

For reader convenience, the FCC rules reported below have been organized by subject, rather than by strict sequence of paragraph and section numbers. Rules for AM, FM and TV are grouped under the following headings.

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Definitions

In AM rules...

§ 73.1 AM broadcast station.—The term "AM broadcast station" means a broadcast station licensed for the dissemination of radio communications intended to be received by the public and operated on a channel in the band 535-1605 kilohertz (kHz). The term "AM broadcast" is synonymous with the term "standard broadcast" as contained elsewhere in this chapter.

§ 73.2 AM broadcast band.—The term "broadcast band" means the band of frequencies extending from 535 to 1605 kHz.

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

§ 73.4 Dominant station.—The term "dominant station" means a Class I station, as defined in § 73.21, operating on a clear channel.

§ 73.5 Secondary station.—The term "secondary station" means any station, except a Class I station, operating on a clear channel.

§ 73.7 Nighttime.—The term "nighttime" means that period of time between local sunset and local sunrise.

§ 73.8 Sunrise and sunset.—The terms "sunrise" and "sunset" mean, for each particular location and during any particular month, the time of sunrise and sunset as specified in the instrument of authorization. See § 73.83.

§ 73.10 Experimental period.—The term "experimental period" in reference to AM station operation means that time between 12 midnight local time and local sunrise.

§ 73.11 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.

§ 73.13 Critical hours.—The term "critical hours" means the two hour period immediately following local sunrise and the two hour period immediately preceding local sunset.

In AM, FM, TV rules ...

§ 73.1530 Portable test stations.—A portable test station is one that is moved from place to place for making field strength and ground conductivity measurements, for selecting station transmitter sites, and conducting other specialized propagation tests. Portable test stations are not normally used while in motion, and may not be used for the transmission of programs intended to be received by the public.

§ 73.1700 Broadcast day. The term "broadcast day" means that period of time between the station's sign-on and its sign-off.

§ 73.1720 Daytime. Operation is permitted during the hours between average monthly local sunrise and average monthly local sunset.

(a) The controlling times for each month of the year are stated in the station's instrument of authorization. Uniform sunrise and sunset times are specified for all of the days of each month, based upon the actual times of sunrise and sunset for the fifteenth day of the month adjusted to the nearest quarter hour. Sunrise and sunset times are derived by using the standardized procedure and the tables in the 1946 American Nautical Almanac issued by the United States Naval Observatory.

Allocations

In AM rules...

§ 73.21 Classes of standard broadcast channels and stations.

(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. Stations operating on these channels are classified as follows:

(1) 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 adjacent channels, and from stations on the same channel in accordance with the channel designation in § 73.25 or § 73.182. The operating power shall not be less than 10 kilowatts nor more than 50 kilowatts. (Also see § 73.25 [a] for further power limitation.)

(2) Class II station. A Class II station is a secondary station which operates on a clear channel (see § 73.25) and is designated 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. 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 § 73.182 (and § 73.22 in the case of Class II-A stations) Class II stations are divided into three groups:

(i) Class II-A station. A Class II-A station is an unlimited time Class II station operating on one of the clear channels listed in § 73.22 and assigned to a community within a state specified in the Table contained in that section. A Class II-A station shall operate with power of not less than 10 kilowatts nighttime nor more than 50 kilowatts at any time.

(ii) Class II-B station. A Class II-B station is an unlimited time Class II station other than those included in Class II-A. A Class II-B station shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts.

NOTE: The Class II station operating unlimited time on 760 khz at San Diego and the Class II station operating unlimited time on 750 khz at Anchorage, Alaska, shall be limited to a power of 10 kw. Both stations shall protect the I-A station on the same frequency to its 0.5 mv/m 50% skywave contour.

(iii) Class II-D station. A Class II-D station is a Class II station operating daytime or limited time. A Class II-D station shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts.

(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 to a given field intensity contour as a consequence of interference.

(1) 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 principal center of population and the rural area contiguous thereto. Class III stations are subdivided into two classes.

(i) 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 § 73.182.

(ii) Class III-B station. A Class III-B station is a Class III station which operates with 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 § 73.182.

(c) Local channel. A local channel is one on which several stations operate with powers no greater than provided in this paragraph. The primary service area of a station operating on any such channel may be limited to a given field intensity contour as a consequence of interference. Such stations operate with power no greater than 250 watts nighttime, and no greater than 1 kilowatt daytime (except that for stations in an area in the State of Florida south of the parallel 28 degrees north latitude, and between the meridians 80 and 82 degrees west longitude, power is limited to 250 watts, daytime and nighttime)

(1) Class IV station. A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.25 kilowatt, and not more than 0.25 kilowatt nighttime and 1 kilowatt daytime, and its service area is subject to interference in accordance with § 73.182. Stations which are licensed to operate with 100 watts day or night may continue to do so.

NOTE 1: Under NARBA, the power ceiling for Class IV stations is 250 watts daytime, as well as nighttime. The U.S./Mexican Agreement permits such stations to operate with power not in excess of 1 kilowatt daytime. Pursuant to the U.S./Mexican Agreement and informal coordination with the NARBA signatories, the Commission will consider applications for Class IV stations on local channels with daytime powers in excess of 250 watts, up to 1 kilowatt, if such stations are outside of the area specified in paragraph (c) of this section, and if no objectionable interference would be caused (under the standards set forth in the pertinent international agreement) to a duly notified station in Mexico, Haiti, or any foreign country signatory to NARBA.

NOTE 2: Class IV stations located within 100 kilometers (62 miles) of the Mexican border, and presently authorized to operate with a daytime power of 250 watts, may file applications for increases in daytime power to 1 kilowatt. However, such an application will be granted only after coordination with Mexico of the proposed increase, if required, pursuant to Annex IV to the U.S./Mexican Agreement

NOTE 3: All authorizations of new or changed Class I-B, Class II-B, Class II-D, Class III or Class IV facilities after October 30, 1961, are subject to whatever interference may be received from, or whatever overlap of 2.0 mv/m and 25 mv/m groundwave, contours may be involved with previously or subsequently authorized Class II-A facilities.

§73.22 Assignment of Class II-A stations.

(a) Table of assignments. One Class II-A station may be assigned on each channel listed in the following table within the designated state or states:

Channel (khz)	Location of Existing Class I Station	State(s) in which Class II-A Assignment may be Applied for
670	Chicago	Idaho
720	Chicago	Nevada or Idaho
770	New York	New Mexico
780	Chicago	Nevada
880	New York	No. Dakota, So. Dakota or Nebraska
890	Chicago	Utah
1020	Pittsburgh	New Mexico
1030	Boston	Wyoming
1100	Cleveland	Colorado
1120	St. Louis	California or Oregon
1180	Rochester	Montana
1210	Philadelphia	Kansas, Nebraska or Oklahoma

(b) Minimum service to "white" areas. No Class II-A station shall be assigned unless at least 25% of its nighttime interference-free service area or at least 25% of the population residing therein receives no other interference-free nighttime primary service.

(c) Power. Class II-A stations shall operate with not less than 10 kw power nighttime.

(d) Protection. (1) Protection by Class II-A stations to other stations. The co-channel Class I-A station shall be protected by the Class II-A station to its 0.1 mv/m contour daytime and its 0.5 mv/m 50% skywave contour nighttime. All other stations of any class authorized on or before October 30, 1961, shall normally receive protection from objectionable interference from Class II-A stations as provided in §73.182.

(2) Protection to Class II-A stations. A Class II-A station shall normally receive daytime protection to its 0.5 mv/m groundwave contour and nighttime protection to the contour to which it is limited by the co-channel Class I-A station.

(e) Applications not complying with this section. Applications for Class II-A stations which do not meet the requirements of paragraphs (b) and (c) of this section will be returned without further consideration.

§73.24 Broadcast facilities; showing required. An authorization for a new standard broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to effect a fair, efficient and equitable distribution of radio service among the several states and communities.

(b) That a proposed new station (or a proposed change in the facilities of an authorized station) complies with the pertinent requirements of §73.37

NOTE: The provisions of §73.37 shall not be applicable to new Class II-A stations or to stations for which applications were accepted for filing before July 13, 1964. With respect to such stations, the provisions of §73.28(d), and the provisions of NOTE 1 of §73.37 shall apply. Special provisions concerning interference from Class II-A to stations of other classes authorized after October 30, 1961 are contained in §73.22(d) and NOTE 3 to §73.21. The level of interference shall be computed pursuant to §73.182 and 73.186.

(c) That the applicant is financially qualified to construct and operate the proposed station.

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations of this subpart and §73.188.)

(f) That the facilities sought are subject to assignment as requested under existing international agreements and the rules and regulations of the Commission

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

(h) That, in the case of an applicant for a Class II station the proposed station would radiate, during two hours following local sunrise and two hours preceding local sunset, in any direction toward the 0.1 mv/m ground-wave contour of a co-channel United States Class I station, no more than the maximum radiation values permitted under the provision of §78.187

(i) That, in the case of an application for a Class II-A station (see §73.22), 25% or more of the area of population within the nighttime interference-free service contour of the proposed station receives no nighttime interference-free primary service from another station.

(j) That the 25mv/m contour encompasses the business district of the community to which the station is assigned, and that the 5 mv/m contour (or, at night, the interference-free contour, if of a higher value) encompasses all residential areas of such community.

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

§73.25 Clear channels: Classes 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) On each of the following channels, one Class I station will be assigned, operating with power of 50 kw: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1030, 1040, 1110, 1120, 1160, 1180, 1200 and 1210 khz. In addition, on the channels listed in this paragraph, Class II stations may be assigned as follows:

(1) On 670, 720, 770, 780, 880, 890, 1020, 1030, 1100, 1120, 1180 and 1210 khz, one Class II-A unlimited time station, assigned and located pursuant to the provisions of §73.22.

(2) On the channel 750 khz, an unlimited time Class II station located at Anchorage.

(3) On the channel 760 khz, an unlimited time Class II station located at San Diego, Calif.

(4) On any of the channels listed in this paragraph (to the extent consistent with the assignments provided in subparagraphs [1], [2], and [3] of this paragraph), unlimited time Class II stations located in Alaska, Hawaii, Virgin Islands, or Puerto Rico, which will not deliver more than 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States excluding Alaska.

(5) On any of the channels listed in this paragraph (to the extent consistent with the Class I, Class II-A, and Anchorage and San Diego Class II assignments provided in this paragraph, and, in the case of limited time stations, subject to the restrictions contained in §73.38), limited time and daytime only stations, as follows:

(i) In Alaska, Hawaii, Puerto Rico and Virgin Islands.

(ii) Within the continental United States excluding Alaska, where the station would operate with facilities authorized as of October 30, 1961.

NOTE 1: In view of special circumstances arising from the provision of presunrise broadcast service on 640 khz at Ames, Iowa, applications will be accepted for broadcast operations on 640 khz between 6:00 a.m. central standard time and local sunrise at Ames, Iowa, with not to exceed 1 kw power: provided, that such applications will be acted upon only after and in light of the decision reached in Docket No. 11290.

NOTE 2: In view of special circumstances arising from the provision of a service during some nighttime hours by a Class II station operating on 830 khz New

York, N.Y., (i.e., from 6:00 a.m. to local sunrise and from sunset at Minneapolis to 10:00 p.m. E.S.T.), applications will be accepted for such operation. Provided, that they will be acted upon only after and in light of the decision reached in Docket No. 11227

NOTE 3: See NARBA concerning priority for Canadian Class I-B and Cuban I-C assignments on 640 khz.

NOTE 4: NARBA concerning Cuban Class II-E assignments on 660, 670, 760, 780, 830, 1020, 1030 and 1120 khz.

NOTE 5: See U.S.-Mexican Agreement concerning Mexican use of 660, 760, 830, 1020, 1030, and 1180 khz.

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

NOTE: Class I and Class II stations on 1540 khz shall deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and such stations operating nighttime (i.e., sunset to sunrise at the location of the Class II station) shall be located not less than 650 miles from the nearest point of land in the Bahama Islands.

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the Canadian border, and provided that such station 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 on the Canadian border, 690, 740, 860, 990, 1010, and 1580 khz.

NOTE: See NARBA concerning priority for Cuban Class I-B assignment on 1010 khz, Class I-C assignments on 690 and 860 khz, and Class I-D assignment on 740 khz.

(d) The frequencies 730, 800, 900, 1050, 1220 and 1570 khz, for Class II stations which operate daytime only which will not deliver at any point on the Mexican border over 5 microvolts per meter groundwave, and which operate with no more than the following powers:

(1) If not located within the areas specified in subparagraph (2) of this paragraph, 5 kilowatts.

(2) If operating on any of the following frequencies within the following specified areas, no more than one kilowatt

(i) 800 khz: less than 1319 kilometers (820 miles) from Ciudad Juarez, Chihuahua.

(ii) 1050 khz: less than 998 kilometers (620 miles) from Monterrey, Nuevo Leon.

(iii) 1570 khz: less than 998 kilometers (620 miles) from Ciudad Acuna, Coahuila.

NOTE: See the U.S.-Mexican Agreement concerning specific U.S. unlimited time Class II assignments on each of the following channels: 730, 800, 900, 1050 and 1220 khz.

(e) The frequency 540 khz, for Class II stations which will not deliver a signal of more than 5 microvolts per meter groundwave or 25 microvolts per meter 10% skywave at any point on the Canadian border, nor more than 10 microvolts per meter daytime or 50 microvolts per meter nighttime at any point on the Mexican border: Provided, that stations operating at night shall be located:

(1) Within the continental United States including Alaska; and

(2) Not less than 650 miles from the nearest point on the Canadian border; and

(3) North of the parallel 35°N, if west of the meridian 93°W., or north of the parallel 30°N, if east of said meridian.

NOTE 1: See U.S.-Mexican Agreement concerning a specific U.S. unlimited time assignment on this channel.

NOTE 2: See 2.106(a) of this chapter with respect to use of 540 khz.

§73.26 Regional channels: Classes III-A and III-B stations.—The following frequencies are designated as regional channels and are assigned for use by class III-A and III-B stations: 550, 560, 570, 580, 500, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 khz.

NOTE: See NARBA concerning Cuban Class I-C assignment on 550 khz, Class I-D assignments on 570, 590, 630, 920, 950 and 980 khz, and Class III-E assignments on 790, 910, and 1150 khz.

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

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kilowatts (4.8 dbk), and the coverage of a Class A station shall not exceed that obtained from 3 kilowatts effective radiated power and antenna height above average terrain of 300 feet. For provisions concerning minimum facilities, and concerning reduction in power where antenna height above average terrain exceeds 300 feet, see §73.211.

(b) Class B-C channels and Class B and Class C stations.

(1) Except for the channels specified in paragraph (a) (1) of this section, all of the channels listed in §73.201 from 222 through 300 (92.3 through 107.9 mhz) are classified as Class B-C channels, and (subject to the restrictions set forth in §73.204) are assigned for use in Zones I and I-A by Class B stations only, and for use in Zone II by Class C stations only (there are no Class C stations in Zones I or I-A and no Class B stations in Zone II).

(2) A Class B station is a station which operates on a Class B-C channel in Zone I or Zone I-A, and is designed to render service to a sizeable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area.

(3) With respect to Class B stations authorized after September 10, 1962, no such station will be authorized with effective radiated power greater than 50 kilowatts (17 dbk), and the coverage of a Class B station authorized after that date shall not exceed that obtained from 50 kilowatts effective radiated power and 500 feet antenna height above average terrain. For provisions concerning minimum power, and concerning reduction in power where antenna height above average terrain exceeds 500 feet, see §73.211.

(4) A Class C station is a station which operates on a Class B-C channel in Zone II, and is designed to render service to a community, city, or town, and large surrounding area.

(5) With respect to Class C stations authorized after September 10, 1962, no such station will be authorized with effective radiated power greater than 100 kilowatts (20 dbk), and the coverage of a Class C station authorized after that date shall not exceed that obtained from 100 kilowatts effective radiated power and antenna height above average terrain of 2,000 feet. For provisions concerning minimum power, and reduction in power where antenna height above average terrain exceeds 2,000 feet, see §73.211.

