

# FCC RULES & REGULATIONS FOR BROADCAST SERVICES

Selected Sections as Amended to Jan. 1, 1950

## Allocations and Definitions

### IN AM RULES' . . .

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

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

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

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

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

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

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

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

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

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

## INDEX TO SECTIONS

Allocations and Definitions	462
Censorship	486
Facsimile	474
Indecent Language	486
License Renewals	430
Lotteries	486
Multiple Ownership	468
Network Affiliation	474
Operating Schedules	470
Operator Requirements	474
Political Broadcasts	484
Rebroadcasts	484
Recordings and Transcriptions	484
Reports to Be Filed	478
Revocations; Modifications; Suspensions	484
Sponsored Programs	482
Station Identification	482
Transfers and Assignments	486

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

[EDITOR'S NOTE: FCC had pending on Jan. 1, but had not acted finally upon, a proposal to define "experimental period" as the period between 1 a.m. and 6 a.m., local standard time.]

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

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

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

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

[EDITOR'S NOTE: FCC had pending but had not acted upon Jan. 1, a proposal to require each station to originate a majority of its non-network programs (majority from standpoint of time) from the city in which the station is located as shown in its license.]

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

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

### Allocations—(AM)

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

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

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

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

(b) *Class II station*: A "class II station" is a secondary station which operates on a clear channel (see section 3.25) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from class I stations. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50

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

(Continued on page 464)

## Co-Channel

## Interference Measurements

Measurement of daytime or nighttime co-channel interference can now be made

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Owner of U. S. Patent

#2,079,205

## FCC RULES AND REGULATIONS

(Continued from page 462)

kilowatts. Whenever necessary, a class II station shall use a directional antenna or other means to avoid interference with class I stations and with other class II stations, in accordance with the Engineering Standards of Allocation.

(c) *Class III station:* A "class III station" is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district<sup>2</sup> and the rural area contiguous thereto. Class III stations are subdivided into two class:

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

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

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

§3.23 *Time of operation of the several classes of stations.*<sup>1</sup>—The several classes of standard broadcast stations may be licensed to operate in accordance with the following.

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

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

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

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

(e) "Specified hours" means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in section 3.71.) Specified hours stations operating on local channels except

those sharing time with other stations may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

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

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

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

(c) For class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time sky wave at any point on said border and provided that such stations operating nighttime (i.e., sunset to sunrise at the location of the class II station) are located not less than 650 miles from the nearest Canadian border, 690, 740, 860, 990, 1010<sup>4</sup> and 1580 kilocycles.

(d) For class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter ground wave at any point on the nearest Mexican border, 730, 800, 900, 1050,<sup>5</sup> 1220,<sup>6</sup> and 1570 kilocycles.

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

§3.26 *Regional channels: classes III-A and III-B stations.*—The following frequencies are designated as regional channels and are assigned for use by class III-A and III-B stations<sup>7</sup>: 550, 560, 570,<sup>8</sup> 580, 590,<sup>8</sup> 600, 610, 620, 630,<sup>8</sup> 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,<sup>8</sup> 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

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

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

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

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

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

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

§3.31 *Authority to move main studio.*—The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough or city, State, district, Territory, or possession in which it is located without first making written application<sup>9</sup> to the Commission for authority to so move, and securing written permission for such removal. The licensee shall promptly notify the Commission of any other change in location of the main studio.

### IN FM RULES . . .

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

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

§3.202 *Areas of the United States.*—For the purpose of allocation the United States is divided into two areas. The first area—Area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Dela-

<sup>2</sup> The term "metropolitan district" as used in this paragraph is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.

<sup>3</sup> Formal application required for change in time of operation of existing broadcast station. See Standards of Good Engineering Practice for form number.

<sup>4</sup> A station on 1010 kilocycles shall also protect a class I-B station at Havana, Cuba.

<sup>5</sup> See North American Regional Broadcasting Agreement for use of this channel by a station in New York (Appendix I, Table IV.)

<sup>6</sup> See Agreement with Mexico for further use of this channel.

<sup>7</sup> See section 3.29 in regard to assigning class IV stations to regional channels.

<sup>8</sup> See North American Regional Broadcasting Agreement for special provisions concerning the assigning of class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with appendix II, Table I, of said Agreement.

<sup>9</sup> Formal application required. See Standards of Good Engineering Practice for form number.

