

FEDERAL COMMUNICATIONS COMMISSION



Headquarters: New Post Office Building, Washington, D. C.

Personnel as of January 1, 1944

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Director of Information

DOROTHY HOLLOWAY
Assistant to Director of Information

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- | | |
|---|---|
| <ol style="list-style-type: none"> 1. CHARLES C. KOLSTER
Customhouse, Boston, Mass. 2. ARTHUR BATCHELLER
748 Federal Bldg.,
641 Washington St., New York, N. Y. 3. FOREST F. REDFERN
1200 U. S. Customhouse,
2nd & Chestnut Sts., Philadelphia, Pa. 4. EDWARD W. CHAPIN
508 Old Town Bank Bldg.
Gay St. & Falsway, Baltimore, Md. 5. HYMAN A. COHEN
402 New P. O. Bldg., Norfolk, Va. 6. PAUL HERNDON
411 Federal Annex, Atlanta, Ga.
JOSEPH L. CONDON
208 Post Office Bldg., Savannah, Ga. 7. ARTHUR S. FISH
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WILLIAM E. CLYNE
329 Post Office Bldg., Beaumont, Texas 10. LOUIS L. McCABE
500 U. S. Terminal Annex, Dallas, Texas 11. BERNARD H. IJNDEN
539 U. S. Post Office & Courthouse Bldg.,
Los Angeles, Calif. | <ol style="list-style-type: none"> HAROLD DE VOE
307 U. S. Customs & Courthouse Bldg.
Union & "F" Sts., San Diego, Calif. 12. FRANCIS V. SLOAN
Customhouse, San Francisco, Calif. 13. GEORGE V. WILTSE
805 Terminal Sales Bldg., Portland, Ore. 14. L. C. HERNDON
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504 Customhouse, Denver, Colo. 16. EDWIN S. HEISER
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St. Paul, Minn. 17. WM. J. McDONELL
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246 U. S. Courthouse Bldg., Chicago, Ill. 19. EMERY H. LEE
1029 New Federal Bldg., Detroit, Mich.
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541 Old Post Office Bldg., Cleveland, Ohio 20. WALTER L. DAVIS
526 Federal Bldg., Buffalo, N. Y. 21. JOHN H. HOMSY
609 Stangenwald Bldg., Honolulu, T. H. 22. EDWARD HACKMAN
322-323 Federal Bldg., San Juan, Puerto Rico. 23. HERBERT H. ARLOWE
7-8 Shattuck Bldg., Juneau, Alaska. |
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MONITORING STATIONS

BENJAMIN E. WOLF
Grand Island, Nebr.

IRL D. BALL
Allegan, Mich.

GLEN EARNHART
Kingsville, Texas

LEGAL STAFF

Head Attorney
WILLIAM H. BAUER

Principal Attorneys

HAROLD J. COHEN
JEREMIAH COURTNEY
D. H. DEIBLER
J. FRED JOHNSON, JR.
FANNEY LITVIN
P. W. SEWARD
HILDA D. SHEA
MARCUS COHN

HUGH B. HUTCHINSON
OMAR L. CROOK
ARTHUR A. GLADSTONE
ANNIE PERRY NEAL
LEONARD MARKS
SAMUEL MILLER
ELIZABETH C. SMITH

Associate Attorneys

MAX H. ARONSON
VIOLET L. HALEY
GEORGE M. HARRINGTON
MEARL L. ADAMS
PHILIP BERGSON
SYLVIA KESSLER
ROBERT KOTEEN
HARRY ROCKETT, JR.
BERNARD STRAUSSBURG
STEVEN TUHY, J.
JOHN E. WICKER

Attorneys

PHILIP M. BAKER
EUGENE L. BURKE
JOSEPH M. KITTNER
MAX GOLDMAN
JOHN P. SOUTHMAYD, JR.

Junior Attorney

MAURICE WHTON

Senior Attorneys

TYLER BERRY
GEORGE H. HILL

Assistant Attorneys

MARGARET H. CONNELLY
MAX PAGLIN

FIELD LAW OFFICES

JAMES L. McDOWELL } JOHN L. O'CONNELL } A. HARRY BECKER } PHILIP PATTON } JOHN P. HERN }	110 S. Dearborn St. Chicago Ill. 311 So. Spring St. Los Angeles, Calif. 805 Terminal Sales Bldg. Portland, Ore.
LESTER SPILLANE } J. ALFORD GUEST } ALLEN M. FENNER } CHARLES HUBERT } IRA G. ARONOW }	36 West 44th St. New York, N. Y.