§73.207 Minimum mileage separations between co-channel and adjacent-channel stations on commercial channels. (a) Petitions to amend the Table of Assignments (§73.202(b) (other than those expressly requesting amendment of this section or §73.205) will be dismissed and no application for a new station, or change in the channel or location of an existing station, other than a class D (secondary) station, will be accepted for filing, unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent-channel stations (both existing and proposed) the distances in miles specified in this paragraph. Proposed stations of the respective classes shown in the left-hand column of the following table shall be located no less than the distance shown from co-channel stations and first adjacent-channel stations (200 khz removed) and second and third adjacent-channel stations (400 and 600 khz removed) of the classes shown in the remaining columns of the table. The distances shown between stations of different classes apply regardless of which is the proposed station under consideration (e.g., distances shown from a new Class A station to an existing Class C station are also the distances between a new Class C and an existing Class A station). The distances between Class B and Class C stations apply only across zone lines. The adjacent-channel spacings listed also apply: (1) To applications for noncommercial educational facilities on Channels 218, 219, or 220, with respect to other stations on Channels 221, 222, or 223; (2) to applications for facilities on Channels 221, 222, or 223 with respect to noncommercial educational stations on Channels 218, 219, or 220 (for classification of noncommercial educational stations, see §73.504).

(b) The zone in which the transmitter of an FM station is located or proposed to be located determines the applicable rules with respect to minimum required spacings.

§73.209. Protection from interference.

(a) Permittees and licensees of FM broadcast stations are not protected from any interference, which

Spacing in Miles, by Class of Station and Frequency Separation (khz)

Class of Station	Class A				Class B				Class C				10-watt educational			
	Co-ch	200	400	600	Co-ch	200	400	600	Co-ch	200	400	600	Co-ch	200	400	600
Class A	65	40	15	15												
Class B					150	150	40	40	170	135	65	65			40	40
Class C									180	150	65	65			65	65
10-watt educational																

NOTE: Stations or assignments separated in frequency by 10.6 or 10.8 mhz (53 or 54 channels) will not be authorized unless they conform to the following separation table:

Class to class	Required spacing in Miles
A to A	5
B to A	10
B to B	15
C to A	20
C to B	25
C to C	30

Note: Under the United States-Mexican FM Broadcasting Agreement, the following additional mileage separations to Mexican channel assignments and authorizations must be adhered to:

Class to Class	Co-Channel	1st Adjacent	2nd Adjacent	3rd Adjacent
A to C	130	—	—	—
A to B	110	—	—	—
D to C	125	95	65	65
D to B	105	60	40	40
D to A	60	30	15	15
D to D	11	6	3	3

And for stations or assignments separated in frequency by 10.6 or 10.8 mhz (53 or 54 channels), the following mileage separations must be conformed to:

Class of Stations	Required Spacing in Miles
C to D	15
B to D	10
A to D	5
D to D	2

These mileage separations also apply to noncommercial educational authorizations in the border area and in the United States adjacent to the border area in order to afford protection to allotments and authorizations in the border area.

may be caused by the grant of a new station, or of authority to modify the facilities of an existing station, in accordance with the provisions of this subpart. However, they are protected from interference caused by Class D (secondary) noncommercial educational FM stations. See §73.509.

(b) Except as specified in §73.509, the nature and extent of the protection from interference accorded to FM broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart.

(c) When the Commission determines that grant of an application would serve the public interest, convenience and necessity and the instrument of authorization specifies an antenna location in a designated antenna farm area which results in mileage separation less than those specified in this subpart, FM broadcast station permittees and licensees shall be afforded protection from interference equivalent to the protection afforded under the minimum mileage separations specified in this subpart.

§73.211. Power and antenna height requirements.

(a) Minimum requirements.

(1) Except as provided in paragraph (b) (2) of this section, the minimum effective radiated power shall be:

Class A	100 watts (-10dbk)
Class B	5 kw (7dbk)
Class C	25 kw (14dbk)

(2) No minimum antenna height above average height is specified.

(b) Maximum power and antenna height.

(1) The maximum effective radiated power in any direction, and maximum antenna height for equivalence purposes, shall be as follows for the various classes of stations:

Station class	Maximum power	Maximum antenna height (feet above average terrain)
Class A	3 kw (4.8 dbk)	300
Class B	50 kw (17.0 dbk)	500
Class C	100 kw (20.0 dbk)	2,000

(2) Antenna heights may be used as exceeding those specified in this paragraph for equivalence pur-

poses, provided effective radiated power is reduced in the amount determined by use of the appropriate curves in Figure 3 of §73.333. Where, under Figure 3 of §73.333, effective radiated power must be reduced to an amount less than the normal minimum specified in paragraph (a) (1) of this section for the class of station involved, the effective radiated power determined by Figure 3 of §73.333 shall be the minimum for the station involved.

(3) In Puerto Rico and the Virgin Islands Class B stations may use antenna heights up to 2000 feet above average terrain with effective radiated powers up to 25 kw. For antenna heights above 2000 feet the power shall be reduced so that the station's 1 mv/m contour (located pursuant to Figure 1 of §73.333) will extend no farther from the station's transmitter than with the facilities of 25 kw and antenna height of 2000 feet. For powers above 25 kw (up to 50 kw) no antenna heights will be authorized which result in greater coverage by the 1 mv/m contour than that obtained with the facilities of 25 kw and antenna height of 2000 feet.

(c) Determination of applicable rules. The zone in which the transmitter of an FM station is located or proposed to be located determines the applicable rules with respect to the class of station, and thus the minimum and maximum requirements as to facilities.

(d) Existing stations. Stations authorized as of September 10, 1962 which do not conform to the requirements of this section, may continue to operate as authorized. For stations operating with facilities in excess of those specified in Paragraph (b) of this section no changes in facilities will be authorized which either increases the effective radiated power or extends the location of the 1 mv/m field strength contour beyond that of its present authorization in any direction. The provisions of this section shall not apply to applications to increase facilities for those stations operating with powers less than the minimum powers specified in paragraph (a) of this section.

§73.220 Restrictions on use of channels. (a) The frequency 89.1 mhz (Channel 206) is reserved in the New York City metropolitan area for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kilowatts, and the FCC will make no assignments which would cause objectionable interference with such use.

(b) In Alaska, the frequency band 88-100 mhz is allocated exclusively to government radio services and the non-government fixed service. The frequencies

87.9 through 99.9 mhz (Channels 200 through 260) will not be assigned in Alaska for use by FM broadcast stations.

(c) In Hawaii, the frequency band 98-108 mhz is allocated for non-broadcast use. The frequencies 98.1 through 107.9 mhz (Channels 251 through 300) will not be assigned in Hawaii for use by FM broadcast stations.

In TV rules...

§73.603. Numerical designation of television channels — (a)

Channel No	Frequency band (Mega-cycles)	Channel No	Frequency band (Mega-cycles)
2	54-60	43	644-650
3	60-66	44	650-656
4	66-72	45	656-662
5	76-82	46	662-668
6	82-88	47	668-674
7	174-180	48	674-680
8	180-186	49	680-686
9	186-192	50	686-692
10	192-198	51	692-698
11	198-204	52	698-704
12	204-210	53	704-710
13	210-216	54	710-716
14	470-476	55	716-722
15	476-482	56	722-728
16	482-488	57	728-734
17	488-494	58	734-740
18	494-500	59	740-746
19	500-506	60	746-752
20	506-512	61	752-758
21	512-518	62	758-764
22	518-524	63	764-770
23	524-530	64	770-776
24	530-536	65	776-782
25	536-542	66	782-788
26	542-548	67	788-794
27	548-554	68	794-800
28	554-560	69	800-806
29	560-566	70	806-812
30	566-572	71	812-818
31	572-578	72	818-824
32	578-584	73	824-830
33	584-590	74	830-836
34	590-596	75	836-842
35	596-602	76	842-848
36	602-608	77	848-854
37	608-614	78	854-860
38	614-620	79	860-866
39	620-626	80	866-872
40	626-632	81	872-878
41	632-638	82	878-884
42	638-644	83	884-890

(b) In Alaska and Hawaii the frequency bands 76-82 mhz and 82-88 mhz are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be assigned in Alaska and Hawaii for use by television broadcast stations.

(c) Channel 37, 608-614 mhz, is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after January 1, 1974, which is competent to review this provision.

§73.606. Table of Assignments.—(a) The following Table of Assignments contains the channels assigned to the listed communities in the United States, its territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. A station on a channel identified by a plus or a minus mark is required to operate with its carrier frequencies offset 10 khz above or below, respectively, the normal carrier frequencies.

[EDITOR'S NOTE: Channel assignments by cities are reprinted in the AM-FM directory and are not repeated here.]

§73.607. Availability of channels.—(a) Subject to the provisions of paragraphs (b) of this section, applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments and only in the communities listed therein. Applications which fail to comply with this requirements, whether or not accompanied by a petition to amend the Table, will not be accepted for filing provided, however, that applications specifying channels which accord with publicly announced Commission orders changing the Table of Assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

(b) A channel assigned to a community listed in the Table of Assignments is available upon application in

any unlisted community which is located within 15 miles of the listed community. In addition, a channel assigned to a community listed in the Table of Assignments and not designated for use by noncommercial educational stations only, is available upon application in any other community within 15 miles thereof which, although listed in the table, is assigned only a channel designated for use only by noncommercial educational stations. Where channels are assigned to two or more communities listed in combination in the Table of Assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the United States Department of Commerce entitled "Air Line Distances Between Cities in the United States." (This publication may be purchased from the Government Printing Office, Washington, D.C.) If said publication does not contain the coordinates of either or both communities the coordinates of the main post office in either or both of such communities shall be used. The method to be followed in making the measurements is set forth in §73.611(d)

§73.609. Zones.—(a) For the purpose of allocation and assignment, the United States is divided into three zones as follows:

(1) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum). Beginning at the most easterly point on the state boundary line between North Carolina and Virginia; thence a straight line to a point on the Virginia-West Virginia boundary line located at North Latitude 37° 49' and West Longitude 80° 12' 30"; thence westerly along the southern boundary lines of the states of West Virginia, Ohio, Indiana and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri state boundary lines; thence northerly along the western boundary line of the state of Illinois to a point at the junction of the Illinois, Iowa, and Wisconsin state boundary lines; thence easterly along the northern state boundary line of Illinois to the 90th meridian; thence north along this meridian to the 43.5° parallel; thence east along this parallel to the United States-Canada border; thence southerly and following that border until it again intersects the 43.5° parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel; to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Figure 1 of §73.699)

(2) Zone II consists of that portion of the United States which is not located in either Zone I or Zone III, and Puerto Rico, Alaska, Hawaiian Islands and the Virgin Islands.

(3) Zone III consists of that portion of the United States located south of a line, drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum), beginning at a point on the east coast of Georgia and the 31st parallel and ending at the United States-Mexican border, consisting of arcs drawn with a 150 mile radius to the north from the following specified points:

North Latitude	West Longitude
a) 29°40'00"	83°24'00"
b) 30°07'00"	84°12'00"
c) 30°31'00"	86°30'00"
d) 30°48'00"	87°58'30"
e) 30°00'00"	90°38'30"
f) 30°04'30"	93°19'00"
g) 29°46'00"	95°05'00"
h) 28°43'00"	96°30'30"
i) 27°52'30"	97°32'00"

When any of the above arcs pass through a city, the city shall be considered to be located in Zone II. (See Figure 2 of §73.699.)

§73.610. Separations.—(a) The provisions of this section relate to assignment separations and station separations. Petitions to amend the Table of Assignments (§73.606 (b)) (other than those also expressly requesting amendment of this section or §73.609) will be dismissed and all applications for new television broadcast stations or for changes in the transmitter sites of existing stations will not be accepted for filing if they fail to comply with the requirements specified in paragraphs (b), (c) and (d) of this section.

NOTE: Licensees and permittees of television

broadcast stations which were operating on April 14, 1952 pursuant to one or more separations below those set forth in §73.610 may continue to so operate but in no event may they further reduce the separations below the minimum. As the existing separations of such stations are increased, the new separations will become the required minimum separations until separations are reached which comply with the requirements of §73.610. Thereafter the provisions of said section shall be applicable.

(b) Minimum co-channel assignment and station separations:

(1) Zone	Channels 2-13	Channels 14-28
I	170 miles	155 miles
II	190 miles	175 miles
III	220 miles	205 miles

(2) The minimum co-channel mileage separation between a station in one zone and a station in another zone shall be that of the zone requiring the lower separation.

(c) Minimum assignment and station adjacent channel separations applicable to all zones:

(1) Channels 2-13	60 miles
Channels 14-83	55 miles

(2) Due to the frequency spacing which exists between channels 4 and 5, between channels 6 and 7, and between channels 13 and 14, the minimum adjacent channel separations specified above shall not be applicable to these pairs of channels (see §73.603)

(d) In addition to the requirements of paragraphs (a), (b) and (c) of this section, the minimum assignment and station separations between stations on channels 14-83, inclusive, as set forth in Table IV of §73.698 must be met in either rule making proceedings looking towards the amendment of the Table of Assignments (§73.606 (b)) or in licensing proceedings. No channel listed in column (1) of Table IV of §73.698 [see box] will be assigned to any city, and no application for an authorization to operate on such a channel will be granted unless the mileage separations indicated at the top of the column (2)-(7), inclusive, are met with respect to each of the channels listed in those columns and parallel with the channel in column (1)

(e) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to co-channel mileage separations where the transmitter is located in a different zone from that in which the channel to be employed is located.

§73.614. Power and antenna height requirements.—(a) Minimum requirements. Applications will not be accepted for filing if they specify less than—10 dbk (100 watts) visual effective is specified.

(b) Maximum power. Applications will not be accepted for filing if they specify a power in excess of that provided in this paragraph. Except as provided in subparagraph (1) below, the maximum effective radiated powers of television broadcast stations operating on the channels set forth below with antenna heights not in excess of 2000 feet above average terrain shall be as follows:

Channel Nos	Maximum visual effective radiated power in db above one kilowatt (dbk)
2-6	20dbk (100 kw)
7-13	25 dbk (316 kw)
14-83	37 dbk (5000)

(1) In Zone I, on Channels 2-13 inclusive, the maximum powers specified above for these channels may be used only with antenna heights not in excess of 1000 feet above average terrain. Where antenna heights exceeding 1000 feet above average terrain are used on Channels 2-13, or antenna heights exceeding 2000 feet above average terrain are used on Channels 14-83, the maximum power shall be based on the chart designated as Figure 3 of §76.699.

NOTE: This limitation shall not apply to any licensee or permittee in Zone I who received an authorization after March 22, 1951, to relocate its transmitter site and construct a new tower and antenna to a height in excess of 1000 feet above average terrain and who con-

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structed or who had substantially completed construction of said tower and antenna prior to April 14, 1952. In such case, maximum power may be utilized at the height above average terrain specified in the authorization. The limitation shall apply, however, where the tower of other principal supporting structure had been constructed prior to the date of such authorization.

(2) In Zones II and III, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2000 feet above average terrain shall be based on the chart designated as Figure 4 of §73.699.

(3) The effective radiated power in any horizontal or

vertical direction may not exceed the maximum values permitted by this section and Figure 3 and 4 of §73.699.

(4) The effective radiated power at any angle above the horizontal shall be as low as the state of the art permits, and in the same vertical plane may not exceed the effective radiated power in either the horizontal direction or below the horizontal, whichever is greater.

(c) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to maximum antenna heights and powers for VHF stations when the transmitter is located in Zone I and the channel to be employed is located in Zone II, or the transmitter is located in Zone II and the channel to be employed is located in Zone I.

[NOTE: The maximum visual effective radiated power of television broadcast stations operating on channels 14-83 within 250 miles of the Canadian-U.S. border may not be in excess of 30 dbk (1,000 kw.)]

Multiple Ownership

In AM rules...

§73.35. Multiple ownership—(a) No license for a standard broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates, or controls: one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mv/m groundwave contours of the existing and proposed stations, computed in accordance with §73.183 or §73.186; or one or more television broadcast stations and the grant of such license will result in the predicted or measured 2 mv/m groundwave contour of the proposed station, computed in accordance with §73.183 or §73.186, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with §73.684, encompassing the entire community of license of the proposed station; or a daily newspaper the grant of such license will result in the predicted or measured 2 mv/m contour, computed in accordance with §73.183 or §73.186, encompassing the entire community in which such newspaper is published.

(b) No license for a standard broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with the public interest, convenience, or necessity. The commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers, or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations, or of three broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary service contour overlap of any of the stations.