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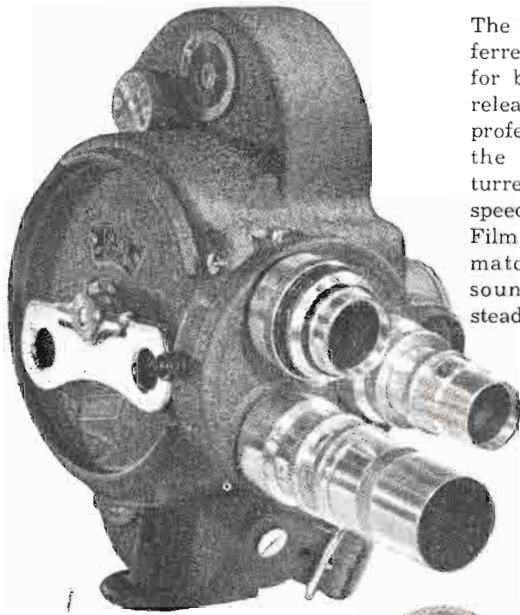
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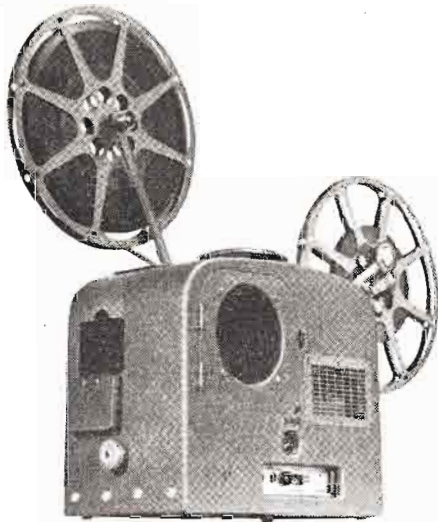
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## FCC RULES AND REGULATIONS

(Continued from page 464)

ware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.<sup>10</sup> The second area—Area II—comprehends the remainder of the United States not included in Area I.

**§3.203 Class A Stations.**—(a) A class A station is a station which operates on a class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The coverage of a Class A station shall be not more than the equivalent<sup>11</sup> of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. A Class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a Class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of Section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class A station. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

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

Frequency (mc.)	Channel No.	Frequency (mc.)	Channel No.	Frequency (mc.)	Channel No.
92.1	221	96.7	244	102.3	272
93.7	224	97.7	249	103.1	276
93.5	228	98.3	252	103.9	280
94.3	232	99.3	257	104.9	285
95.3	237	100.1	261	105.5	288
95.9	240	100.9	265	106.3	292
		101.7	269	107.1	296

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

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

**§3.204 Class B Stations.**—(a) A class B station is a station which operates on a class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a class B station will not be protected beyond the 1 mv/m contour; however, class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for class B stations shall be 1 kw or greater. The signal intensity requirements of Section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a class B station. In the following sub-sections, antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(1) The coverage of a Class B station in Area I shall be not more than the equivalent<sup>11</sup> of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain<sup>12</sup>. A class B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a Class B station in Area II shall normally be not more than the equivalent<sup>11</sup> of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.<sup>12</sup> The use of greater power and antenna height will be encouraged in those portions of area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

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

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

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

(b) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations; *Provided, however,* upon special showing of need, authorization may be granted to locate the transmitter so that adequate service

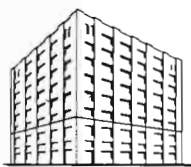
<sup>10</sup> In some of the territory contiguous to area I, the demand for frequencies requires that applications be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania, and New York (except the northeastern corner) not included in area I; Virginia, West Virginia, North Carolina, South Carolina, Ohio and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan. Other regions may be added as required.

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

<sup>12</sup> In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas) and Hagsstrom Map Co. (Four Color Retail Trading Area Map.)

(Continued on page 468)





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## FCC RULES AND REGULATIONS

(Continued from page 466)

is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.

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

[EDITOR'S NOTE: FCC has proposed, but on Jan. 1 had not adopted the proposal, to amend §3.205(a) to add a requirement that a majority of a station's non-network program time be originated in the city where the station is located.]