ENGINEERING STAFF

Chief, Safety and Special Services Division
 WILLIAM N. KREBS

Chief, International Division
 PHILIP F. SILING

Chief, Field Division
 GEORGE S. TURNER

Chief, Technical Information Division
 LYNDE P. WHEELER

Engineers

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 DANIEL H. ARNOLD
 MERLE L. BALLOU
 CONAN W. BARGER
 JAMES E. BARR
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 LESLIE R. BRADY
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 ABRAHAM CHECKOWAY
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 ELTON D. DAVIS
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 JOHN E. DOANE
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 PAUL W. GILLIGAN
 E. MERLE GLUNT
 C. E. GOEKING
 FRANK X. GREEN
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 GEORGE K. HATHAWAY
 LEWIS T. HAYNER
 THOMAS L. HERON
 HERBERT A. HUNTER
 A. T. JENKINS
 R. D. JONES
 EARL M. JOHNSON
 HERRICK JOHNSON
 WALLACE E. JOHNSON
 LOUIS E. KEARNEY
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A. L. KREIS
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 CHARLES McGINLEY
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 WILLIAM L. NORTH
 CARL T. NUHN
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 SCOTT G. WILLIAMSON
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 JOSEPH H. WOFFORD
 THADDEUS C. WOOD, JR.
 E. ARDEN WOOTTON

ACCOUNTING STAFF

**Head, Accounting
Regulations Division**

HENRY M. LONG

Head, Field Division

MARK S. McCOY

Head, Statistical Division

ALEXANDER UELAND

Head, Rates and Traffic Division

WILLIAM G. BUTTS

Head Accountants

HARLAND R. MORRIS
VIRGIL P. RUSSELL
CHARLES R. MAKELA
HARRY TENNYSON

Principal Accountants

ROBERT F. BRADEN
EDWARD C. HARTUNG
EMERY E. HENSINGER
JAMES B. LOWELL
ELBERT B. WEST

FIELD ACCOUNTING OFFICES

MAX KRUMHOLZ
713 Atlanta National Bldg., Atlanta, Ga.
LON A. CEARLEY
45 Broadway, New York, N. Y.

CURTIS M. BUSHNELL
1860 Railway Exchange Bldg., St. Louis, Mo.
PAUL SUMMERHAYS
605 Market St., San Francisco, Calif.

SECRETARIAL STAFF

NORMAN E. JORGENSEN
Assistant to Chairman Fly
CHARLOTTA GALLAP
Private Secty. to Chairman Fly
WALTER B. EMERY..Secty. to Comm. Walker
PHYLLIS HANCOCK
Asst. Secty. to Comm. Walker
MINNIE SPARKS.....Secty. to Comm. Case
EVA O. MELTON...Asst. Secty. to Comr. Case*
MARGARET L. PRESTON,
Secty. to Comm. Craven
MIRIAM K. LOVELESS,
Asst. Secty. to Comm. Craven
WALTER E. JAMES.....Secty. to Comm. Durr
ETHEL C. MARDEN
Asst. Secty. to Comm. Durr
ROBERT W. HUDSON
Secty. to Comm. Wakefield
ROWENA G. ROCKHOLD,
Asst. Secty. to Comm. Wakefield
LAURA L. HOLLINGSWORTH,
Secty. to Mr. Slowie

JANET P. FISHER...Secty. to Chief of Personnel
JULIA M. SHANKLAND
Secty. to Director of Information
WANDA COX.....Secty. to Chief, License Div.
WALESKA WATSON..Secty. to Chief Accountant
LINDA WOLIN
Secty. to Asst. Genl. Counsel Hyde
MARGARET L. CURETON
Secty. to Asst. Gen. Counsel Plotkin
FAUSTA M. PUFFENBERGER
Secty. to Asst. Genl. Counsel Cottone
JEAN K. WEISSMAN
Secty. to Asst. Chief Engineer Adair
ANNIE B. STEARNS
Secty. to Asst. Chief Engr. Toeppen
NEVA BELL PERRY
Secty. to Asst. Chief Engr. Sterling
EVA E. HOCUTT
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MILA GROSSNICKLAUS
Secty. to Chief, Field Division
EVELYN B. MODANCE
Secty. to Chief, Technical Information Division

F. C. C. REGULATIONS REGARDING BROADCASTING APPLICATIONS

As of January 1, 1944

PLACE of filing; number of copies. Each application for construction permit or station license, and all papers incorporated therein and made a part thereof, with respect to the number of copies and place of filing, shall be submitted as follows:

Three copies direct to Washington, D. C.

Contents. Each application shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, location of the station, and other information required by the application forms. An application for broadcast facilities in the band 550 kilocycles to 1600 kilocycles shall be limited to one specific frequency. An application for radio station construction permit or license requesting alternate facilities will not be accepted.