(c) No renewal of license shall be granted for a term extending beyond January 1, 1980, to any party that as of January 1, 1975, directly or indirectly owns, operates or controls the only daily newspaper published in a community and also as of January 1, 1975, directly or indirectly owns, operates or controls the only commercial aural station or stations encompassing the entire community with a city-grade signal during daytime hours (predicted or measured signal for AM, predicted for FM). The provisions of this paragraph shall not require divestiture of any interest not in conformity with its provisions earlier than January 1, 1980. Divestiture is not required if there is a separately owned, operated or controlled television broadcast station licensed to serve the community.

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

NOTE 2: In applying the provisions of paragraphs (a) and (c) of this section, partial (as well as total) ownership interests in corporate broadcast licensees and corporate daily newspapers represented by ownership of voting stock of such corporations will be considered.

NOTE 3: Except as provided in Notes 4 and 5 of this section, in applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

NOTE 4: In applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, an investment company as defined in 15 USC §80a-3 need be considered only if it directly or indirectly owns 5 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company, provided, however, that the investment company exercises no control over the management or policies of the corporation. Holdings by investment companies under common management shall be aggregated.

NOTE 5: In applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts or an insurance company need be considered only if such bank or insurance

Table IV of Sec. 73.698—UHF Mileage Separations

(1) Channel	(2) 20 miles (I.F. beat)	(3) 20 miles (Intermodulation)	(4) 55 miles (Adjacent channel)	(5) 60 miles (Oscillator)	(6) 60 miles (Sound image)	(7) 75 miles (Picture image)
14	22	16-19	15	21	29	30
15	23	17-20	14,16	22	29	30
16	24	14,18-21	15,17	23	30	31
17	25	14-15,19-22	16,18	24	31	32
18	26	14-16,20-23	17,19	25	32	33
19	27	14-17,21-24	18,20	26	33	34
20	28	15-18,22-25	19,21	27	34	35
21	29	16-19,23-26	20,22	28,14	35	36
22	30,14	17-20,24-27	21,23	29,15	36	37
23	31,15	18-21,25-28	22,24	30,16	37	38
24	32,16	19-22,26-29	23,25	31,17	38	39
25	33,17	20-23,27-30	24,26	32,18	39	40
26	34,18	21-24,28-31	25,27	33,19	40	41
27	35,19	22-25,29-32	26,28	34,20	41	42
28	36,20	23-26,30-33	27,29	35,21	42,14	43
29	37,21	24-27,31-34	28,30	36,22	43,15	44,14
30	38,22	25-28,32-35	29,31	37,23	44,16	45,15
31	39,33	26-29,33-36	30,32	38,24	45,17	46,16
32	40,24	27-30,34-37	31,33	39,25	46,18	47,17
33	41,25	28-31,35-38	32,34	40,26	47,19	48,18
34	42,26	29-32,36-39	33,35	41,27	48,20	49,19
35	43,27	30-33,37-40	34,36	42,28	49,21	50,20
36	44,28	31-34,38-41	35,37	43,29	50,22	51,21
37	45,29	32-35,39-42	36,38	44,30	51,23	52,22
38	46,30	33-36,40-43	37,39	45,31	52,24	53,23
39	47,31	34-37,41-44	38,40	46,32	53,25	54,24
40	48,32	35-38,42-45	39,41	47,33	54,26	55,25
41	49,33	36-39,43-46	40,42	48,34	55,27	56,26
42	50,34	37-40,44-47	41,43	49,35	56,28	57,27
43	51,35	38-41,45-48	42,44	50,36	57,29	58,28
44	52,36	39-42,46-49	43,45	51,37	58,30	59,29
45	53,37	40-43,47-50	44,46	52,38	59,31	60,30
46	54,38	41-44,48-51	45,47	53,39	60,32	61,31
47	55,39	42-45,49-52	46,48	54,40	61,33	62,32
48	56,40	43-46,50-53	47,49	55,41	62,34	63,33
49	57,41	44-47,51-54	48,50	56,42	63,35	64,34
50	58,42	45-48,52-55	49,51	57,43	64,36	65,35
51	59,43	46-49,53-56	50,52	58,44	65,37	66,36
52	60,44	47-50,54-57	51,53	59,45	66,38	67,37
53	61,45	48-51,55-58	52,54	60,46	67,39	68,38
54	62,46	49-52,56-59	53,55	61,47	68,40	69,39
55	63,47	50-53,57-60	54,56	62,48	69,41	70,40
56	64,48	51-54,58-61	55,57	63,49	70,42	71,41
57	65,49	52-55,59-62	56,58	64,50	71,43	72,42
58	66,50	53-56,60-63	57,59	65,51	72,44	73,43
59	67,51	54-57,61-64	58,60	66,52	73,45	74,44
60	68,52	55-58,62-65	59,61	67,53	74,46	75,45
61	69,53	56-59,63-66	60,62	68,54	75,47	76,46
62	70,54	57-60,64-67	61,63	69,55	76,48	77,47
63	71,55	58-61,65-68	62,64	70,56	77,49	78,48
64	72,56	59-62,66-69	63,65	71,57	78,50	79,49
65	73,57	60-63,67-70	64,66	72,58	79,51	80,50
66	74,58	61-64,68-71	65,67	73,59	80,52	81,51
67	75,59	62-65,69-72	66,68	74,60	81,53	82,52
68	76,60	63-66,70-73	67,69	75,61	82,54	83,53
69	77,61	64-67,71-74	68,70	76,62	83,55	84,54
70	78,62	65-68,72-75	69,71	77,63	84,56	85,55
71	79,63	66-69,73-76	70,72	78,64	85,57	86,56
72	80,64	67-70,74-77	71,73	79,65	86,58	87,57
73	81,65	68-71,75-78	72,74	80,66	87,59	88,58
74	82,66	69-72,76-79	73,75	81,67	88,60	89,59
75	83,67	70-73,77-80	74,76	82,68	89,61	90,60
76	84,68	71-74,78-81	75,77	83,69	90,62	91,61
77	85,69	72-75,79-82	76,78	84,70	91,63	92,62
78	86,70	73-76,80-83	77,79	85,71	92,64	93,63
79	87,71	74-77,81-84	78,80	86,72	93,65	94,64
80	88,72	75-78,82-85	79,81	87,73	94,66	95,65
81	89,73	76-79,83	80,82	88,74	95,67	96,66
82	90,74	77-80	81,83	89,75	96,68	97,67
83	91,75	78-81	82	90,76	97,69	98,68

company directly or indirectly owns 5 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the bank or insurance company. Provided, however, that the bank or insurance company exercise no control over the management or policies of the corporation. Holdings by banks or insurance companies shall be aggregated if the banks or insurance companies have any right to determine how the stock will be voted.

NOTE 6: In calculating the percentage of ownership of voting stock under the provisions of Notes 4 and 5, if an investment company, bank or insurance company, directly or indirectly owns voting stock in a company which in turn directly or indirectly owns 50 percent or more of the voting stock of a corporate broadcast licensee or corporate daily newspaper, the investment company, bank or insurance company shall be considered to own the same percentage of outstanding shares of the corporate broadcast station licensee or corporate daily newspaper as it owns of outstanding voting shares of the company standing between it and the licensee corporation or corporate daily newspaper. If the intermediate company owns less than 50 percent of the voting stock of a corporate broadcast station licensee or corporate daily newspaper, the holding of the investment company, bank or insurance company, need not be considered under the 5-percent rule, but, officers or directors of the licensee corporation or of the corporate daily newspaper who are representatives of the intermediate company shall be deemed to be representatives of the investment company, bank or insurance company if the investment company, bank or insurance company owns 5% or more of the intermediate company.

NOTE 7: In cases where record and beneficial ownership of voting stock of a corporate broadcast station licensee or corporate daily newspaper which has more than 50 voting stockholders are not identical, e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street names for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties, and insurance companies holding stock, the party having the right to determine how the stock will be voted will be considered to own it for the purposes of these rules.

NOTE 8: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for increased power for Class IV stations, to applications for assignment of license or transfer of control filed in accordance with §§1.540 (b) or 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled standard broadcast stations and if no new encompassment of communities proscribed in paragraph (a) of this section as to commonly owned, operated, or controlled standard broadcast stations and television broadcast stations or daily newspapers would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of standard broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of standard broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience and necessity.) Paragraph (a) of this section will not apply to any application by a party who directly or indirectly owns, operates or controls a UHF television broadcast station where grant of such application would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled standard broadcast station or would result in the entire community of license of such UHF station being encompassed by the 2 mv/m contour of such standard broadcast station. Such community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations with overlapping contours or with community-encompassing contours prohibited by paragraph (a) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note. If a commonly owned, operated or controlled standard

broadcast station and daily newspaper fall within the encompassing proscription of paragraph (a) of this section, the station may not be assigned to a single person, group or entity if the newspaper is being simultaneously sold to such single person, group or entity.

NOTE 9: Paragraph (a) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled standard broadcast station, or the community of license of which is complete encompassed by the 2 mv/m contour of such a standard broadcast station may subsequently become a "nonsatellite" station with local studios and locally originated programming. However, such commonly owned, operated, or controlled standard and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity, except as provided in Note 8.

NOTE 10: For the purposes of this section a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

NOTE 11: For the purposes of the three-station regional concentration provision of this section, (a) an application raising a regional concentration of control issue which involves overlap of or by one or more UHF television stations will be treated on a case-by-case basis, consistent with the precedents of UHF determinations made under the one-to-a-market proscriptions of this section, and (b) standard and FM broadcast stations licensed to communities which are within 15 miles (city reference point to reference point) and/or within the same urbanized area (as mapped by the U.S. Bureau of the Census), will be considered as a combination and counted as one station.

In FM rules . . .

§73.240. Multiple ownership.—(1)(a) No license for an FM broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates or controls: one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mv/m contours of the existing and proposed stations, computed in accordance with §73.313; or one or more television broadcast stations and the grant of such license will result in the predicted 1 mv/m contour of the proposed station, computed in accordance with §73.313, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with §73.684, encompassing the entire community of license of the proposed stations; or a daily newspaper and the grant of such license will result in the predicted 1 mv/m contour, computed in accordance with §73.313, encompassing the entire community in which such newspaper is published.

(2) No license for an FM broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other FM broadcast station if the grant of such license would result in a concentration of control of FM broadcasting in a manner inconsistent with the public interest, convenience, or necessity. The commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven FM broadcast stations, or of three broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary service contour overlap of any of the stations.

(b) Paragraphs (a) and (c) of this section are not applicable to non-commercial educational FM stations.

(c) No renewal of license shall be granted for a term extending beyond January 1, 1980, to any party that as of January 1, 1975, directly or indirectly owns, operates or controls the only daily newspaper published in a

community and also as of January 1, 1975, directly or indirectly owns, operates or controls the only commercial aural station or stations encompassing the entire community with a city-grade signal during daytime hours (predicted or measured signal for AM, predicted for FM). The provisions of this paragraph shall not require divestiture of any interest not in conformity with its provisions earlier than January 1, 1980. Divestiture is not required if there is a separately owned, operated or controlled television broadcast station licensed to serve the community.

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

NOTE 2: In applying the provisions of paragraph (a) (1) and (c) of this section, partial (as well as total) ownership interests in corporate broadcast licensees and corporate daily newspapers represented by ownership of voting stock of such corporations will be considered.

NOTE 3: Except as provided in Notes 4 and 5 of this section, in applying the provisions of paragraphs (a)(1), (a)(2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

NOTE 4: In applying the provisions of paragraphs (a)(1), (a)(2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, an investment company as defined in 15 USC §80a-3 need be considered only if it directly or indirectly owns 5 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company, provided, however, that the investment company exercises no control over the management or policies of the corporation. Holdings by investment companies under common management shall be aggregated.

NOTE 5: In applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts or an insurance company need be considered only if such bank or insurance company directly or indirectly owns 5 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the bank or insurance company. Provided, however, that the bank or insurance company exercise no control over the management or policies of the corporation. Holdings by banks or insurance companies shall be aggregated if the banks or insurance companies have any right to determine how the stock will be voted.

NOTE 6: In calculating the percentage of ownership of voting stock under the provisions of Notes 4 and 5, if an investment company, bank or insurance company, directly or indirectly owns voting stock in a company which in turn directly or indirectly owns 50 percent or more of the voting stock of a corporate broadcast licensee or corporate daily newspaper, the investment company, bank or insurance company shall be considered to own the same percentage of outstanding shares of the corporate broadcast station licensee or corporate daily newspaper as it owns of outstanding voting shares of the company standing between it and the licensee corporation or corporate daily newspaper. If the intermediate company owns less than 50 percent of the voting stock of a corporate broadcast station licensee or corporate daily newspaper, the holding of the investment company, bank or insurance company, need not be considered under the 5-percent rule, but officers or directors of the licensee corporation or of the corporate daily newspaper who are representatives of the intermediate company shall be deemed to be representatives of the investment company, bank or insurance company if the investment company, bank or insurance company owns 5% or more of the intermediate company.

NOTE 7: In cases where record and beneficial ownership of voting stock of a corporate broadcast station licensee or corporate daily newspaper which has more than 50 voting stockholders are not identical, e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street names for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties, and insurance companies holding stock, the party having the right to determine how the

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stock will be voted will be considered to own it for the purposes of these rules.

NOTE 8: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§1.540(b) or 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled FM broadcast stations and if no new encompassment of communities proscribed in paragraph (a) (1) of this section as to commonly owned, operated, or controlled FM broadcast stations and standard or television broadcast stations or daily newspapers would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of FM broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of FM broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, or necessity.) Paragraph (a)(1) of this section will not apply to any application by a party who directly or indirectly owns, operates or controls a UHF television broadcast station where grant of such application would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled FM broadcast station or would result in the entire community of license of such UHF station being encompassed by the 1 mv/m contour of such FM broadcast station. Such community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations with overlapping contours or community-encompassing contours prohibited by paragraph (a) (1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note. If a commonly owned, operated or controlled FM broadcast station and daily newspaper fall within the encompassing proscription of subparagraph (a)(1) of this section, the station may not be assigned to a single person, group or entity if the newspaper is being simultaneously sold to such single person, group or entity.

NOTE 9: Paragraph (a) (1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled FM broadcast station, or the community of license of which is completely encompassed by the 1 mv/m contour of such an FM broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned, operated, or controlled FM and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity, except as provided in Note 8.

NOTE 10: For the purposes of this section a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

NOTE 11: For the purposes of the three-station regional concentration provision of this section, (a) an application raising a regional concentration of control issue which involves overlap of or by one or more UHF television stations will be treated on a case-by-case basis, consistent with the precedents of UHF determinations made under the one-to-a-market proscriptions

of this section, and (b) standard and FM broadcast stations licensed to communities which are within 15 miles (city reference point to reference point) and/or within the same urbanized area (as mapped by the U.S. Bureau of the Census), will be considered as a combination and counted as one station.

In TV rules...

§73.636. Multiple ownership.—(a)(1) No license for television broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates, or controls: one or more television broadcast stations and the grant of such license will result in any overlap of the Grade B contours of the existing and proposed stations, computed in accordance with §73.684; or one or more standard broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with §73.684, encompassing the entire community of license of one of the standard broadcast stations, or will result in the predicted or measured 2 mv/m ground-wave contour(s) of the standard broadcast station(s), computed in accordance with §73.183 or §73.186, encompassing the entire community of license of the proposed station; or one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with §73.684, encompassing the entire community of license of one of the FM broadcast stations, or will result in the predicted 1 mv/m contour of the FM broadcast station(s), computed in accordance with §73.313, encompassing the entire community of license of the proposed station; or a daily newspaper and the grant of such license will result in the Grade A contour, computed in accordance with §73.684, encompassing the entire community in which such newspaper is published.

(2) No license for a television broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience, or necessity. The commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers, or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven television broadcast stations, no more than five of which may be in the VHF band, or of three broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary service contour overlap of any of the stations.

(b) Paragraphs (a) and (c) of this section are not applicable to non-commercial educational stations.

(c) No renewal of license shall be granted for a term extending beyond January 1, 1980, to any party that as of January 1, 1975, directly or indirectly owns, operates or controls the only daily newspaper published in a community and also as of January 1, 1975, directly or indirectly owns, operates or controls the only commercial television station encompassing the entire community with a city-grade signal. The provisions of this paragraph shall not require divestiture of any interest not in conformity with its provisions earlier than January 1, 1980.