### IN TELEVISION RULES . . .

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

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

\* [EDITOR'S NOTE: By order adopted May 5, 1948, effective June 14, 1948, FCC deleted TV channel No. 1 by allocating 44-50 mc to non-government fixed and mobile services. The sharing of Channels 2-13 by non-television services was eliminated at the same time. At year's end, FCC had pending a proposal to allocate 42 channels in the 470-890 mc area for commercial television operation, and to revise drastically the existing TV rules and standards.]

### Multiple Ownership\*

#### IN AM RULES . . .

§3.35 *Multiple Ownership*.—No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled<sup>13</sup> by any person<sup>14</sup> where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation.

#### IN FM RULES . . .

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

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

#### IN TELEVISION RULES . . .

§3.640—[EDITOR'S NOTE: Identical with §3.240, above, with two exceptions: "television broadcast station" is substituted for "FM broadcast station" wherever it appears; and, in the proviso clause of paragraph (b), "ownership, operation, or control of more than five television broadcast stations" is regarded as concentration of control.]

\* [EDITOR'S NOTE: FCC had pending on Jan. 1, but had not acted upon, a proposal to set seven stations as the maximum for common ownership in AM. Six would remain the maximum in FM; five in TV.]

[The proposed rule would also extend to minority interests. In each class (AM, FM, TV) the number of stations controlled by a single person or entity would determine the number of other stations in which the same person (or any stockholder, officer or director, in the case of corporations) might have less than controlling interests. The following table would govern. The numbers in the column "S-C" refer to stations controlled. Directly, opposite each such number is shown, in the column headed "M-I," the number of other stations in which minority interests would be permitted.]

AM		FM		TV	
S-C	M-I	S-C	M-I	S-C	M-I
7	0	6	0	5	0
6	1 or 2	5	1 or 2	4	1 or 2
5	3 or 4	4	3 or 4	3	3 or 4
4	5 or 6	3	5 or 6	2	5 or 6
3	7 or 8	2	7 or 8	1	7 or 8
2	9 or 10	1	9 or 10	0	9 or 10
1	11 or 12	0	11 or 12		
0	13 or 14				

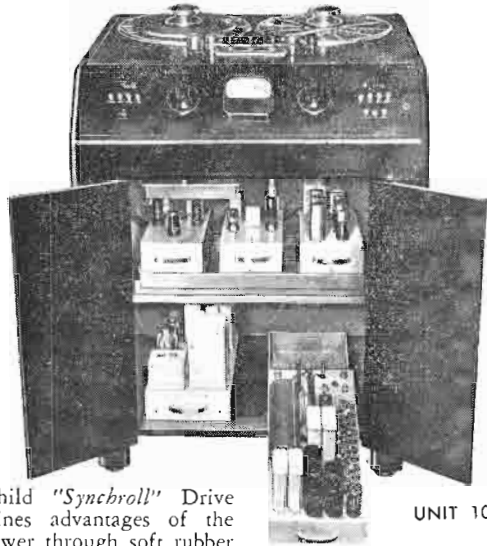
<sup>13</sup> The word "control", as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

<sup>14</sup> The word "person", as used herein, includes all persons under common control.

(Continued on page 470)

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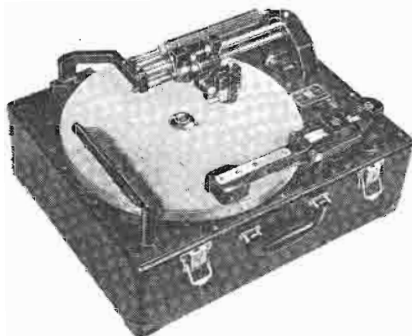
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★ High Frequency Flutter causes roughness in a reproduced sine wave tone. *Smooth motion* in the Fairchild Tape Recorder is apparent in the *cleanliness* of simple musical tones.

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THE FAIRCHILD PROFESSIONAL TAPE RECORDER easily outperforms requirements set by NAB Standards. Features include: "plug-in" type construction, both mechanical and electrical, for uninterrupted service; interlock system to prevent accidental erasing; volume indicator and circuit metering; adjustment of playback head during operation for optimum performance with all tapes; simultaneous monitoring from the tape during actual recording. Major network and recording studios are using Fairchild Tape Recorders. Write for complete information.

## FAIRCHILD SYNCHRONOUS DISK RECORDERS



ACCURATE PROGRAM TIMING—Synchronous direct to the center gear drive for shows "on the nose".