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

Additional statements. In addition the Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

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

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

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

License following construction permit. In all cases where a construction permit is required by Section 319 of the Act for the construction of a station, the application for station license (or for station license or modification thereof, if for station other than broadcast) shall be filed by permittee prior to service or program tests.

Where construction permit not required. Each application for new license, except amateur, where a construction permit is not a prerequisite thereto, shall be filed at least sixty days prior to the contemplated operation of the station: *Provided, however,* That in emergency and for good cause shown, the Commission may waive the requirements of this rule.

Modification of license. An application for modification of license, except amateur, and except as otherwise provided by these rules, may be filed for change in frequency, change in operating power where no construction is necessary, change in hours of operation, and for change in name of licensee where no change in ownership or control is involved. In case of a broadcast station, an application for modification of license may be filed for change in location of main studio. In case of all stations other than broadcast, an application for modification of license may be filed for change in points of communication, change in nature of authorized service,

and to cover an outstanding construction permit where the station is already licensed. Except when filed to cover construction permit, each application for modification of license shall be filed at least sixty days prior to the contemplated modification of license; *Provided, however*, that in emergencies and for good cause shown, the requirements hereof may be waived in so far as time for filing is concerned.

Renewal of license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least sixty days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a standard broadcast station will be considered unless there is on file with the Commission, the balance sheet and income statement currently required by the rules of practice and procedure of the Commission, reference to which by date and file number shall be included in the application.

Financial statements. Each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year on such forms as may be prescribed by the Commission, a balance sheet showing the financial condition of a licensee as of December 31 of the preceding year and an income statement for the preceding calendar year. Each such form shall be subscribed and verified by: (1) the parties or party filing the statement; (2) in the case of a corporation, an officer of the corporation. (An attorney for either is allowed with sufficient reason.)

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

Temporary extension of station licenses. Where there is pending before the Commission any application, investigation, or proceeding which, after hearing might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing license, the Commis-

sion may, in its discretion, grant a temporary extension of such license; *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license; *And providea further*, That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

Assignment or transfer of control. (a) *General.* An application for consent to assignment of a construction permit or license, or for consent to transfer of control of a corporation holding a construction permit or license, shall be filed with the Commission at least sixty days prior to the contemplated effective date of assignment or transfer of control. If the assignment or transfer is voluntary, the appropriate application shall be fully executed by all parties and, if involuntary, by assignee or transferee only.

(b) *Broadcast.* With each such application, involving any standard broadcast station construction permit or license, there shall be submitted under oath or affirmation all information required to be disclosed by the application forms prescribed by the Commission, together with such other information under oath or affirmation as the Commission may require.

(c) *Other than broadcast.* In all classes of applications for consent to assignment of construction permit or license or for consent to transfer of control of a corporation holding a construction permit or license, other than those prescribed in paragraph (b), the Commission may require the furnishing of such information as in its discretion is deemed necessary.

Special temporary authorizations. (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor; *Provided, however*, That no such request will be considered unless:

1. It is received by the Commission at least ten days previous to the date of proposed operation: *Provided, however*, That any such request received within less than

ten days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

2. Full particulars as to the purpose for which the request is made are stated.

(b) If the request is for operation of a standard broadcast station, the following additional requirements shall apply:

1. No such authority may be granted to a person other than the licensee of an existing standard broadcast station.

2. The request shall be limited to a definite or temporary period or periods for the transmission of programs or events which are not recurrent, and approval thereof will not be granted for a period in excess of thirty days.

3. The request shall show that it has been seasonably submitted to other stations whose operations may be affected (to be determined as indicated below), and the date on which such request was so submitted, which such stations shall submit direct to the Commission waiver of objection to the granting thereof or a statement of the nature of any objections that such stations may desire to interpose:

4. If the request is for operation upon a clear channel, showing required above shall be made with respect to the Class I station or stations on the channel.

5. If the request is made by time sharing station, the showing required above shall be made with respect to the station or stations with which time is shared.

6. In any case, the showing required above must be made with respect to any station on the same or adjacent channels when any such station is located within the interference range of the station making the request to be determined by the "Standards of Good Engineering Practice Concerning Standard Broadcast Stations."

7. Waiver of objections, or statement of objections, when furnished under this rule, shall be forwarded direct to the Commission by the responding station, and in the case of waiver shall show whether the waiver covers simultaneous operation or whether the station is giving up the time sought by the applicant. Where it appears that the proposed operation has been seasonably submitted to the station or stations referred to in sub-paragraphs (4), (5), and (6), above, and no reply has been received, it will be considered that such stations have waived any objections to the granting of the request.