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

NOTE 2: In applying the provisions of paragraphs (a) (1) and (c) of this section, partial (as well as total) ownership interests in corporate broadcast licensees and corporate daily newspapers represented by ownership of voting stock of such corporations will be considered.

NOTE 3: Except as provided in Notes 4 and 5 of this section, in applying the provisions of paragraphs (a)(1), (a)(2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

NOTE 4: In applying the provisions of paragraphs (a)(1), (a)(2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, an investment company as defined in 15 USC §80-a-3 need be considered only if it directly or indirectly owns 5 percent or more of the out-

standing voting stock or if officers or directors of the corporation are representatives of the investment company, provided, however, that the investment company exercises no control over the management or policies of the corporation. Holdings by investment companies under common management shall be aggregated.

NOTE 5: In applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts or an insurance company need be considered only if such bank or insurance company directly or indirectly owns 5 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the bank or insurance company. Provided, however, that the bank or insurance company exercise no control over the management or policies of the corporation. Holdings by banks or insurance companies shall be aggregated if the banks or insurance companies have any right to determine how the stock will be voted.

NOTE 6: In calculating the percentage of ownership of voting stock under the provisions of Notes 4 and 5, if an investment company, bank or insurance company, directly or indirectly owns voting stock in a company which in turn directly or indirectly owns 50 percent or more of the voting stock of a corporate broadcast licensee or corporate daily newspaper, the investment company, bank or insurance company shall be considered to own the same percentage of outstanding shares of the corporate broadcast station licensee or corporate daily newspaper as it owns of outstanding voting shares of the company standing between it and the licensee corporation or corporate daily newspaper. If the intermediate company owns less than 50 percent of the voting stock of a corporate broadcast station licensee or corporate daily newspaper, the holding of the investment company, bank or insurance company, need not be considered under the 5 percent rule, but, officers or directors of the licensee corporation or of the corporate daily newspaper who are representatives of the intermediate company shall be deemed to be representatives of the investment company, bank or insurance company if the investment company or insurance company owns 5% or more of the intermediate company.

NOTE 7: In cases where record and beneficial ownership of voting stock of a corporate broadcast station licensee or corporate daily newspaper which has more than 50 voting stockholders are not identical, e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street names for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties, and insurance companies holding stock, the party having the right to determine how the stock will be voted will be considered to own it for the purposes of these rules.

NOTE 8: Paragraph (a) (1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§1.540 (b) or 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled television broadcast stations and if no new encompassment of communities proscribed in paragraph (a) (1) of this section as to commonly owned, operated, or controlled television broadcast stations and standard or FM broadcast stations or daily newspapers would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes that will result in overlap of contours of television broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of television broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Paragraph (a)(1) of this section will not apply to major changes in UHF television broadcast stations authorized as of September 30, 1964, which will result in Grade B overlap with another television broadcast station that was commonly owned, operated, or controlled as of September 20, 1964; or to any application concerning a UHF television broadcast station which would result in the Grade A contour of the UHF station encompassing the entire community of

license of a commonly owned, operated, or controlled standard or FM broadcast station or which would result in the entire community of license of such UHF station being encompassed by the 2 mV/m or 1 mV/m contours of such standard or FM broadcast stations, respectively. Such UHF overlap or community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations with overlapping contours or with community-encompassing contours prohibited by paragraph (a) (1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided in this note. If a commonly owned, operated or controlled television broadcast station and daily newspaper fall within the encompassing proscription of subparagraph (a) (1) of this section, the station may not be assigned to a single person, group or entity if the newspaper is being simultaneously sold to such single person, group or entity.

NOTE 9: Paragraph (a) (1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade B contour of which overlaps that of a commonly owned, operated, or controlled "non-satellite" parent television station, or the Grade A contour of which completely encompasses the community of publication of a commonly owned, operated or controlled daily newspaper or the community of license of a commonly owned, operated or controlled standard or FM broadcast station, or the community of license of which is completely encompassed by the 2 mV/m contour of such a standard broadcast station of 1 mV/m contour of such an FM station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned, operated or controlled "non-satellite" television stations with Grade B overlap or such commonly owned, operated or controlled non-satellite television stations and standard or FM stations with the aforementioned community encompassment, may not be transferred or assigned to a single person, group, or entity except as provided in NOTE 8. Nor shall any application for assignment or transfer concerning such non-satellite stations be granted if the assignment of transfer would be to the same person, group or entity to which the commonly owned, operated or controlled newspaper is proposed to be transferred, except as provided in NOTE 8.

NOTE 10: For the purposes of this section a daily newspaper is one which is published four or more days per week, which is in the English language and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

NOTE 11: For the purposes of the three-station regional concentration provision of this section, (a) an application raising a regional concentration of control issue which involves overlap of or by one or more UHF television stations will be treated on a case-by-case basis, consistent with the precedents of UHF determinations made under the one-to-a-market proscriptions of this section, and (b) standard and FM broadcast stations licensed to communities which are within 15 miles (city reference point to reference point) and/or within the same urbanized area (as mapped by the U.S. Bureau of the Census), will be considered as a combination and counted as one station.

Studio location, program originations

In AM rules...

§73.30 Station location and program origination.—(a) (1) Except as provided in paragraph (b) of this section each standard broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license and the station will be considered to be located in such place. (2) Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. (3) A majority (computed on the basis of duration and not number)

of a station's programs or in the case of a station affiliated with a network two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) (1) Stations will be licensed to serve more than one city, town, political subdivision, or community only where a satisfactory showing is made that each such place meets all the requirements of the rules and regulations of this subpart with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, political subdivision or community. (2) A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station and requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

§73.31 Authority to move main studio.—The licensee of a 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, unless such move is to the location of the station's transmitter, without first securing a modification of construction permit or license. The licensee shall promptly notify the Commission of any other change in location of the main studio.

In FM rules...

§73.210 Station location, main studio location, and program origination.—(a) (1) Except as provided in paragraph (b) of this section, each FM broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license and the station will be considered to be located in such place.

(2) The main studio of an FM broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political subdivision. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-by-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(3) Where an adequate showing is made that good cause exists for locating a main studio outside the principal community to be served and that to do so would be consistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in subparagraph (2) of this paragraph. No relocation of a main studio to a point outside the principal community to be served, or from one such point outside the community to another, may be made without first securing a modification of construction permit or license, except for relocation at the AM main studio location of a commonly-owned AM station licensed to the same community. FCC Form 301 shall be used to apply therefor. The main studio may, however, be relocated within the principal community to be served, or be moved from a location outside the community to one within it, without specific authority, but the Commission shall be notified promptly of any such relocation.

(4) A majority (computed on the basis of duration and not number) of a station's programs or, in the case of a station affiliated with a network, two-thirds of such station's non-network programs, which ever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) (1) Stations will be licensed to serve more than one city, town, political subdivision, or community only where a satisfactory showing is made that each such place meets the requirements of this subpart with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place, and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, political subdivision, or community.

(2) A station licensed to serve more than one place

shall be considered to be located in and shall maintain main studios in each such place.

(3) With respect to such station, the requirements in paragraph (a) of this section as to origination of programs shall be satisfied by the origination of programs from any or all of the main studios, other studios, or remote points situated in any or all of the places in which the main studios are located.

In TV rules...

§73.613 Main studio location.—(a) The main studio of a television broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political subdivision. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-to-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(b) Where an adequate showing is made that good cause exists for locating a main studio outside the principal community to be served and that to do so would be consistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. No relocation of a main studio to a point outside the principal community to be served, or from one such point outside the community to another, may be made without first securing a modification of construction permit or license. FCC Form 301 shall be used to apply therefor. The main studio may, however, be relocated within the principal community to be served or be moved from a location outside the community to one within it without specific authority, but the Commission shall be notified promptly of any such relocation.

Operating schedules

For AM stations...

§73.72 Operation during the experimental period.—(a) An AM station may operate during the experimental period on its assigned frequency and with its authorized power for the routine testing and maintenance of its transmitting system, and for conducting experimentation under an experimental authorization; provided no interference is caused to other stations maintaining a regular operating schedule within such period.

(b) No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

(c) The licensee of an AM station shall operate or refrain from operating its station during the experimental period as directed by the FCC to facilitate frequency measurements or for the determination of interference.

§73.99 Pre-sunrise Service Authorizations (PSA).—(a) In order to afford the maximum uniformity in early morning operations compatible with interference considerations, the following classes of standard broadcast permittees and licensees are eligible to request Pre-sunrise Service Authority (PSA):

(1) Class II stations operating on clear channels, except those operating on Canadian I-A clear channels and those located east of co-channel U.S. Class I-A stations.

(2) Class III stations.

(b) When issued, a PSA will permit:

(1) Class II stations operating on Mexican and Bahamian Class I-A clear channels to commence operation with their daytime antenna systems at 6 a.m. local time, and to continue such operation until the sunrise times specified in their basic instruments of authorization; and other Class II stations, where eligible under paragraph (a) (1) of this section, to commence operation with their daytime or critical hours antenna systems either at 6 a.m. local time, or at the time of sunrise at the westernmost Class I station located east of the Class II stations (whichever is later), and to continue such operation until the sunrise times specified in their basic instruments of authorization: Provided, that the permissible power to be specified in a PSA shall not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts).

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or such lesser power as may be determined by computations made pursuant to paragraph (c) of this section.

(2) Class III stations to commence operation with their daytime antenna systems at 6:00 a.m. local time, and to continue such operation until local sunrise: Provided, that the permissible power, to be specified in the PSA, shall not exceed 500 watts or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this section.

(c) Notwithstanding the provisions of §§1.571 and 1.580 of this chapter, requests for PSA's shall be treated as proposals for minor change in existing facilities and, as such, are not subject to the procedural requirements or remedies applicable to applications for new facilities and major changes therein. PSA requests shall be submitted by letter, signed in the manner specified in §1.513 of this chapter, with the following information:

(1) Name, call letters and station location.

(2) For Class II stations operating on clear channels other than Class I-A clear channels, a showing that objectionable interference as determined by the Standard Broadcast Technical Standards (§§73.182 to 73.190), or by the engineering standards of the NARBA (whichever is controlling), will not be caused within the 0.5 mv/m 50 percent skywave contour of any domestic Class I-B Station, or of a Class I-B station in any country signatory to the NARBA, where the Class II station is located east of the Class I-B station; for Class II stations operating on Mexican Class I-A clear channels, and for Class II stations located east of co-channel Mexican Class I-B stations, a showing under the engineering standards of the United States/Mexican Agreement that the Class II station does not produce a signal in excess of 25 uv/m 10 percent skywave at any point on the co-channel Mexican Class I station's 0.5 mv/m 50 percent skywave contour which falls on Mexican territory, or more than 50 uv/m 10 percent skywave at any point on the Mexican border or boundary where the signal of the Mexican Class I station exceeds 0.5 mv/m 50 percent skywave in strength. In addition, the applicant must show that foreign Class II stations (if any) assigned to the same channel as the U.S. Class II station will receive full protection under the standards for nighttime operation set forth in the applicable agreement. If the foregoing protections cannot be achieved by the Class II station while operating with 500 watts, a showing may be submitted to establish the level to which power must be limited to preclude objectionable interference: Provided, that in relation to Canadian Class II stations, the permissible power level may be established in the manner described in paragraph (c) (3) of this section by the use of Figure 12 of §73.190.

NOTE: PSA applicants for the Bahamian I-A clear channel (1540 khz) need not submit the nighttime interference study required of other PSA applicants under this subparagraph. Instead, the commission will assign a power and time of commencement of pre-sunrise operation consistent with the provisions of the U.S.-Bahamian pre-sunrise agreement (1974) and the protection requirements of U.S. I-B and foreign Class II full-time station assignments on this frequency.

(3) For Class III stations, a showing that co-channel stations in foreign countries will receive full treaty protection. If such protection cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference: Provided, that with respect to Canadian Class III stations, such power level may be established by a showing that the radiation at the pertinent vertical angle toward co-channel Canadian stations does not exceed that defined in Figure 12 of §73.190. If the latter showing cannot be made on the basis of 500-watt operations, calculations may be submitted to establish the level to which power must be reduced in order to limit radiation at the pertinent vertical angle to the values specified in Figure 2 of §73.190.

(4) A description of the method whereby any proposed power reduction will be achieved.

(d) Calculations made under paragraph (c) of this section shall not take outstanding PSA's into account, nor shall the grant of PSA confer any degree of interference protection on the holder thereof.

(e) Operation under a PSA is not mandatory, and will not be included in determining compliance with the requirements of §73.71. To the extent actually undertaken, however, pre-sunrise operation will be considered by the Commission in determining overall compliance with past programming representations and

station policy concerning commercial matter.

(f) The PSA is secondary to the basic instrument of authorization and may be suspended, modified, or withdrawn by the Commission without prior notice or right to hearing, if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(g) The PSA will be issued for a term coinciding with the current basic instrument of authorization and, unless surrendered by the holder or suspended, modified or withdrawn by the Commission, will have continuing or renewed effect under succeeding instruments.

(h) The issuance of a PSA is intended to indicate the waiver of §73.45, §73.182, and §73.188 where the operation might otherwise be considered as technically substandard. Further, the requirements of subparagraphs (a)(5), (b)(2), (c)(2), and (d)(2) of §73.1215 concerning the scale ranges of transmission system indicating instruments are waived for PSA operation except for the radio frequency ammeters used in determining antenna input power. A station having an antenna monitor incapable of functioning at the authorized PSA power when using a directional antenna shall take the monitor reading using unmodulated carrier at the authorized daytime power immediately prior to commencing PSA operations. Special conditions as the Commission may deem appropriate may be included in the PSA to insure operation of the transmitter and associated equipment in accordance with all phases of good engineering practice.

(i) In the event of permanent discontinuance of pre-sunrise operation, the PSA shall be forwarded to the Commission's Washington office for cancellation, and the Engineer in Charge of the radio district in which the station is located shall be notified accordingly.

For FM stations...

§73.242 Duplication of AM and FM programming. —(a) [Reserved].

(b) Effective May 1, 1977, and until May 1, 1979, the extent to which an FM station may duplicate the programming of an AM station owned by the same licensee in the same local area is governed by the following:

(1) If either the AM or FM station is licensed to a community of over 100,000 population, the FM station shall not operate so as to devote more than 25 percent of the average program week to duplicated programming.

(2) If either the AM or FM station is licensed to a community over 25,000 but not over 100,000 population, the FM station shall not operate so

(c) Effective May 1, 1979, the extent to which an FM station may duplicate the programming of an AM station owned by the same licensee in the same area is governed by the following:

(1) If either the AM or FM station is licensed to a community of over 25,000 population, the FM station shall not operate so as to devote more than 25 percent of the average program week to duplicated programming.

(d) For the purposes of this paragraph, duplication is defined to mean simultaneous broadcasting of a particular program over both an AM and FM stations or the broadcast of a particular program by one station within 24 hours before or after the identical program is broadcast over the other station. The population is that shown in the latest regular U.S. Census Report.

(e) Compliance with the non-duplication requirement shall be evidenced by such showing in connection with renewal applications as the Commission may require.

(f) Upon a substantial showing that continued program duplication over a particular station to a greater degree than permitted by the provisions of this rule would better serve the public interest than timely compliance with this non-duplication requirement, a licensee may be granted a temporary exemption from the requirements of paragraphs (b)(1) or (b)(2) of this section. Requests for such exemption must be submitted to the Commission, accompanied by supporting data, at least six months prior to the time the non-duplication requirements of paragraphs (b)(1), (b)(2) or (c)(1) of this section are to become effective as to a particular station. Such exemption, if granted, will ordinarily run to the end of the station's current license period, or if granted near the end of the license period, for some other reasonable period not to exceed 3 years.

For TV stations...

§73.853 Operation of TV aural and visual transmitters. —(a) The aural and visual transmitters

of a TV station shall not be operated separately, or to present different or unrelated program material, except in the following cases:

(1) Emergency fills due to either visual or aural equipment failures leaving the licensee with only the audio or video programming to announce the equipment failures to the audience;

(2) For equipment tests or experimentation pursuant to §73.1510 (Experimental authorizations) and §73.1520 (Operation for tests and maintenance).