FREEDOM FROM WOW—No slip-page. No musical pitch change to make listeners aware the show is transcribed.

SOUND ON FILM DUBBING—Many of the motion picture sound tracks you hear and enjoy are first recorded on Fairchild Synchronous Disk Recorders.

Above are some of the features that have gained FAIRCHILD the reputation for the finest in recording equipment. Fairchild Synchronous Disk Recorders are manufactured in 3 models; Unit 523 for Microgroove recording and for the finest fixed studio installations; Unit 539K for the small budget studio; Unit 539G (shown above) for console performance in a portable unit. Maintain your reputation for making the finest transcriptions and masters with Fairchild equipment. Write for illustrations and complete specifications.



*Fairchild*

RECORDING EQUIPMENT CORPORATION

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WHITESTONE, L. I., N. Y.

## Operating Schedules

### FOR AM STATIONS

§3.71 *Minimum operating schedule.*—Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a.m. and 6 p.m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p.m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the inspector in charge<sup>15</sup> shall be notified in writing immediately after the emergency develops.

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

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

§3.86 *Local standard time; license provisions.*—The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission. [EDITOR'S NOTE: See "Time and Time Changes," below.]

### Time Sharing—(AM)

§3.74 *Sharing time.*—If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this section the file mark of the Commission will be affixed thereto, one copy will be retained by the Commission, one copy forwarded to the engineer in charge, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

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

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

§3.77 *Sharing time; departure from regular schedule.*—A departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Engineer in Charge.<sup>17</sup>

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

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

§3.80 *Secondary station; filing of operating schedule.*—The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return one copy to the licensee authorized to operate limited time, which shall

<sup>15</sup> See Field Offices of the Commission.

<sup>17</sup> See Field Offices of the Commission.

(Continued on page 472)

# 2 Reasons Why

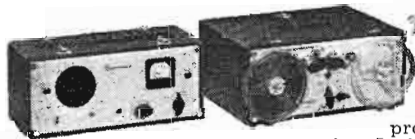
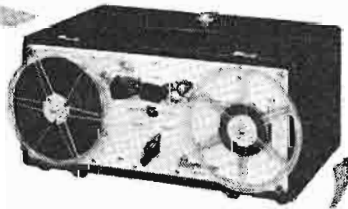
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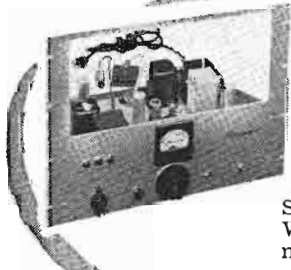


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**PT6-R RACK-MOUNT AMPLIFIER** is a high fidelity, single channel amplifier that quickly combines with the PT6-A Recorder in only 14 inches of rack space. Excellent with existing audio amplifiers.



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World's Largest and Oldest Manufacturers of Professional Magnetic Recorders

## FCC RULES AND REGULATIONS (Continued from page 470)

be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in section 3.77.

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

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

### Time; Time Changes

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

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

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

### Pre-Sunrise Operation

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

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

(2) Any class II station causing interference<sup>18</sup> by use of its daytime facilities within the 0.5 mv/m 50% sky wave contour of any class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (a) where the class I station is located east of the class II station, in which case operation may begin at local sunrise at the class I station; (b) where an agreement has been reached with the class I station to begin operation prior to local sunrise.

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

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

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

(d) The period 4:00 a.m. to 6 a.m., local standard time, shall not be included in determining compliance with section 3.71 of these rules.

### FOR FM STATIONS . . .

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

**§3.262 Experimental Operation.**—The period between 12:00 midnight, and 6 a.m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its

<sup>18</sup> As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

(Continued on page 474)



## FCC RULES AND REGULATIONS

(Continued from page 472)

assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

[EDITOR'S NOTE: FCC had pending on Jan. 1 a proposal to amend §3.262 by defining "experimental period" as the period between 1 a.m. and 6 a.m., local standard time.]

### FOR TELEVISION STATIONS . . .

§3.661 *Time of operations.*—(a) All television stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: Not less than two hours daily in any five broadcast days per week and not less than a total of 12 hours per week during the first 18 months of the station's operations; not less than two hours daily in any five broadcast days per week and not less than a total of 16 hours, 20 hours and 24 hours per week for each successive six-month period of operation, respectively; and not less than two hours in each of the seven days of the week and not less than a total of 28 hours per week thereafter.

