areas east of the Mississippi River?
7. Isn't it also true that the Commission's duplication proposal will bring a new primary service to only slightly more than 230,000 of the 7.4 million people residing in white areas west of the Mississippi River?
8. Do you think the FCC's duplication proposal is any kind of a real solution to the problem of improving service to white areas?
9. Hasn't it been established beyond dispute since at least 1936 that higher power on Clear Channels is the only means by which service to the residents of the white areas can be improved?
10. Isn't it true that if the Clear Channels are duplicated as proposed, this will forever bar any future use of higher power on these channels?
11. Hasn't the Commission been saying since 1936 that the question of higher power needs further study? Don't you think it's about time that the matter was resolved?

12. Don't you agree that there are too many radio stations in the metropolitan areas of the country today?
13. If the duplications proposed by the Commission will not significantly improve service to white areas, what is the justification for duplicating these channels?
14. Don't you feel that the Commission has sufficient authority over the licensees of all stations to insure that if 750 kw power were authorized, there would be no abuse of any power which may thereby be placed into the hands of stations operating with 750 kw?
15. Don't you agree that if fulltime stations are added on the Clear Channels, more stations will be added in the future and all such stations will gravitate toward centers of populations with the result that well served cities will receive more service, underserved areas will receive less service and underserved areas will forever be barred from receiving improved service?
16. Don't you feel that we must retain our Clear Channels because of their importance with respect to communicating with the population during times of war and other emergencies?
17. Do you think it wise to duplicate Clear Channels at this time and thus endanger their use in the future as a "back-up" system of communications by the armed forces? Would not higher power improve the reliability of any such "back-up" system?
18. Isn't it true that in a sense, all licensees of the Commission, whether they be FM broadcasters, AM broadcasters or television broadcasters, have a monopoly, during their license period, of the use of the frequencies on which they operate with respect to the cities in which they operate?
19. Do you know of any way of improving service to white areas other than the use of higher power on Clear Channels?
20. Has a plan ever been presented to the Commission showing how duplication would improve service on a nation-wide basis? Doesn't the absence of such a plan mean duplication can't do the job?
21. Is it not true that the duplication of 16 of the original 40 Clear Channels has not resulted in improved service to white areas?

22. Don't you think that if we duplicate our Clear Channels domestically that North American countries are going to insist that they also be permitted to have additional fulltime stations on these frequencies?

24. Mexico has authorized power in excess of 50 kw for each of its Class I-A stations, has it not?

25. Doesn't Mexico beam English language programs to the U. S. ?

26. Do we beam Spanish programs to South or Central America? Why not?

27. Even though the present North American treaties give us border protection regardless of how we use our own Clear Channels during the terms of the treaties, won't the day come when we have to renegotiate a new agreement?

29. Isn't it true that the financial records on file with the Commission show that in many instances Clear Channel stations realize a lower net income than competing regional stations?

30. In his letter to Chairman Harris, Chairman Minow stated that there would be sufficient time for Congress to look at this question before the Commission's decision to duplicate was effectuated? What assurance do we have that the Commission will not effectuate its duplication proposal until Congress has had an opportunity to review this question?

31. The FCC says the pending bills are objectionable because they would foreclose one approach for the improvement of radio service, namely, duplication. How will duplication improve service?

32. Isn't it true that past duplications have degraded rather than improved service and that the proposed duplications will have the same result?

33. Isn't it true that the proposed duplications will not produce any new skywave service whatsoever and will provide a new groundwave service to only a handful of the white area population?

34. The FCC says that the new 11 fulltime stations to be located in specific western states could serve "substantial areas and populations now without nighttime primary service." Isn't it true that this ignores completely the white area population residing east of the Mississippi River and glosses over the fact that only a very small portion of the white area residents in the western part of the United States would receive a new primary service -- assuming, of course, that new stations would be built in the areas specified by the Commission?

35. Doesn't duplication also ignore the need to bring a choice of service to the residents of the red areas?

36. Isn't there some doubt about the proposed new stations being built in view of economics?

37. The FCC says that it will continue to study the question of higher power. Haven't you had it under study since 1936? When does the FCC expect to resolve the question?