(b) During visual transmissions of a test pattern, still pictures or slides, the aural transmission shall consist of a single tone, or series of variable tones; a presentation of the upcoming program schedule; aural news broadcasts; or music. This type program material shall not exceed 15 minutes immediately prior to the start of the station's programming for the -ay or for a total period not to exceed more than one hour in any broadcast day.

For AM, FM and TV stations

§73.1250 Broadcasting emergency information. —(a) Emergency situations in which the broadcast of information is considered as furthering the safety of life and property include, but are not limited to the following: Tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gasses, widespread power failures, industrial explosions, civil disorders and school closings and changes in school bus schedules resulting from such conditions.

(b) If requested by responsible public officials, a station may, at its discretion, and without further FCC authority, transmit emergency point-to-point messages for the purpose of requesting or dispatching aid and assisting in rescue operations.

(c) If the Emergency Broadcast System (EBS) is activated for a national level emergency while a local or state level emergency operation is in progress, the national level EBS operation shall take precedence. If, during the broadcasting of local or state emergency information, the attention signal described in §73.906 is used, the broadcasts are considered as being carried out under a state level or local level EBS operational plan.

(d) Any emergency operation undertaken in accordance with this section may be terminated by the FCC if required in the public interest.

(e) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (b) of this section, or when daytime facilities were used during nighttime hours by an AM station in accordance with paragraph (f) of this section, a report in letter form shall be forwarded to the FCC in Washington, D.C., setting forth the nature of the emergency, the dates and hours of the broadcasting of emergency information, and a brief description of the material carried during the emergency. A certification of compliance with the noncommercialization provision of paragraph (f) of this section must accompany the report where daytime facilities are used during nighttime hours by an AM station, together with a detailed showing, under the provisions of that paragraph, that no other broadcast service existed or was adequate.

(f) AM stations may, without further FCC authority, use their full daytime facilities during nighttime hours to broadcast emergency information (examples listed in paragraph (a) of this section), when necessary to the safety of life and property, in dangerous conditions of a general nature and when adequate advance warning cannot be given with the facilities authorized, because of skywave interference impact on other stations assigned to the same channel, such operation may be undertaken only if regular, unlimited-time service, is non-existent, inadequate from the standpoint of coverage, or not serving the public need. All operation under this paragraph must be conducted on a non-commercial basis. Recorded music may be used to the extent necessary to provide program continuity.

(g) Broadcasting of emergency information shall be confined to the hours, frequencies, powers and modes of operation specified in the station license, except as otherwise provided for AM stations in paragraph (f) of this section.

(h) Any emergency information transmitted by a TV station in accordance with this section shall be transmitted both aurally and visually or only visually. TV stations may use any method of visual presentation which results in a legible message conveying the essential emergency information. Methods which may be used include, but are not necessarily limited to, slides, electronic captioning, manual methods (e.g., hand printing) or mechanical printing processes. However, when emergency operation is being conducted under a national, state or local level Emergency Broadcast

System (EBS) plan, emergency information shall be transmitted both aurally and visually.

§73.1510 Experimental authorizations. — (a) Licensees of broadcast stations may obtain experimental authorizations to conduct technical experimentation directed toward improvement of the technical phases of operation and service, and for such purposes may use a signal other than the normal broadcast program signal.

(b) Experimental authorizations may be requested by filing an informal application with the FCC in Washington, D.C., describing the nature and purpose of the experimentation to be conducted, the nature of the experimental signal to be transmitted, and the proposed schedule of hours and duration of the experimentation. Experimental authorizations shall be posted with the station license.

(c) Experimental operations are subject to the following conditions:

(1) The authorized power of the station may not be exceeded, except as specifically authorized for the experimental operations.

(2) Emissions outside the authorized bandwidth must be attenuated to the degree required for the particular type of station.

(3) The experimental operations may be conducted at any time the station is authorized to operate, but the minimum required schedule of programming for the class and type of station must be met. AM stations also may conduct experimental operations during the experimental period (12 midnight local time to local sunrise) and at additional hours if permitted by the experimental authorization provided no interference is caused to other stations maintaining a regular operating schedule within such period(s).

(4) If an experimental authorization permits the use of additional facilities or hours of operation for experimental purposes, no sponsored programs or commercial announcements may be transmitted during such experimentation.

(5) The licensee may transmit regularly scheduled programming concurrently with the experimental transmissions if there is no significant impairment of service.

(6) No charges may be made, either directly or indirectly, for the experimentation; however, normal charges may be made for regularly scheduled programming transmitted concurrently with the experimental transmissions.

(d) The FCC may request a report of the research, experimentation and results at the conclusion of the experimental operations.

§73.1520 Operation for tests and maintenance. — (a) Broadcast stations may be operated for tests and maintenance of their transmitting systems on their assigned frequencies using their licensed operating power and antennas during their authorized hours of operation without specific authorization from the FCC.

(b) Licensees of AM stations may operate for tests and maintenance during the hours from 12 midnight local time to local sunrise, if no interference is caused to other stations maintaining a regular operating schedule within such period. No AM station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled programs during this period of test and maintenance operation.

(c) Licensees of AM stations must obtain a special antenna equipment test authorization using the procedures described in §1.544(a) in order to operate with authorized nighttime power and directional antenna system during daytime hours when necessary to conduct monitor point field strength measurements and antenna proof of performance measurements.

§73.1705 Time of operation. — (a) Commercial and noncommercial educational TV and commercial FM stations will be licensed for unlimited time operation. Application may be made for voluntary share-time operation.

(b) Noncommercial educational FM stations will be licensed for unlimited and share time operation according to the provisions of §73.561.

(c) AM stations will be licensed for unlimited time, limited time, daytime, share time or specified hours.

§73.1720 Daytime. — Operation is permitted during the hours between average monthly local sunrise and average monthly local sunset.

(a) The controlling times for each month of the year are stated in the station's instrument of authorization. Uniform sunrise and sunset times are specified for all of the days of each month, based upon the actual times of sunrise and sunset for the fifteenth day of the month adjusted to the nearest quarter hour. Sunrise

and sunset times are derived by using the standardized procedure and the table in the 1946 American Nautical Almanac issued by the United States Naval Observatory.

§73.1725 Limited time. — (a) Operation is applicable only to Class II (secondary) AM stations on a clear channel with facilities authorized before November 30, 1959. Operation of the secondary station is permitted during daytime and until local sunset if located west of the dominant station on the channel, or until local sunset at the dominant station if located east of that station. Operation is also permitted during nighttime hours not used by the dominant station or stations on the channel.

(b) No authorization will be granted for: (1) A new limited time station; (2) A limited time station operating on a changed frequency; (3) A limited time station with a new transmitter site materially closer to the 0.1 mV/m contour of a co-channel U.S. Class I station; or (4) Modification of the operating facilities of a limited time station resulting in increased radiation toward any point on the 0.1 mV/m contour of a co-channel U.S. Class I station during the hours after local sunset in which the limited time station is permitted to operate by reason of location east of the Class I station.

(c) The licensee of a secondary station which is 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. It shall bear 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 FCC will affix its file mark and return one copy to the licensee authorized to operate limited time. This shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only pursuant to §73.1715 (Share time).

(d) If the licensee of a secondary station authorized to operate limited time and dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the FCC in Washington, D.C. shall be so notified by the licensee of the station authorized limited time. After receipt of such notice, the FCC 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.

§73.1730 Specified hours. — (a) Specified hours stations must operate in accordance with the exact hours specified in their license. However, such stations, operating on local channels, unless sharing time with other stations, may operate at hours beyond those specified in their licenses to carry special events programming. When such programs are carried during nighttime hours, the station's authorized nighttime facilities must be used.

(b) Other exceptions to the adherence to the schedule of specified hours of operation are provided in §73.72 (Operating during the experimental period), §73.1250 (Broadcasting emergency information) and §73.1740 (Minimum operating schedule).

§73.1740 Minimum operating schedule. — (a) All commercial broadcast stations are required to operate not less than the following minimum hours:

(1) AM and FM stations. Two-thirds of the total hours they are authorized to operate between 6 a.m. and 6 p.m. local time and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local time, each day of the week except Sunday. (i) Daytime AM stations need comply only with the minimum requirements for operation between 6 a.m. and 6 p.m., local time.

(2) TV stations. (i) During the first 36 months of operation, not less than 2 hours daily in any 5 broadcast days per calendar week and not less than a total of: (A) 12 hours per week during the first 18 months. (B) 16 hours per week during the 19th through 24th months. (C) 20 hours per week during the 25th through 30th months. (D) 24 hours per week during the 31st through 36th months.

(ii) After 36 months of operation, not less than 2 hours in each day of the week and not less than a total of 28 hours per calendar week.

(iii) Visual transmissions of test patterns, slides, or still pictures accompanied by unrelated aural transmissions may not be counted in computing program service (see §73.653).

(3) "Operation" includes the period during which

the station is operated pursuant to temporary authorization or program tests, as well as during the license period.

(4) In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30-day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

(b) Noncommercial educational AM and TV stations are not required to operate on a regular schedule and no minimum hours of operation are specified; but the hours of actual operation during a license period shall be taken into consideration in the renewal of noncommercial educational AM and TV broadcast licenses. Noncommercial educational FM stations are subject to the operating schedule requirements according to the provisions of §73.561.

Operator Requirements

In AM rules...

§73.93 Operator requirements. — (a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty at the transmitter location, or at an authorized remote control point, or the position at which extension meters, as authorized pursuant to §73.70 of this Subpart are located. The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment and other required metering equipment, or the controls and required monitoring and metering equipment in an authorized remote control operation, shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

(b) With the exceptions set forth in paragraph (f) of this section, adjustments of the transmitting system, and inspection, maintenance, required equipment performance measurements, and required field strength measurements shall be performed only by a first class radiotelephone operator, or, during periods of operation when a first class radiotelephone operator is in charge of the transmitter, by or under the direction of a broadcast consultant regularly engaged in the practice of broadcast station engineering.

(c) A station using a non-directional antenna with a nominal power of 10 kW or less may employ persons holding any class of commercial radio operator license or permit for routine operation of the transmitting system of the station has at least one first class radiotelephone operator readily available at all times. This operator may be in full-time employment or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators may be kept in the files of the station and must be made available at all times.

(d) A station using a non-directional antenna during periods of operation with an authorized power in excess of 10 kW may employ operators holding any class of commercial radio operator license or permit for routine operation of the transmitting system if the station has in full-time employment at least one first class radiotelephone operator.

(e) A station using a directional antenna system, which is required by the station authorization to maintain the ratio of the currents in the elements of the system within a tolerance which is less than 5% or the relative phases of those currents within a tolerance which is less than 3° shall, without exemption, employ first class radiotelephone operators who must be on

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duty and in actual charge of the transmitting system as specified in paragraph (a) of this section during hours of operation with a directional radiation pattern. A station whose authorization does not specifically require therein the maintenance of phase and current relationships within closer tolerances than above specified must employ first class radiotelephone operators for routine operation of the transmitting system during periods of directional operation. However, persons holding any class of commercial radio operator license or permit may be employed for routine operation of the transmitting system, if the following conditions are met: (1) The station must have in full-time employment at least one first class radiotelephone operator. (2) [Reserved] (3) Within 1 year of the date on which the Commission is notified, pursuant to §73.93(h), of the designation of a chief operator, the station shall complete a partial proof of performance, as defined in §73.154, and shall complete subsequent partial proofs of performance at least once each 3 years thereafter. A skeleton proof of performance, as defined in §73.154, shall be completed during each year that a partial proof of performance is not required. Not less than 10, nor more than 14 months, shall elapse between the completion dates of successive proofs of performance. The results of such proof, signed and dated by the qualified person who made it, shall be kept on file at the transmitter or remote control point for a period of three years, and on request shall be made available during that time to any duly authorized representative of the Federal Communications Commission. (4) Field strength measurements shall be made at the monitoring points specified in the station authorization at least once each 30 days unless more frequent measurements are required by such authorization. The results of these measurements shall be entered in the station maintenance log. The licensee shall have readily available, and in proper working condition, field strength measuring equipment to perform these measurements.

(f) Subject to the conditions in paragraphs (c), (d), and (e) of this section, operators not holding first class radiotelephone operator licenses may make adjustments only of external controls, as follows: (1) Those necessary to turn the transmitter on and off; (2) Those necessary to compensate for voltage fluctuations in the primary power supply; (3) Those necessary to maintain modulation levels of the transmitter within prescribed limits; (4) Those necessary to effect routine changes in operating power which are required by the station authorization; (5) Those necessary to change between non-directional and directional or between differing radiation patterns, provided that such changes require only activation of switches and do not involve the manual tuning of the transmitter final amplifier or antenna phasor equipment. The switching equipment shall be so arranged that the failure of any relay in the directional antenna system to activate properly will cause the emissions of the station to terminate.

(g) It is the responsibility of the station licensee to insure that each operator is fully instructed in the performance of all the above adjustments, as well as in other required duties, such as reading meters and making log entries. Printed step-by-step instructions for those adjustments which the lesser grade operator is permitted to make, and a tabulation or chart of upper and lower limiting values of parameters required to be observed and logged, shall be posted at the operating position. The emissions of the station shall be terminated immediately whenever the transmitting system is observed operating beyond the posted parameters, or in any other manner inconsistent with the rules or the station authorization, and the above adjustments are ineffective in correcting the condition of improper operation, and a first class radiotelephone operator is not present.

(h) When lesser grade operators are used, in accordance with paragraph (d) or (e) of this section, for any period of operation with nominal power in excess of 10 kilowatts, or with a directional radiation pattern, the station licensee shall designate one first class radiotelephone operator in full-time employment as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee also may designate another first class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within three

days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

(1) An operator designated as chief operator for one station may not be so designated concurrently at any other standard broadcast station.

(2) The station licensee shall vest such authority in, and afford such facilities to the chief operator as may be necessary to insure that the chief operator's primary responsibility for the proper technical operation of the station may be discharged efficiently.

(3) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of chief operator, the licensee shall designate another first class radiotelephone operator as acting chief operator on a temporary basis. Within three days of the date such action is taken, the engineer in charge of the radio district in which the station is located shall be notified by the licensee by letter of the name and license number of the acting chief operator, and shall be notified by letter, again within three days of the date when the regularly designated chief operator returns to duty.

(4) The designated chief operator may serve as a routine duty transmitter operator at any station only to the extent that it does not interfere with the efficient discharge of his responsibilities as listed below.

(i) The inspection and maintenance of the transmitting system including the antenna system and required monitoring equipment.

(ii) The accuracy and completeness of entries in the maintenance log.

(iii) The supervision and instruction of all other station operators in the performance of their technical duties.

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If the review of the operating logs indicates technical operation of the station is in violation of the rules or the terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating log shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hour period, the logs must be reviewed within two hours after his next appearance for duty. In any case, the time before review shall not exceed 72 hours.

(i) The operator on duty at the transmitter or remote control point, may, at the discretion of the licensee and the chief operator, if any, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations; provided, however, that such other duties shall not interfere with the proper operation of the standard broadcast transmitting system and keeping of required logs.

(j) At all standard broadcast stations, a complete inspection of the transmitting system and required monitoring equipment in use, shall be made by an operator holding a first class radiotelephone license at least once each calendar week. The interval between successive required inspections shall not be less than 5 days. This inspection shall include such tests, adjustments, and repairs as may be necessary to insure operation in conformance with the provisions of this subpart and the current station authorization.

In FM rules...

§73.265 Operator requirements.

[EDITOR'S NOTE: Substantially the same as §73.93.]

In TV rules...

§73.661 Operator requirements.—One or more operators holding a valid radiotelephone first class operator license shall be on duty at the place where the transmitting apparatus is located; or where extension meters and monitoring devices for monitoring critical parameters of the transmitter are located; as provided by §73.678 of this subpart; or at an authorized remote control point established pursuant to the provisions of §73.677 of this subpart; and shall be in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. The licensed operator on duty and in charge of the television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such other duties shall in no wise impair or impede the required supervision of

the television broadcast transmitter. The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment and other required metering equipment, or the controls and required monitoring and metering equipment in an authorized remote control operation, shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

Personal attack and political broadcasts

In AM, FM, TV rules...