"Operation" includes the period during which a station is operated pursuant to special temporary authority or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service. If, in the event of an emergency due to causes beyond the control of a licensee, it becomes impossible to continue operation, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

(b) The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes.<sup>19</sup>

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

§3.662 *Experimental operation.*—Television broadcast stations may conduct technical experimentation directed to the improvement of technical phases of operation and for such purposes may utilize a signal other than the standard television signal subject to the following conditions:

(a) That the licensee complies with the provisions of section 3.661 with regard to the minimum number of hours of transmission with a standard television signal.

(b) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmission of a standard television signal by other television broadcast stations.

(c) No charges either direct or indirect shall be made by the licensee of television broadcast station for the production or transmission of program when conducting technical experimentation.

### Operator Requirements

#### IN AM RULES . . .

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

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

#### IN FM RULES . . .

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

#### IN TELEVISION RULES . . .

§3.665—[EDITOR'S NOTE: Identical with §3.265, above, except that "a television broadcast transmitter" is substituted for "an FM broadcast transmitter" in third sentence.]

### Facsimile

§3.266 *Facsimile broadcasting and multiplex transmission.*—(a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. However, such transmissions may not exceed one hour during the period between 7 a.m. and midnight (no limit for the hours between midnight and 7 a.m.) and may not be counted toward the minimum operation required by Sec. 3.261.

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

[EDITOR'S NOTE: FCC on Jan. 1 was considering a petition of Radio Inventions Inc. asking for removal of the restriction on the hours in which multiplex facsimile may be transmitted, and for substitution of "15,000 cycles" for "10,000 cycles" as the standard below which the quality of the aural program may not be impaired.]

### Network Affiliation

#### IN AM RULES . . .

§3.101 *Exclusive affiliation of station.*—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, expressed or implied, with a network organization<sup>20</sup> under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

<sup>19</sup> FCC interpreted this to mean:

(1) Duplication of AM or FM programs on the aural transmitter of a TV station—

(a) while the same program is broadcast on the visual transmitter—is consistent with §3.661(b).

(b) while a test pattern is broadcast on the visual transmitter—is NOT consistent with §3.661(b).

(2) Broadcast on the aural transmitter of a TV station of transmission originated by the TV station—

(a) while a printed moving text is broadcast on the visual transmitter—is consistent with §3.661(b).

(b) while still pictures or slides are broadcast on the visual transmitter—is NOT consistent with §3.661(b) except for the purpose of necessary tests of station equipment, and except when the aural and visual transmissions are integral parts of a program and the visual transmissions have a substantial relationship to the aural transmissions. (An example of the latter type of program would be a travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture. Another example would be a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events.)

(c) while a test pattern is broadcast on the visual transmitter—is NOT consistent with §3.661(b) except for the purpose of necessary tests of station equipment, and except for the purpose of the actual demonstration of TV receivers to prospective purchasers. In such cases the aural transmissions shall not consist of any program material or musical composition but shall consist only of a single tone or a series of variable tones.

<sup>20</sup> The term "network organization" as used herein includes national and regional network organizations. See Chapter VII, J, of Report on Chain Broadcasting.

(Continued on page 476)

## Your Solution for Better TV Broadcasting at LOWEST COST—The New Stage No. 1 and the **GRAY TELOP**



This most versatile telecasting optical projector enables dual projection with any desired optical dissolve under exact control.

The accessory STAGE NUMBER 1 adds three functions separately or simultaneously: a) teletype news strip, b) revolving roll strip and c) vertical stage for small objects.

The TELOP, used with TV film cameras, permits instant fading of one object to another, change by lap dissolve or by superimposing. Widest latitude is given program directors for maximum visual interest and increased TV station income.

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Microphones and Acoustic Devices

225 West Huron Street

Chicago 10, Illinois

**FCC RULES AND REGULATIONS**

(Continued from page 474)

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

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

§3.104 *Option time.*—No license shall be granted to a standard broadcast station which options<sup>21</sup> for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours<sup>22</sup> within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8:00 a.m. to 1:00 p.m.; 1:00 p.m. to 6:00 p.m.; 6:00 p.m. to 11:00 p.m.; 11:00 p.m. to 8:00 a.m.<sup>23</sup> Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

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

§3.106 *Network ownership of stations.*<sup>24</sup>—No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control<sup>25</sup> with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

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

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

**IN FM RULES . . .**

§3.231-3.238, inclusive—

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

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

**IN TELEVISION RULES . . .**

§3.631-3.638, inclusive—

[EDITOR'S NOTE: Identical with the FM rule, §3.231-3.238, above, except that "a television broadcast station" is substituted for "an FM broadcast station" wherever it appears.]