Special Service Authorizations. Special Service Authority may be issued to the licensee of a radio station for a service other or beyond that authorized in its

existing license for a period not exceeding that of its existing license upon proper application therefor*; and satisfactory showing in regard to the following, among others:

(a) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(b) That in the event the application is on behalf of a standard broadcast station that experimental operation is not involved as provided for by Part 3, Section 3.22, of the Rules and Regulations;

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

Inconsistent or conflicting applications.

When an applicant has an application pending and undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be accepted for consideration.

Multiple applications; broadcast service. In the broadcast service, while there is one application for new or additional facilities pending for a standard, international, television, facsimile, high frequency or experimental broadcast station, the Commission will not consider another application for new or additional facilities for a station of the same class (as given above) to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest. Two such applications may not be filed simultaneously.

Repetitious applications. (a) *Broadcast services.* In the broadcast service, where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new standard, international, television, facsimile, high frequency, or developmental broadcast station, or for an extension or enlargement of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class (as given above) to serve in whole or in part the same area, by the same applicant or his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order.

* Applications for authorizations to use frequencies assigned to the international broadcast service may be made on an informal basis; formal application must be made for other authorizations.

(b) *Other radio services.* In any other radio service, where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order: Provided, however, That the Commission may waive the requirements of this rule in situations affecting safety of life or property.

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

Action on Applications

Partial grants. Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, the action of the Commission shall be considered as granting such application unless the applicant shall, within twenty days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request for a hearing with respect to the part, or with respect to the privileges, terms, or conditions, not granted. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing, and the applicant and other parties in interest will be notified thereof.

Designation for hearing. In cases where an application for radio facilities is proper upon its face but the Commission is unable to determine upon examination of the same that the granting of such application either in whole or in part, would serve public interest, con-

venience or necessity, the Commission will designate the same for hearing and the following procedure will govern it:

(a) The Secretary shall forthwith mail a written notice to the applicant setting forth the action of the Commission designating the application for hearing, together with such statement of the Commission's reasons therefor as shall be appropriate to the nature of the application.

(b) In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. In cases other than standard broadcast, high frequency broadcast, international broadcast and television, the applicant will accompany his appearance with an additional copy of his application and supporting documents.

Answers to Notices of Violation

Under Title III of the Act. Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, any legislative act, Executive Order, treaty to which the United States is a party, or the Rules and Regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer direct to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission in Washington, D. C.; *Provided, however,* That 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 some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are 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 as will permit of ready reference. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

Revocation and Modification of Station Licenses

Revocation. Whenever the Commission shall institute a revocation proceeding against the holder of any radio station construction permit or license under Section 312 (a), it shall initiate said proceeding by serving upon said licensee an order of revocation effective not less than fifteen 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 fifteen 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 hereinabove 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 licensee resides.

Modification. (a) *Order to show cause.* Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station construction permit or license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such construction permit or license should not be modified.

(b) *Contents of order to show cause.* Such order to show cause shall contain a

statement of the grounds and reasons for such proposed modification, and shall specify wherein the said construction permit or license is required to be modified. It shall require the licensee against whom it is directed, to be and appear at a place and time therein named, in no event to be less than thirty days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) *Failure to appear.* 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.

Suspension of Operator Licenses

Order of suspension. No order of suspension of any operator's license shall take effect until fifteen 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 fifteen 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 fifteen days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the fifteen-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.

Proceedings. Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent, who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

Effective June 15, 1943

Licensing Requirements

No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization¹ under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

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 regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

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 6 months prior to the commencement of such period.

No license shall be granted to a standard broadcast station which options² for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours³ within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four 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.⁴ 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.

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

No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control⁵ with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area

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

² As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

³ All time options permitted under this section must be 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.

⁴ These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

⁵ The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

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. (Effective date of this section may be extended from time to time with respect to any station in order to permit the orderly disposition of properties.)

No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided*, That this regula-

tion 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. (Effective date of this section shall be April 12th, 1944.

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.

FCC REGULATIONS REGARDING NATIONAL DEFENSE

Any common carrier or the licensee of any radio station subject to the Communications Act may utilize its facilities to render free service to the government for military or naval communications in preparation for national defense. The government agency concerned will keep the Commission generally informed of the services of this kind accepted. Nothing herein or in any other regulation of the Commission shall be construed to require any such carrier or station to participate in any such communication.

The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to

operate its facilities upon such frequencies with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army or Navy.

No provision of the Commission's Rules and Regulations shall, in time of war, prevent the master of any vessel of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out the instructions of the United States naval control officers and other instructions issued by the Navy Department.