§73.1910 Fairness Doctrine.—The Fairness Doctrine is contained in Section 315(a) of the Communications Act of 1934, as amended, which provides that broadcasters have certain obligations to afford reasonable opportunity for the discussion of conflicting views on issues of public importance. See FCC public notice "Fairness Doctrine and the Public Interest Standards," 39 FR 26372. Copies may be obtained from the FCC upon request.

§73.1920 Personal attacks.—(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the persons or group attacked: (1) Notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) An offer of a reasonable opportunity to respond over the licensee's facilities.

(b) The provisions of paragraph (a) of this Section shall not apply to broadcast material which falls within one or more of the following categories: (1) Personal attacks on foreign groups or foreign public figures; (2) Personal attacks occurring during views by legally qualified candidates; (3) Personal attacks made during broadcasts not included in (b)(2) and made by legally qualified candidates, their authorized spokespersons, or those associated with them in the campaign, on other such candidates, their authorized spokespersons or persons associated with the candidates in the campaign; and (4) Bona fide newscasts, bona fide news interviews, and on-the-spot coverage of bona fide news events, including commentary or analysis contained in the foregoing programs.

(c) The provisions of paragraph (a) of this section shall be applicable to editorials of the licensee, except in the case of noncommercial educational stations since they are precluded from editorializing (Section 399(a), Communications Act)

§73.1930 Political editorials.—(a) Where a licensee, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to, respectively, (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial, (A) notification of the date and the time of the editorial, (B) a script or tape of the editorial and (C) an offer of a reasonable opportunity for the candidate or a spokesman of the candidate to respond over the licensee's facilities. Where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

(b) Inasmuch as noncommercial educational stations may not engage in editorializing nor may support nor oppose any candidate for political office (Section 399(a), Communications Act), the provisions of paragraph (a) of this section, do not apply to such stations.

Equal Employment Opportunities

In AM, FM, TV rules...

§73.2080 Equal employment opportunities.—(a) General policy. Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin or sex.

(b) Equal employment opportunity program. Each station shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station

employment policy and practice. Under the terms of its programs, a station shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex, from the station's personnel policies and practices and working conditions.

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the station.

(c) Applicants for a construction permit for a new facility, for assignment of license or construction permit or for transfer of control (other than pro forma or involuntary assignments and transfers), and applicants for renewal of license who have not previously done so, shall file with the FCC programs designed to provide equal employment opportunities for American Indians and Alaska Natives; Asians and Pacific Islanders; Blacks, not of Hispanic Origin; Hispanics; and women, or amendments to such programs. Guidelines for the preparation of such programs are set forth in the Commission's "Report and Order, Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees," 60 FCC 2d 618 (1976). A program need not be filed by any station having less than five full-time employees or with respect to any minority group which is represented in such insignificant numbers in the area that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

Network Affiliation

In AM rules...

§73.132. Territorial exclusivity.—No licensee of an AM broadcast station shall have any arrangement 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; provided, however, that this section does not prohibit arrangements under which the station is granted first call within its primary service area upon the network's programs. The term "network organization" means any organization originating program material, with or without commercial messages, and furnishing the same to stations interconnected so as to permit simultaneous broadcast by all or some of them. However, arrangements involving only stations under common ownership, or only the rebroadcast by one station or programing from another with no compensation other than a lump-sum payment by the station rebroadcasting, are not considered arrangements with a network organization. The term "arrangement" means any contract arrangement or understanding, express or implied.

In FM rules...

§73.232.

[EDITOR'S NOTE: Same as §73.232.]

In TV rules...

§73.658. Affiliation agreements.—(a) **Exclusive affiliation of station.** No license shall be granted to a television 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, broadcasting the programs of any other network organization.

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

(b) **Territorial exclusivity.** No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or

implied, with a network organization which prevents or hinders another broadcast station in the same community from broadcasting the network's programs not taken by the former stations, or which prevents or hinders another broadcast station located in a different community 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 community upon the program of the network organization. As employed in this paragraph the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

(c) **Term of affiliation.** No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: Provided that a contract, arrangement, or understanding for a period of up to two years may be entered into within 6 months prior to take commencement of such period.

(d) **Station commitment of broadcast time.** No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with any network organization, which provides for optioning of the station's time to the network organization, or which has the same restraining effect as time optioning. As used in this section, time optioning 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.

(e) **Right to reject programs.** No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which, with respect to programs offered or already contracted for pursuant to an affiliation contract, prevents or hinders the station from (1) rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest, or (2) substituting a program which in the station's opinion, is of greater local or national importance.

(f) **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 of a network organization, for a television broadcast station in any locality where the existing television 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. (The word "control" as used in this section 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.)

(g) **Dual network operation.** No license shall be issued to a television broadcast station affiliated with a network organization which maintains more than one network of television broadcast stations: 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.

(h) **Control by networks of station rates.** No license shall be granted to a television 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.

(i) No license shall be granted to a television broadcast station which is represented for the sale of non-network time by a network organization or by an organization directly or indirectly controlled by or under common control with a network organization, if the station has any contract, arrangement, or understanding, express or implied, which provides for the affiliation of the station with such network organization; provided, however, that this rule shall not be applicable to stations licensed to a network organization or to a subsidiary of a network organization.

(j) **Network syndication and program practices.** (1) Except as provided in subparagraph (3) of this paragraph, no television network shall:

(i) after June 1, 1973, sell, license, or distribute

television programs to television station licensees within the United States or non-network television exhibition or otherwise engage in the business commonly known as "syndication" within the United States; or sell, license or distribute television programs of which it is not the sole producer for exhibition outside the United States; or reserve any option or right to share in revenues or profits in connection with such domestic and/or foreign sale, license, or distribution; or

(ii) after August 1, 1972, acquire any financial or proprietary right or interest in the exhibition, distribution, or other commercial use of any television program produced wholly or in part by a person other than such television network, except the license or other exclusive right to network exhibition within the United States and on foreign stations regularly included within such television network; provided that if such network does not timely avail itself of such license or other exclusive right to network exhibition within the United States, the grantor of such license or right to network exhibition may, upon making a timely offer reasonably to compensate the network, re-acquire such license or other exclusive right to exhibition of the program.

(2) Nothing contained in subparagraph (1) and (2) of this paragraph shall prevent any television network from selling or distributing programs of which it is the sole producer for television exhibition outside the United States, or from selling or otherwise disposing of any program rights not acquired from another person, including the right to distribute programs for non-network exhibition (as in syndication) within the United States as long as it does not itself engage in such distribution within the United States or retain the right to share the revenues or profits therefrom.

(3) Nothing contained in this paragraph shall be construed to include any television for educational, non-commercial, or public broadcasting exhibitions or uses.

(4) For the purposes of this paragraph and paragraphs (k) and (l) of this section the term network means any person, entity or corporation which offers an interconnected program service on a regular basis for fifteen or more hours per week to at least twenty-five affiliated television licensees in ten or more states; and/or any person, entity or corporation controlling, controlled by or under common control with such person, entity or corporation.

(k) **Prime time access rule.** Effective September 8, 1975, commercial television stations owned by or affiliated with a national television network in the 50 largest television markets (see Note 1 to this paragraph) shall devote, during the four hours of prime time (7-11 p.m. E.T. and P.T., 6-10 p.m. C.T. and M.T.), no more than three hours to the presentation of programs from a national network, programs formerly on a national network (off-network programs) other than feature films, or, on Saturdays, feature films; provided, however, that the following categories of programs need not be counted toward the three-hour limitation:

(1) On nights other than Saturdays, network or off-network programs designed for children, public affairs programs or documentary programs (see Note 2 to this paragraph for definitions).

(2) Special news programs dealing with fast-breaking news events, on-the-spot coverage of news events or other material related to such coverage, and political broadcasts by or on behalf of legally qualified candidates for public office.

(3) Regular network news broadcasts up to half hour, when immediately adjacent to a full hour of continuous locally produced news or locally produced public affairs programing.

(4) Runovers of live network broadcast of sporting events, where the event has been reasonably scheduled to conclude before prime time or occupy only a certain amount of prime time, but the event has gone beyond its expected duration due to circumstances not reasonably foreseeable by the networks or under their control. This exemption does not apply to post-game material.

(5) In the case of stations in the Mountain and Pacific time zones, on evenings when network prime time programing consists of a sports event or other program broadcast live and simultaneously throughout the contiguous 48 states, such stations may assume that the network's schedule that evening occupies no more of prime time in these time zones than it does in the Eastern and Central time zones.

(6) Network broadcasts of an international sports event (such as the Olympic Games), New Year's Day college football games, or any other network programming of a special nature other than motion pictures or other sports events, when the network devotes all of its time on the same evening to the same programming, except brief incidental fill material.

NOTE 1: The top 50 markets to which this paragraph applies are the 50 largest markets in terms of average prime time audience for all stations in the market. For broadcast years before fall 1980, the 50 markets are the largest 50 as listed in the Arbitron publication *Television Markets and Rankings Guide*, generally published in November, which will apply for the broadcast year starting the following fall, except that, for 1978-79, "Syracuse-Elmira" will not be included and the Salt Lake City market will be included. For broadcast years starting in the fall of 1980 and thereafter, the 50 largest markets to which this paragraph applies will be determined at three-year intervals, on the basis of the average of two Arbitron February/March audience surveys occurring roughly 2-1/2 years and roughly 3-1/2 years before the start of the three-year period. The 50 markets to which this paragraph will apply for three years from fall 1980 to fall 1983 will be determined by an average of the prime time audience figures (all market stations combined) contained in the reports of Arbitron February/March 1977 and February/March 1978 audience surveys. Shortly after the results of the 1978 survey are available the Commission will issue a list of the 50 largest markets to which this paragraph will apply from fall 1980 to fall 1983. The same procedure will take place, on the basis of February/March 1980 and 1981 surveys, for the three-year period from fall 1983 to fall 1986.

NOTE 2: As used in this paragraph, the term "programs designed for children" means programs primarily designed for children aged 2 through 12. The term "documentary programs" means programs which are nonfictional and educational or informational, but not including programs where the information is used as part of a contest among participants in the program, and not including programs relating to the visual entertainment arts (stage, motion pictures or television) where more than 50% of the program is devoted to the presentation of entertainment material itself. The term "public affairs programs" means talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, roundtables, and similar programs primarily concerning local, national, and international public affairs.

(i) **Broadcast of the programs of more than one network.** The provisions of this paragraph govern and limit the extent to which, after October 1, 1971, commercial television stations in the 50 States of the United States, which are regular affiliates of one of the three national television networks, may broadcast programs of another network, in markets where there are two such affiliated stations and one or more operational VHF or UHF stations having reasonably comparable facilities which are not regular affiliates of any network. Whether or not the stations in a particular market come within the provisions of this paragraph is determined by whether, as of July 1 of each year with respect to programs beginning October 1, or as of January 1 of each year with respect to programs beginning April 1, there are in the market the stations specified in the last sentence.

(1) Definitions. As used in this paragraph, the following terms have the meaning given:

(i) "Station" means a commercial television station in the 50 States of the United States.

(ii) "Operational station" means a station authorized and operating as of June 10 (with respect to programs beginning October 1) or as of December 10 (with respect to programs beginning April 1), or as a station authorized and which gives notice to the Commission by such June 10 or December 10 date that it will be on the air by such October 1 or April 1 date (including request for program test authority if none has previously been given), and commit itself to remain on the air for six months after such October 1 or April 1 date. Such notice shall be received at the Commission by the June 10 or December 10 date mentioned, and shall show that copies thereof have been sent to the three national networks and to the licensees of all operating television stations in the market.

(iii) "Affiliated station" means a station having a regular affiliation with one of the three national television networks, under which it serves as that network's primary outlet for the presentation of its programs in a

market. It includes any arrangement under which the network looks primarily to this station rather than other stations for the presentation of its programs and the station chiefly presents the programs of this network rather than another network.

(iv) "Unaffiliated station" means a station not having an affiliation arrangement as defined in this subparagraph with a national television network, even though it may have other types of agreements or pre-program arrangements with it.

(v) "Network" means a national organization distributing programs for a substantial part of each broadcast day to television stations in all parts of the United States, generally via interconnection facilities.

(vi) "Unaffiliated network" means a network not having an affiliated station (as defined in this paragraph) in a particular market, even though it may have other types of agreements or pre-program arrangements.

(vii) "Market" means the television markets of the United States, and the stations in them, as identified in the latest publication of American Research Bureau (ARB), together with any stations which have since become operational in the same communities.

(viii) "Evening programming" means programming (regular programs or "specials") starting and concluding on a network between the hours of 7:30 p.m. and 11 p.m. local time (except 6:30 p.m. and 10 p.m. in the Central time zone), plus all programs other than regular newscasts starting on the network between 7 and 7:30 p.m. local time (6 and 6:30 p.m. local time in the Central time zone). It does not include portions broadcast after 7 p.m. of programs starting earlier, or portions broadcast after 11 p.m. of programs starting earlier.

(ix) "Specials" means programs not carried on the network at least as often as once a week. It includes both programs scheduled very well in advance and those scheduled very shortly before broadcast on the network.

(x) "Reasonably comparable facilities" means station transmitting facilities (effective radiated power and effective antenna height above average terrain) such that the station's Grade B coverage area is at least two-thirds as large (in square miles) as the smallest of the market affiliated stations' Grade B coverage areas. Where one or both of the affiliates is licensed to a city different from that of the unaffiliated station, the term "reasonably comparable facilities" also includes the requirement that the unaffiliated station must put a predicted Grade A or better signal over all of the city of license of the other regular (non-satellite) station(s), except that where one of the affiliated stations is licensed to the same city as the unaffiliated station, and puts a Grade B but not a Grade A signal over the other city of license, the unaffiliated station will be considered as having reasonably comparable facilities if it too puts a predicted Grade B signal over all of the other city of license.

(2) Taking programs from unaffiliated networks. No affiliated station, in a market covered by this paragraph, shall take and broadcast, from an unaffiliated network, any programming of the times and types specified in this subparagraph, unless the conditions specified have first been met.

(i) Any evening programming (as defined in this paragraph), unless and until the entire schedule of such programs has been offered by the unaffiliated network to the unaffiliated station as provided in subparagraph (4) of this paragraph, and the unaffiliated station has either accepted 15 hours per week of such programs, plus additional "special" hours when part of the "special" is included in the 15 hours, or has accepted a lesser amount and indicated that it does not wish to carry any more. Such acceptance shall be governed by the provisions of subparagraph (4) of this paragraph.

(ii) Any programming beginning on the network between 12 noon and 7 p.m. on Saturdays, Sundays and holidays, and consisting of sports events (without limitation, college football and basketball, professional football, baseball, ice hockey, golf, tennis, horse racing and auto racing), unless and until the program has first been offered to the unaffiliated station and that station has indicated that it does not wish to accept it.

(iii) Any programming broadcast after 11 p.m. local time (except 10 p.m. local time in the Central time zone) which is a continuation of programs starting earlier and carried by the unaffiliated station; or any material broadcast after 7 p.m. (6 p.m. in the Central time zone) which is a continuation of sports programs beginning earlier and carried by the unaffiliated station.

(iv) Any program presented in the same week by the unaffiliated station.

(3) Carriage of programs of a network which has an

affiliate. No affiliated station in a market covered by this paragraph shall broadcast, from another network which has an affiliated station in the market, any evening programming or Saturday, Sunday or holiday sports programming, unless such programming has been offered to the unaffiliated station in the market and the latter has indicated that it does not wish to carry it.

(4) Offer and acceptance. (i) The "offer" by a network referred to in this paragraph means an offer to the unaffiliated station of the programs for broadcast. Programs so offered cannot be withdrawn by the network until the following April 1 or October 1, unless the station does not in fact broadcast the program as accepted, in which case the provisions of paragraph (1) (4) (ii) shall apply, or unless the program is cancelled on the network, in which case the replacement or substitute program shall be offered to the station as a new program under paragraph (1) (2) or (1) (3). If a program accepted by the unaffiliated station is shifted in time, the station may exercise its right of "first call" either with respect to the program at its new time, or the previous time segment, at its option.