<sup>21</sup> As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

<sup>22</sup> All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

<sup>23</sup> These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

<sup>24</sup> Effective date of this section with respect to any station may be extended from time to time in order to permit the orderly disposition of properties; and it shall be suspended indefinitely with respect to regional network organizations.

<sup>25</sup> The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

<sup>26</sup> See footnote 25, above.

(Continued on page 478)



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- 1 Moderate Initial Cost**  
Complete prices including construction, equipment and erection quoted in advance.
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Working and field tests indicate within 3% of 100% efficiency, due to low base capacitance, high characteristic impedance, practically sinusoidal current distribution and the nearest approach to the classical vertical wire.
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Write for Recommendations—pertaining to such problems as proper radiator height, ground system, etc. In writing please indicate location, power and the frequency proposed.

**LINGO VERTICAL TUBULAR STEEL RADIATORS**

## FCC RULES AND REGULATIONS (Continued from page 476)

### Reports to Be Filed\*

#### ALL BROADCAST STATIONS . . .

§1.341 *Financial report, broadcast licensees and permittees.*—(a) Each licensee of a broadcast station (standard, FM, television, and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before April 1 of each year on Form 324, together with supporting schedules, a balance sheet showing its financial condition as of December 31 of the preceding calendar year and an income statement for said calendar year.

(b) Each licensee of a broadcast station (standard, FM, television, and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before Feb. 1 of each year on Form 324A an estimate of the station's total broadcast revenues and total broadcast expenses for the preceding calendar year.

§1.342 *Filing of contracts.*—Each licensee or permittee of a broadcast station (standard, FM, television, and international) shall file with the Commission within 30 days of execution thereof verified copies of all documents, instruments, contracts (the substance of oral contracts or understandings shall be reported in writing) together with amendments, supplements, and changes therein and cancellations thereof relating to ownership, management or control of licensee or permittee of station, or of any licensee's or permittee's stock, rights or interests therein; the use, management, or operation of licensed facilities; and agreements relating to network service, transcription service or bulk time sales (amounting to two hours or more per day); including but not limited to: (a) Articles of partnership, association, or incorporation; (b) By-laws affecting character of organization, control, number of powers of its officers or directors, the classification or voting rights of any stock; (c) Any document, instrument, or contract relating to or affecting ownership of licensee or permittee, rights or interests therein, its stock or voting rights thereto; (d) Management contracts, network contracts, transcription network contracts, and time sales to brokers.

§1.343 *Ownership reports, broadcast licensees and permittees.*—(a) *Annual ownership reports.* The licensee or permittee of each broadcast station (standard, FM, television, and international) shall file on or before April 1 of each year on FCC Form 323 an annual ownership report and shall show the following information as of December 31 of the preceding calendar year.

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

#### FOR EXAMPLE:

- (a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.
- (b) Where X corporation controls the licensee or permittee, or holds 25% or more of the stock of the licensee or permittee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock in X held by each) as is required in the case of the licensee or permittee, together with full information as to the identity and citizenship of the person authorized to vote licensee's or permittee's stock.
- (c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25% or more of the stock of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the stock of Y and so on back to natural persons.
- (d) Full information as to family relationship or business association between two or more officials and/or stockholders.
- (4) In the case of all licensees or permittees: (i) the name, residence position and date of appointment of operating personnel determining program policy (such as general manager, program director, etc.); (ii) a list of all contracts still in effect required to be filed with the Commission by Section 1.342 showing the date of execution and expiration of each contract; (iii) any interest which the licensee may have in any other broadcast station.
- (b) *Interim ownership reports.* An interim ownership report shall be filed by each licensee or permittee on FCC Form 323A describing any change in information required in the annual ownership report (the application or construction permit in the case of a permittee who has not filed an annual ownership report) from that previously reported within 30 days after any such change occurs, including without limitation:
  - (1) Any change in capitalization or organization.
  - (2) Any change in officers and directors or in operating personnel determining program policy.