38. Do you believe that a Senate resolution constitutes an expression of Congressional policy?

39. Isn't it true that it merely constitutes an expression of the personal opinions of those who voted in favor of it?

40. Do you feel that a Congressional expression is needed before the FCC can authorize higher power? If not, why hasn't the FCC authorized higher power in the past in view of the fact that it is obviously the only means by which service to white areas can be improved significantly?

41. Isn't it true that the demands for duplication really spring from operators located in population centers who desire a better frequency assignment?

42. Was there any evidence of economic harm done to other stations during the period that WLW operated with 500 kw on an experimental basis?

43. If the FCC duplicates, as proposed, some of the Clear Channels, don't you think that it will not be too long before the remaining Clears are also duplicated?

44. Do you have any doubt that a service which is the only one available is a "useful" service?

45. I notice that most of the Clear Channels which the FCC proposes to duplicate are network-owned or are under common ownership. Was this the basis for selecting the Clears to be duplicated?
46. Why does the FCC propose to duplicate all four of the Chicago Clear Channels?
47. Will the San Diego station, if it operates on 760 kc, provide any new service whatsoever to any white area residents?
48. Won't the San Diego assignment forever bar the use of higher power on 760 kc?
49. Have there been any changes in our knowledge of the laws of physics since the 1928 allocation?
50. Why then does the FCC make a point of the fact that the present allocation scheme was adopted 30 years ago?
51. Isn't the basis of the 1928 allocation as valid today as it was in 1928?
52. Why does the FCC feel that duplicating Clear Channels as proposed would result in a fair, more efficient allocation of frequencies than now exists. Isn't it true that the proposed duplications will not improve service in any significant way to white area residents but will forever bar higher power which is the only possible way of bringing improved service to these people?

ALLOCATION STRUCTURE of broadcast band

107 channels
6 local (WKDA, etc.)
41 regional (WMAK, WSIX, etc.)
25 1-A clears (US) WSM, etc.
19 1-B clears (WLAC, etc.)

balance either Canadian or Mexican 1-A's or 1-B's some of which are shared by U.S.

BASIC ISSUE is how we PROVIDE SERVICE to ALL people of U.S. DAY AND NIGHT

Basic facts of RADIO TRANSMISSION

GROUNDWAVE
SKYWAVE

INTERFERENCE radio 20/1

Radio covered by
local stations day and night
regional stations day and night
1-B stations
1-A clears

Show WSM daytime map at 50 and 750 KW

Show nighttime groundwave map

PRESENT skywave service INADEQUATE (low reliability)

Service which would be rendered by several high powered stations.

1938 FCC Hearing

1945 FCC Hearing

Each new chairman has tried to decide case. Mention pressures in various directions. In meantime the whole economic structure of radio has changed drastically. We have same need for good radio service to millions of people but economics are such that this wide area service cannot be easily sold.

Clear Channels as a NATURAL RESOURCE

Once broken down they cannot be recovered. Other countries can put stations on them to our DETRIMENT. *We have no treaties which protect us from CA + SA interference, Cuban jammer*
Congressman Roman Pucinski has great interest in use of clear channels to feed SPANISH language news to the south of us.

Need for clear for CIVIL DEFENSE. Warning to people at home and in cars. Radio is ONLY means which can be considered universal.

MILITARY INTEREST

"However, with respect to the technical aspects which we have been asked to comment on, we favor increased power and clear channel operation to aid in survivable communications.

BESTIC QUOTE: "Although every broadcast station would undoubtedly cooperate, the stations represented by the Clear Channel Broadcasting Service (CCBS) are major contributors to our circuit because of the technical advantages they offer. Specifically, their geographic coverage is wider than other stations propagating over the desired paths; their degree of reliability is superior because they broadcast on discrete frequencies and are therefore less susceptible to interference."

WSM as a Tennessee resource.

Tourism. 600

Money brought into channels of trade in state

Helps Tennessee & TVA area.

WSM is unique