(ii) The acceptance referred to in paragraphs (1) (2) and (1) (3) means that the unaffiliated station agrees to broadcast the program accepted, at its live network time or a delayed time acceptable to the network, unless in its judgment the program is not in the public interest or it wishes to substitute a local, or other live, program for it. The provisions of §73.658(a), prohibiting agreements which hinder the presentation of the programs of other networks, shall not apply to material covered by this paragraph. If a program is not presented in a particular week or at a delayed time acceptable to the network, the network may place this particular broadcast of the program on another station; and if this occurs more than 4 times in any 13-week period the network may withdraw the program from the station without obligation to offer it any additional programming. The unaffiliated station is free to seek and obtain other terms of acceptance from the network; but the offer of programming by the network on the foregoing terms satisfies its obligations under this paragraph.

(iii) The offer by the network shall, to the extent possible, be on or before July 15 with respect to programs beginning in the fall season, and by January 15 with respect to programs presented after April 1, or otherwise as soon as possible. The unaffiliated station's acceptance or indication of non-acceptance shall be within two weeks after the date of the offer; where any negotiations between the network and the station concerning particular programs are involved, programs not accepted within 30 days of the date of the offer shall be deemed not accepted.

NOTE 1: If there are in a particular market two affiliated stations and two (or more) operational unaffiliated stations with reasonably comparable facilities, the provisions of paragraph (1) shall require an offer of programming to each; but the 15-hour-per-week "first call" provision applies to the total programming taken by all such stations.

NOTE 2: The provisions of paragraph (1) do not apply to a market in which there are two VHF affiliated U.S. stations, and a foreign VHF station to which a national U.S. television network transmits programs pursuant to authority granted under Section 325 of the Communications Act of 1934, as amended, and which serves as that network's primary affiliate in the market.

(m) **Territorial exclusivity in non-network arrangements.** No television station shall enter into any contract, arrangement or understanding, expressed or implied, with a non-network program producer, distributor, or supplier, or other person which prevents or hinders another television station located in a community over 35 miles away, as determined by the reference points contained in §76.53 of this chapter, (if reference points for a community are not listed in §76.53, the location of the main post office will be used) from broadcasting any program purchased by the former station from such non-network program-producer, distributor, supplier or any other exclusivity against a television station licensed to another designated community in a hyphenated market specified in the market listing as contained in §76.51 of this chapter for those 100 markets listed, and for markets not listed in §76.51 of this chapter, the listing as contained in the ARB Television Market Analysis for the most recent year at the time that the exclusivity contract, arrangement, or understanding is complete under practices of the industry. As used in this subsection, the term "community" as defined as the community specified in the instrument of authorization as the location of the station.

NOTE 1: Contracts, arrangements, or understandings that are complete under the practices of the indus-

try prior to August 7, 1973, will not be disturbed. Extensions of renewals of such agreements are not permitted because they would in effect be new agreements without competitive bidding. However, such agreements that were based on the broadcaster's advancing "seed money" for the production of a specific program or series that specify two time periods—tryout period and a period thereafter for general exhibition—may be extended or renewed as contemplated in the basic agreement.

NOTE 2: It is intended that the top 100 major television markets listed in §76.51 of this chapter shall be used for the purposes of this rule and that the listing of the top 100 television markets appearing in the ARB Television Market Analysis shall not be used. The reference in this rule to the listing of markets in the ARB Television Market Analysis refers to hyphenated markets below the top-100 markets contained in the ARB Television Market Analysis. If a community is listed in a hyphenated market in §76.51 and is also listed in one of the markets in the ARB listing, the listing in §76.51 shall govern.

NOTE 3: The provisions of this paragraph apply only to U.S. commercial television broadcast stations in the 50 states, and not to stations in Puerto Rico or the Virgin Islands, foreign stations or noncommercial educational television or "public" television stations (either by way of restrictions on their exclusivity or on exclusivity against them)

NOTE 4: New stations authorized in any community of a hyphenated market listed in §76.51 of this chapter or in any community of a hyphenated market listed in the ARB Television Market Analysis (for markets below the top-100 markets) are subject to the same rules as previously existing stations therein. New stations authorized in other communities are considered stations in separate markets unless and until §76.51 is amended by Commission action, or the ARB listing is changed.

Common Antenna Site

§73.635. Use of common antenna site. No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) which is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

Reports to be filed

All broadcast stations...

§73.3611 Financial report.—Each licensee or permittee of a commercially operated AM, FM, television, or international broadcast station shall file with the Commission on or before April 1 of each year, on FCC form 324, an annual financial report.

§73.3612 Annual employment report.—Each licensee or permittee of a commercially or non-commercially operated AM, FM, television, or international broadcast station with five or more fulltime employees shall file with the Commission on or before May 31 of each year, on FCC Form 395, an annual employment report.

§73.3613 Filing of contracts. Each licensee or permittee of a commercial or noncommercial AM, FM TV or International broadcast station shall file with the FCC copies of the following contracts, instruments, and documents together with amendments, supplements, and cancellations (with the substance of oral contracts reported in writing), within 30 days of execution thereof:

(a) Network service: Network affiliation contracts between stations and networks will be reduced to writing and filed as follows:

(1) All network affiliation contracts, agreements or understandings between a TV station and a national, regional or other network.

(2) All network affiliation contracts, agreements or understandings between a commercial AM or FM station and a network as defined in §§73.132 and 73.232, where the network normally furnishes programming to affiliated stations at least 5 days each week during 8 months or more of the year.

(3) Each such filing on or after May 1, 1969, initially shall consist of a written instrument containing all of the terms and conditions of such contract, agree-

ment or understanding without reference to any other paper or document by incorporation or otherwise. Subsequent filings may simply set forth renewal, amendment or change, as the case may be, of a particular contract previously filed in accordance herewith.

(4) The FCC shall also be notified of the cancellation or termination of network affiliations, contracts for which are required to be filed by this section.

(5) Transcription agreement or contracts for the supplying of videotape recordings and film for TV stations which specify option time must be filed.

(6) This section does not require the filing of transcription agreements or contracts for the supplying of videotape recordings and film for TV stations which do not specify option time, nor contracts granting the right to broadcast music such as ASCAP, or SESAC agreements.

(b) Ownership or control: Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control shall include but are not limited to the following:

(1) Articles of partnership, association, and incorporation, and changes in such instruments;

(2) Bylaws, and any instruments effecting changes in such bylaws;

(3) Any agreement, document or instrument providing for the assignment of a license or permit, or affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or nonvoting), such as: agreements for transfer of stock; instruments for the issuance of new stock; or agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed. However, trust agreements or abstracts thereof are not required to be filed, unless requested specifically by the FCC. Should the FCC request an abstract of the trust agreement in lieu of the trust agreement, the licensee or permittee will submit the following information concerning the trust:

(A) name of trust; (B) duration of trust; (C) number of shares of stock owned; (D) name of beneficial owner of stock; (E) name of record owner of stock; (F) name of the party or parties who have the power to vote or control the vote of the shares; and (G) Any conditions on the power of voting the stock or any unusual characteristics of the trust.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of 1 year, and all proxies, whether or not running for a period of 1 year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted. However, when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1% or more of the corporation's voting stock. When the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are not officers or directors or do not hold 1% or more of the corporation's stock, the only information required to be filed is the name of any person voting 1% or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy.

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, or the maintenance of current assets.

(6) Any agreement reflecting a change in the officers, directors or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by §73.3615.

(c) Personnel: (1) Management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee; station management contracts with any persons, whether or not officers, directors, or regular employees, which provide for both a

percentage of profits and a sharing in losses; or any similar agreements.

(2) The following contracts, agreements, or understandings need not be filed: Agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

(d) The following contracts, agreements, or understandings need not be filed, but shall be kept at the station and made available for inspection upon request by the FCC: Contracts relating to the sale of broadcast time to "time brokers" for resale; subchannel leasing agreements for Subsidiary Communications Authorization operation; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators and other engineering personnel.

§73.3615 Ownership reports. —(a) Each licensee of a commercial AM, FM or TV broadcast station shall file an Ownership Report on FCC Form 323 at the time the application for renewal of station license is required to be filed. Licensees owning more than one AM, FM or TV station need file only one Ownership Report at 3-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) In the case of an individual, the name of such individual;

(2) In the case of a partnership, the names of the partners and the interest of each partner; any change in partners or in their rights will require prior consent of the FCC upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for FCC consent to such changes may be made upon FCC Form 316.

(3) In the case of a corporation, association, trust, estate, or receivership, the data applicable to each:

(i) The name, residence, citizenship, and stock holdings of officers, directors, stockholders, trustees, executors, administrators, receivers, and members of any association;

(ii) Full information as to family relationship or business association between two or more officials and/or stockholders, trustees, executors, administrators, receivers, and members of any association;

(iii) Capitalization with a description of the classes and voting power of stock authorized by the corporate charter or other appropriate legal instrument and the number of shares of each class issued and outstanding; and

(iv) Full information on FCC Form 323 with respect to the interest and identity of any person having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock. For example: (A) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B. (B) Where X corporation controls the licensee, or holds 25% or more of the number of issued and outstanding shares of either voting or non-voting stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock [by class] in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock, in case of voting stock. (C) The same information should be furnished as to Y corporation if it controls X corporation or holds 25% or more of the number of issued and outstanding shares of either voting or non-voting stock of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the number of issued and outstanding shares of either voting or non-voting stock of Y and so on back to natural persons.

(4) In the case of all licensees: (i) A list of all contracts still in effect required to be filed with the FCC by §73.3613 showing the date of execution and expiration of each contract; and (ii) Any interest which the licensee may have in any other broadcast station.

(b) Each permittee of a commercial AM, FM or TV broadcast station shall file an Ownership Report on FCC Form 323 within 30 days of the date of grant by the FCC of an application for original construction per-

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mit. The Ownership Report of the permittee shall give the information required by the applicable portions of paragraph (a) of this section.

(c) Except as provided in (d) below, a supplemental Ownership Report on FCC Form 323 shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation: (1) Any change in capitalization or organization; (2) any change in officers and directors; (3) any transaction affecting the ownership, direct or indirect or voting rights of licensee's or permittee's stock, such as: A transfer of stock; or issuance of new stock or disposition of treasury stock; or 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 in paragraph (a)(3)(iv) of this section. (5) 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 FCC consent must be received under §73.3540. A transfer of control takes place when an individual or group in private gains or loses affirmative or negative (50%) control. See instructions on FCC Form 323 (Ownership Report).

(d) Annual reporting and 1 percent benchmark exceptions: (1) Where information is required under paragraphs (a) or (b) of this section with respect to a corporation or association having more than 50 stockholders or members, such information must be filed annually as set forth in (d)(2) below and only with respect to stockholders or members who are officers or directors of the corporation or association, or to other stockholders or members who have 1% or more of either the voting or nonvoting stock of the corporation or voting rights in the association. Such information with respect to stock held by stockbrokers need be filed only if the stock is held by the stockbroker in its name (either for itself or for customers) for a period exceeding 30 days. (2) Filings must be made on a recurring annual basis, within 60 days from the anniversary of the record date selected in the first annual report for stockholdings. (3) Corporations covered in this paragraph do not have to file supplemental Ownership Reports as described in (c) above.

(e) Each licensee of a noncommercial educational AM, FM or TV broadcast station shall file an Ownership Report on FCC Form 323-E at the time the application for renewal of station license is required to be filed. Licensees owning more than one noncommercial educational AM, FM or TV broadcast station need file only one Ownership Report at 3-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report: (1) The following information as to all officers, members of governing board, and holders of 1% or more ownership interest (if any). Name, residence, office held, citizenship, principal profession or occupation, and by whom appointed or elected. (2) Full information with respect to the interest and identity of any individual, organization, corporation, association, or any other entity which has direct or indirect control over the licensee or permittee. (3) A list of all contracts still in effect required by §73.3613 to be filed with the FCC, showing the date of execution and expiration of each contract. (4) Any interest which the licensee or permittee or any of its officers, members of the governing board, and holders of 1% or more ownership interest (if any) held in any other broadcast station.

(f) Each permittee of a noncommercial educational AM, FM or TV broadcast station shall file an Ownership Report on FCC Form 323-E within 30 days of the date of grant by the FCC of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portions of paragraph (e) above.

(g) A supplemental Ownership Report on FCC Form 323-E shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report should include, without limitation: any change in organization; or any change in officers or directors; or any transaction affecting the ownership (direct or indirect) or voting rights with respect to the licensee or permittee (or with respect to any stock interest therein).

(h) A copy of all ownership and supplemental

ownership reports and related material filed pursuant to this section shall be maintained and made available for public inspection locally as required by §§73.3526 and 73.3527.

§73.3526 Local public inspection file of commercial stations. —(a) Records to be maintained. Every applicant for a construction permit for a new station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1) of this paragraph. Every permittee or licensee of an AM, FM or TV station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1), (2), (3), (4), (5), (6), (7), (9), (11) and (12) of this paragraph. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in (8) of this paragraph. The material to be contained in the file is as follows:

(1) A copy of every application tendered for filing, with respect to which local public notice is required to be given under the provisions of §73.3580 or §73.3594; and all exhibits, letters and other documents tendered for filing as part thereof; all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the FCC and the applicant pertaining to the application after it has been tendered for filing, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto, which according to the provisions of §50.451-0.461 of the rules are open for public inspection at the offices of the FCC. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the applicant, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition. The file shall also contain a copy of every written citizen agreement. For purposes of this section, a citizen agreement is a written agreement between a broadcast applicant, permittee, or licensee, and one or more citizens or citizen groups, entered for primarily noncommercial purposes. This definition includes those agreements that deal with goals or proposed practices directly or indirectly affecting station operation in the public interest, in areas such as—but not limited to—community ascertainment, programming, and employment. It excludes common commercial agreements such as advertising contracts; union, employment, and personal services contracts; network affiliation, syndication, program; supply contracts and so on. However, the mere inclusion of commercial terms in a primarily noncommercial agreement—such as a provision for payment of fees for future services of the citizen-parties [see "Report and Order," Docket 19518, 57 FCC 2d 494 (1976)]—would not cause the agreement to be considered commercial for purposes of this section.

NOTE: Applications tendered for filing on or before May 13, 1965, which are subsequently designated for hearing after May 13, 1965, with local notice being given pursuant to the provisions of §73.3594, and material related to such applications, need not be placed in file required to be kept by this section. Applications tendered for filing after May 13, 1965, which contain major amendments to applications tendered for filing on or before May 13, 1965, with local notice of the amending application being given pursuant to the provisions of §73.3580, need not be placed in the file required to be kept by this section.

(2) A copy of every application tendered for filing by the licensee or permittee for such station which is not included in (1) of this paragraph and which involves changes in program service, which requests an extension of time in which to complete construction of a new station, or which requests consent to involuntary assignment or transfer, or to voluntary assignment or transfer not resulting in a substantial change in ownership or control and which may be applied for on FCC Form 316; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the FCC and the applicant pertaining to the application after it has been tendered for filing, and copies of all documents incorporated therein by reference, which according to the provisions of §50.451-0.461 of these rules are open for public inspection at the offices of the FCC. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and there has been no

change in the document since the date of filing and the licensee, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition.

(3) A copy of every ownership report or supplemental ownership report filed by the licensee or permittee for such station after May 13, 1965, pursuant to the provisions of this part; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the FCC pertaining to the reports after they have been filed, and all documents incorporated therein by reference, including contracts listed in such reports in accordance with the provisions of §73.3615(a)(4)(i) and which according to the provisions of §50.451-0.461 of the rules are open for public inspection at the offices of the FCC. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the licensee or permittee, after making the reference, so states.

(4) Such records as are required to be kept by §73.1940 concerning broadcasts by candidates for public office.

(5) A copy of every annual employment report filed by the licensee or permittee for such station pursuant to the provisions of this part; and copies of all exhibits, letters and other documents filed as part thereof, all amendments thereto, and all correspondence between the permittee or licensee and the FCC pertaining to the reports after they have been filed and all documents incorporated therein by reference and which according to the provisions of §50.451-0.461 of the rules are open for public inspection at the offices of the FCC.

(6) The Public and Broadcasting—A Procedure Manual (see FCC 74-942, 39 FR 32288, September 5, 1974).

(7) Letters received from members of the public as are required to be retained by §73.1202.

(8) For TV stations, a copy of the Annual Programming Report (Form 303-A) containing programming information for a composite week selected by the FCC and the licensee's or permittee's program logs for that composite week.