\* EDITOR'S NOTE: Regarding reports filed in compliance with these sections, §1.206(c) provides, in part: "The information filed under §1.341 and network and transcription contracts filed pursuant to §1.342 shall not be open to public inspection."

<sup>27</sup> Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license.

(Continued on page 480)



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## FCC RULES AND REGULATIONS

(Continued from page 478)

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as (i) a transfer of stock, (ii) issuance of new stock or disposition of treasury stock, (iii) acquisition of licensee's or permittee's stock by the issuing corporation.

(4) Any change in the officers, directors or stockholders of a corporation other than the licensee or permittee such as X, Y or Z Corporation described in the example above.

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

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

§1.344 *Definitions of terms used in Sections 1.341-1.343*—As used in Sections 1.341-1.343:

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

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

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

### License Renewals

#### GENERAL . . .

§1.320 *Application for renewal of license; broadcast and non-broadcast.*—(a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days<sup>29</sup> prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station will be considered unless there is on file with the Commission, the information currently required by Sections 1.341 to 1.344, reference to which by date and file number shall be included in the application.

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

#### IN AM RULES . . .

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

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kc., Nov. 1, 1946.

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

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

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

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

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

(7) For stations operating on the frequency 1230 kc., Feb. 1, 1946.

(8) For stations operating on the frequency 1240 kc., Aug. 1, 1946.

(9) For stations operating on the frequency 1340 kc., Feb. 1, 1947.

(10) For stations operating on the frequency 1400 kc., Aug. 1, 1947.

(11) For stations operating on the frequency 1450 kc., Feb. 1, 1948.

(12) For stations operating on the frequency 1490 kc., Aug. 1, 1948.

#### IN FM RULES . . .

##### Commercial Stations

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

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

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

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

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

(Continued on page 482)



## FCC RULES AND REGULATIONS

(Continued from page 480)

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

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

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

(1) For stations operating on the frequencies 92.1, 92.7, 93.5 mc., June 1, 1948.  
(2) For stations operating on the frequencies 100.1, 100.9, 101.7 mc., September 1, 1948.

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

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

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

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

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

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

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

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

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

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

### Educational

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

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

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

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

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

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

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

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

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

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

### IN TELEVISION RULES . . .

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

### Station Identification

#### IN AM RULES . . .

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

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

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

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement

shall be made within 5 minutes of the hour and of the times specified in subdivision (2) of paragraph (a) of this section.

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

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby, except as otherwise provided in §3.287 of the Commission's Rules Governing FM Broadcast Stations.

#### IN FM RULES . . .

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

[EDITOR'S NOTE: Remainder is identical with paragraphs (b), (c), (d), (e) and (f) of §3.406, above.]

#### IN TELEVISION RULES . . .

§3.687 *Station identification.*—(a) A licensee of a television broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour. The announcement at the beginning and ending of each time of operation shall be by both aural and visual means. Other announcements may be by either aural or visual means.

(b) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

### Sponsored Programs

(Announcement of)

#### IN AM RULES . . .

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

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

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

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

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

#### IN FM RULES . . .

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

#### IN TELEVISION RULES . . .

§3.689—[EDITOR'S NOTE: Identical with §3.189, above, except that "films" are added to the services mentioned in paragraph (b).]

(Continued on page 484)

FCC RULES AND REGULATIONS  
(Continued from page 482)

Recordings and Transcriptions  
(Identification of)

IN AM RULES . . .

§3.188 *Mechanical records*<sup>30</sup>—Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

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

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

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

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

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

IN FM RULES . . .

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

IN TELEVISION RULES . . .

§3.688 *Mechanical reproductions*.—(a) Each program which consists in whole or in part of one or more mechanical reproductions, either visual or aural, shall be accompanied by an appropriate announcement to that effect either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used. No such announcement shall be required where a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper.

(b)—[EDITOR'S NOTE: Same as paragraph (e) of §3.188, above.]

Political Broadcasts

FOR AM, FM, AND TV<sup>31</sup> . . .

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

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

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

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

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

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

Rebroadcasts

IN AM RULES . . .

§3.191 *Rebroadcast*.—(a) The term "rebroadcast" means reception by radio of the program<sup>32</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>33</sup>

(b) The licensee of a standard or high frequency broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or high frequency broadcast station, provided the Commission

is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>34</sup>

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

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

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

(d) No licensee of a standard or high frequency broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.<sup>35, 36, 37</sup>

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

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

No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.<sup>38</sup>

IN FM RULES . . .

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

IN TELEVISION RULES . . .

§3.691—[EDITOR'S NOTE: Identical in terms with §3.191, above, except that television rebroadcasts naturally are limited to programs of other television stations; Paragraphs (d) and (e) of §3.191 are deleted in §3.691.]

Revocations, Modifications, Suspensions

OF STATION LICENSES (ALL CLASSES) . . .

§1.401 *Notice of violations*.—Any licensee who appears to have violated any provision of the Communications Act of 1934 or of the Rules and Regulations of the Federal Communications Commission, shall be served with a notice calling the facts to his attention and requesting a statement concerning the matter. Within three days from receipt of such notice or such other period as may be specified, the licensee shall send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have

<sup>30</sup> During the annual periods in which Daylight Saving Time will be effective, the requirements of this section are waived with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of Daylight Saving Time in some areas, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast one hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a.m. and 10 p.m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission.

<sup>31</sup> Sec. 3.190, reprinted here, is from AM rules. In FM it is 3.290; in TV, 3.690.

<sup>32</sup> As used in sec. 3.408, program includes any complete program or part thereof, or any signals if other than A-3 emission.

<sup>33</sup> In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

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

<sup>35</sup> The rebroadcasting of a program relayed by a remote pickup broadcast station (sec. 4.401) is not considered a rebroadcast.

<sup>36</sup> Informal application may be employed.

<sup>37</sup> By order No. 82, dated and effective June 24, 1941, until further order of the Commission, section 3.191(d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by U. S. Government radio stations.

<sup>38</sup> Formal application required. See Standards of Good Engineering Practice for form number.

(Continued on page 486)



## FCC RULES AND REGULATIONS

(Continued from page 484)

been taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission such identification shall be given as will permit ready identification thereof. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

**§1402 Revocation of licenses.**—Whenever it appears that grounds exist for revocation of license, as provided in Section 312(a) of the Act, the Bureau of Law after conferring with the other bureaus of the Commission prepares a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that a revocation proceeding should be instituted, an order of revocation will be issued effective not less than 15 days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within 15 days after receipt of said order. Upon the filing of such written request for hearing by said licensee, the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time set forth, the order of revocation shall become final and effective, without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the inspector in charge of the district in which the station is located.

**§1403 Modification of licenses.**—Whenever it appears that public interest, convenience, and necessity would be served, or the provisions of the Communications Act, or if any treaty ratified by the United States will be more fully complied with, by the modification of any radio station construction permit or license, the Bureau of Law and Engineering after conferring with the other bureaus prepare a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that proceedings should be instituted, an order will be issued to show cause why such construction permit or license should not be modified. Such order to show cause shall contain a statement of the grounds and reasons for such proposed modifications, and shall specify wherein the said construction permit or license is required to be modified. It shall require the licensee against whom it is directed, to appear at a place and time therein named to show cause why the proposed modification should not be made and the order of modification issued. If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

### OF OPERATOR LICENSES . . .

**§1404 Suspension of operator licenses.**—Whenever it appears that grounds exist for suspension of an operator license, as provided in Section 303(m) of the Act, the Bureau of Law after conferring with the other bureaus of the Commission prepares a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that suspension proceedings should be instituted, a suspension order will be issued. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

### Lotteries

#### FOR ALL STATIONS . . .

**§3.192<sup>39</sup> Lotteries and Give-Away Programs.**—(a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See U.S.C. §1304.)

(b) The determination whether a particular program comes within the provisions of subsection (a) depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of subsection (a) if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question (where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

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

Each day's broadcasting shall constitute a separate offense.

### Censorship

#### FOR ALL STATIONS . . .

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

### Indecent Language

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

### Transfers and Assignments

#### VOLUNTARY . . .

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

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

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an executor, administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the executor, administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

#### INVOLUNTARY TRANSFERS

#### AND ASSIGNMENTS . . .

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

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

(b) within thirty days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in Sections 1.321 and 1.322. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

<sup>39</sup> Effective date of the lottery rules was postponed by FCC until current court tests of their legality have been completed. The same is true of §3.292 (FM) and §3.692 (TV), which are identical to §3.192, reprinted here.