(9) To be placed in the public inspection file every year, on the anniversary date on which the station's renewal application would be due for filing with the FCC, a listing of no more than ten significant problems and needs of the area served by the station during the preceding twelve months. In relation to each problem or need cited, licensees and permittees shall indicate typical and illustrative programs or program series, excluding ordinary news inserts of breaking events (the daily or ordinary news coverage of breaking newsworthy events), which were broadcast during the preceding twelve months in response to those problems and needs. Such a listing shall include the title of the program or program series, its source, type, brief description, time broadcast and duration. The third annual listing shall be placed in the station's public inspection file on the due date of the filing of the station's application for renewal of license. Additionally, upon the filing of the station's application for renewal of license, the three annual problems-programs listings shall be forwarded to the FCC as part of that application. The annual listings are not to exceed five pages, but may be supplemented at any time by additional material placed in the public inspection file and identified as a continuation of the information submitted to the FCC.

(10) Although not part of the regular file for public inspection, program logs for TV and radio stations will be available for public inspection under the circumstances set forth in §73.1850 and discussed in the Public and Broadcasting Procedural Manual; Revised Edition.

(11) Each licensee or permittee of a commercial operated radio or TV station (except as provided in NOTE 2, below) shall place in the station's public inspection file appropriate documentation relating to its efforts to interview a representative cross-section of community leaders within its service area to ascertain community problems and needs. Such documentation shall be placed in the station's public inspection file within a reasonable time after the date of completion of each interview, but in no event later than the due date for filing the station's application for renewal of license and shall include: (i) the name, address, organization, and position or title of the community leader interviewed; (ii) the date, time and place of the interview; (iii) the name of the principal, management-level or other employee of the station conducting the inter-

view; (iv) the problems and needs discussed during the interview or, when the interviewee requests that his/her statements be held in confidence, that request shall be noted; and (v) for interviews conducted by non-principals or nonmanagers, the date of review of the interview record by a principal or management-level employee of the station.

Additionally, upon the filing of the application for renewal of license, each licensee shall forward to the FCC as part of the application for renewal of license a checklist indicating the numbers of community leaders interviewed during the current license term representing the several elements found on the form, provided that, if a community lacks one of the enumerated institutions or elements, the licensee or permittee shall so indicate by providing a brief explanation on its checklist.

(12) Each licensee or permittee of a commercially operated radio and TV station (except as provided in NOTE 2, below) shall place in the station's public inspection file documentation relating to its efforts to consult with a roughly random sample of members of the general public within its city of license to ascertain community problems and needs. Such documentation shall consist of: (i) Information relating to the total population of the station's city of license including the numbers and proportions of males and females; of minorities; of youth (17 and under); and of the elderly (65 and over); (ii) a narrative statement of the sources consulted and the methods followed in conducting the general public survey, including the number of people surveyed and the results thereof.

Such documentation shall be placed in the public inspection file within a reasonable time after completion of the survey but in no event later than the date the station's application for renewal of license is filed. Upon filing its application for renewal of license, each licensee and permittee must certify that the above-noted documentation has been placed in the station's public inspection file.

NOTE 1: The engineering section of applications mentioned in subparagraphs (a)(1) and (2) above, and material related to the engineering section, need not be kept in the file required to be maintained by this paragraph. If such engineering section contains service contour maps submitted with that section, copies of such maps, and information (state, county, city, street address, or other identifying information) showing main studio and transmitter location shall be kept in the file.

NOTE 2: Subparagraphs (a)(11) and (a)(12) above shall not apply to commercial radio and TV stations within cities of license which (1) have a population, according to the immediately preceding decennial U.S. Census, of 10,000 persons or less; and (2) are located outside all fined by the Federal Bureau of the Census).

(b) Responsibility in case of assignment or transfer. (1) In cases involving applications for consent to assignment of broadcast station construction permits or licenses, with respect to which public notice is required to be given under the provisions of §73.3580 or §73.3594, the file mentioned in paragraph (a) of this section shall be maintained by the assignor. If the assignment is consented to by the FCC and consummated, the assignee shall maintain the file commencing with the date on which notice of the consummation of the assignment is filed with the FCC. The file maintained by the assignee shall cover the period both before and after the time when the notice of consummation of assignment was filed. The assignee is responsible for obtaining copies of the necessary documents from the assignor or from the FCC files.

(2) In cases involving applications for consent to transfer of control of a permittee or licensee of a broadcast station, the file mentioned in paragraph (a) of this section shall be maintained by the permittee or licensee.

(c) Station to which records pertain. The file need contain only applications, ownership reports, and related material that concern the station for which the file is kept. Applicants, permittees, and licensees need not keep in the file copies of such applications, reports, and material which pertain to other stations with regard to which they may be applicants, permittees, or licensees, except to the extent that such information is reflected in the materials required to be kept under the provisions of this section.

(d) Location of records. The file shall be maintained at the main studio of the station, or any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours.

(3) Period of retention. The records specified in paragraph (a)(4) of this section shall be retained for

the periods specified in §73.1940 (2 years) The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The letters specified in paragraph (a)(7) of this section shall be retained for the period specified in §73.1202 (3 years) The records specified in paragraph (a)(1), (2), (3), (5), (8), (9), (11) and (12) of this section shall be retained as follows: (1) The applicant for a construction permit for a new station shall maintain such a file so long as the application is pending before the FCC or any proceeding involving that application is pending before the courts. (If the application is granted, subparagraph (2) below shall apply.)

(2) The permittee or licensee shall maintain such a file so long as an authorization to operate the station is outstanding, and shall permit public inspection of the material as long as it is retained by the licensee even though the request for inspection is made after the conclusion of a required retention period specified in this subparagraph. However, material which is voluntarily retained after the required retention time may be kept in a form and place convenient to the licensee, and shall be made available to the inquiring party, in good faith after written request, at a time and place convenient to both the party and the licensee. Applications and related material placed in the file shall be retained for a period of 7 years from the date the application is tendered for filing with the FCC with two exceptions: First, engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and second, all of the material shall be retained for whatever longer period is necessary to comply with the following requirements:

(i) Material shall be retained until final FCC action on the second renewal application following the application or other material in question; and (ii) Material having a substantial bearing on a matter which is the subject of a claim against the licensee, or relating to an FCC investigation or a complaint to the FCC of which the licensee has been advised, shall be retained until the licensee is notified in writing that the material may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statute of limitations. Where an application or related material incorporates by reference material in earlier applications and material concerning programming and related matters (Section IV and related material), the material so referred to shall be retained as long as the application referring to it. If a written agreement is not incorporated in an application tendered for filing with the FCC, the starting date of the retention period for that agreement is the date the agreement is executed.

(f) Copies of any material in the public file of any TV or radio station shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the licensee, within a reasonable period of time which in no event shall be longer than seven days unless reproduction facilities are unavailable in the licensee's city of license. The licensee is not required to honor requests made by mail but may do so if it chooses.

License Renewals

General...

§73.3539 Application for renewal of license.—(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a non-business day, the cut-off shall be the close of business of the first full business day thereafter.

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the Commission, the information, if any, currently required by §§73.3611-73.3615, inclusive, for the particular class of station. The renewal application shall include a reference by date and file number to such information on file.

(c) 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 pro-

ceed as if such renewal application has been received.

(d) The following application forms shall be used: [EDITOR'S NOTE: There follows a list of forms to be used in filing for license renewals.]

§73.1020 Station license period.—(a) Initial licenses for broadcast stations will ordinarily be issued for a period running until the date specified in this section for the state or territory in which the station is located. If issued after such date, it will run to the next renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years. If the FCC finds that the public interest, convenience, and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewal licenses will be 3 a.m., local time, on the following dates and a 3-year intervals thereafter for stations located in:

- (1) Delaware and Pennsylvania, August 1, 1978.
- (2) Maryland, District of Columbia, Virginia and West Virginia, October 1, 1978.
- (3) North Carolina and South Carolina, December 1, 1978.
- (4) Florida, Puerto Rico and Virgin Islands, February 1, 1979.
- (5) Alabama and Georgia, April 1, 1979.
- (6) Arkansas, Louisiana and Mississippi, June 1, 1979.
- (7) Tennessee, Kentucky and Indiana, August 1, 1979.
- (8) Ohio and Michigan, October 1, 1979.
- (9) Illinois and Wisconsin, December 1, 1979.
- (10) Iowa and Missouri, February 1, 1980.
- (11) Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1980.
- (12) Kansas, Oklahoma and Nebraska, June 1, 1980.
- (13) Texas, August 1, 1980.
- (14) Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1980.
- (15) California, December 1, 1980.
- (16) Washington, Oregon, Alaska, Guam and Hawaii, February 1, 1981.
- (17) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1981.
- (18) New Jersey and New York, June 1, 1981.

NOTE: For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see §1.516(c) of this chapter.

Station Identification

All broadcast stations...

§73.1201 Station identification.—(a) When regularly required, broadcast station identification announcements shall be made: (1) at the beginning and ending of each hour of operation, and (2) hourly, as close to the hour as feasible, at a natural break in program offerings. Television broadcast stations may make these announcements visually or aurally.

(b) Content. (1) Official station identification shall consist of the station's call letters immediately followed by the community or communities specified in its license as the station's location; provided, that the name of the licensee or the station's frequency or channel number, or both, as stated on the station's license may be inserted between the call letters and station location. No other insertion is permissible.

(2) When given specific written authorization to do so, a station may include in its official station identification the name of an additional community or communities, but the community to which the station is licensed must be named first.

(3) A licensee shall not in any identification announcements, promotional announcements or any other broadcast matter either lead or attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identifications under subparagraphs (1) and (2) of this paragraph.

NOTE: Commission interpretations of this paragraph may be found in a separate Public Notice issued October 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location." (FCC 67-1132; 10 FCC 2d 407.)

(c) Channel. (1) Generally, Except as provided in this paragraph, in making the identification announcement the call letters shall be given only on the channel of the station identified thereby.

FCC Rules

(2) Simultaneous AM-FM broadcasts. If the same licensee operates an FM broadcast 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 so identify it.

(3) Satellite operation. When programming of a broadcast station is rebroadcast simultaneously over the facilities of a satellite station, the originating station may make identification announcements for the satellite station for periods of such simultaneous operation.

(i) In the case of a television broadcast station, such announcements, in addition to the information required by paragraph (b) (1) of this section, shall include the number of the channel on which each station is operating.

(ii) In the case of aural broadcast stations, such announcements, in addition to the information required by paragraph (b) (1) of this section, shall include the frequency on which each station is operating.

Announcement of sponsored programs

§73.1212 Sponsorship identification; list retention; related requirements.—(a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce (i) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied; provided, however, that "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) The licensee of each standard broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station, as required by Section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter; provided, however, that in the case of any broadcast of 5 minutes duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be

known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief directors of the corporation, committee, association or other unincorporated group, or other entity, shall be made available for public inspection at the location specified by the licensee under §1.526 of this chapter. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under §1.526 of this chapter. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, 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 broadcast.

(g) The announcement otherwise required by Section 317(a) of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address and (where available) the telephone number of each advertiser;

(2) Attach the list to the program log for the day when such broadcast was made; and

(3) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(h) Any announcement required by Section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the commission in its report and order adopted November 16, 1960 (FCC 60-1369; 40 FCC 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when §73.654, the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules are contained in the commission's public notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 FCC 141), as modified by public notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission reports.

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

Public Notice

In AM, FM and TV...

§73.1202. Public notice of licensee obligations. (a) Each licensee of a commercial AM, FM, or TV broadcast station shall make an announcement informing the public of the licensee's obligations to the people and of the appropriate method for individuals to express their opinions of the station's operation. Such announcements shall be aired on the first and sixteenth day of each calendar month throughout the license period except during the period beginning on the first day of the sixth full calendar month prior to the license expiration, and ending on the last day of the next to last full calendar month prior to expiration, during which time the renewal application notices in §73.3580 shall be broadcast. Such announcements shall be aired during the following time periods:

(1) For TV stations, the announcement broadcast on

the first day of each calendar month shall be scheduled between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain time). The announcement scheduled on the sixteenth day of each calendar month shall be broadcast during the following four-hour time periods in rotating order: 6 a.m. to 10 a.m., 10 a.m. to 2 p.m., and 2 p.m. to 6 p.m., beginning with the 6 a.m. to 10 a.m. period.

(2) For radio stations, the announcement broadcast on the first day of each calendar month shall be scheduled either between 7 a.m. and 9 a.m. or between 4 p.m. and 6 p.m. The announcement broadcast on the sixteenth day of each calendar month shall be scheduled during the following time periods in rotating order: 9 a.m. to 1 p.m., 1 p.m. to 4 p.m., and 6 p.m. to 10 p.m., beginning with the 9 a.m. to 1 p.m. period. For stations which do not operate between 7 a.m. and 9 a.m. or between 4 p.m. and 6 p.m., the announcement broadcast on the first day of each calendar month shall be scheduled during the first two hours of broadcast operation and the announcement broadcast on the sixteenth day of each month shall be scheduled during all other three-hour time periods during the broadcast day in rotating order.

(b) If an emergency arises which prevents the broadcasting of the announcement at the scheduled time, the announcement shall be broadcast on the day following the ending of such emergency at the identical time period in the rotating order specified above.

(c) The announcement for both radio and TV stations shall contain the following information (stations broadcasting in a foreign language should broadcast the announcement in that language)

(1) The station's call letters.

(2) A statement that on (give date of last renewal grant) the station was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (give date of license expiration)

(3) A statement that on (give the anniversary date of the deadline for filing of the renewal application) the station places in its local public inspection file a list of what the licensee considers to have been some of the significant problems and needs of the service area during the preceding twelve months and some of the programs the station broadcast to help meet those problems and needs.

(4) A statement that the station invites any specific suggestions or comments the public may have regarding station operation and the licensee's programming efforts.

(5) The name and address to which comments should be mailed.

(6) A statement that, unless otherwise requested, all letters received will be available for public inspection during regular business hours.

(7) Sample announcement. "On (date of last renewal grant), (station's call letters) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (date of license expiration). Each (anniversary date of deadline for filing renewal application) we place in our local public inspection file a list of what we consider to have been some of the significant problems and needs of our service area during the preceding twelve months and some of our programming to help meet those problems and needs. We invite you to send specific suggestions or comments concerning our station operation and programming efforts to (name and mailing address). Unless otherwise requested, all letters received will be available for public inspection during regular business hours."

(8) For TV stations, the licensee's name and address for sending comments shall be given visually as well as orally by the announcer.

(d) During the period beginning the first day of the last full calendar month prior to expiration of the license and until the date of the license renewal stations shall broadcast the appropriate announcement described herein, except that, in lieu of paragraph (c) (2) above, licensees shall broadcast a statement that the station is licensed by the Federal Communications Commission to serve the public interest as a public trustee and shall not mention the date of the last renewal grant or the expiration date of the license period.

(1) Following the date of renewal and commencing on the first or sixteenth day of the month (whichever comes first), the regular announcement shall be resumed and shall be broadcast in accordance with the schedule in paragraph (a) above.

(e) All written comments and suggestions received from the public regarding operation of the station shall be maintained in the local public inspection file, unless the letter writer has requested that the letter not be made public or when the licensee feels that it should be

excluded from public inspection because of the nature of its content, such as a defamatory or obscene letter.

(1) Letters shall be retained in the local public inspection file for three years from the date on which they are received by the licensee.

(2) Letters received by TV licensees only shall be placed in one of the following separated subject categories: programming or nonprogramming. If comments in a letter relate to both categories, the licensee shall file it under the category to which the writer has given the greater attention.

Fraudulent Billing

§73.1205 Fraudulent billing practices.—No licensee of a standard, FM or television broadcast station shall knowingly issue or knowingly cause to be issued to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber, or any other party, any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature or content of such advertising, or which misrepresents the quantity of advertising actually broadcast (number or length of advertising messages) or which substantially and/or materially misrepresents the time of day at which it was broadcast, or which misrepresents the date on which it was broadcast.

(b) Where a licensee and any program supplier have entered into a contract or other agreement obligating the licensee to supply any document providing specified information concerning the broadcast of the program or program matter supplied, including non-commercial matter, the licensee shall not knowingly issue such a document containing information required by the contract or agreement that is false.

(c) A licensee shall be deemed to have violated this section if it fails to exercise reasonable diligence to see that its agents and employees do not issue documents containing the false information specified in (a) and (b) above.

NOTE: Commission interpretations of the rule may be found in a separate Public Notice issued June 10, 1976, entitled "Applicability of the Fraudulent Billing Rule." FCC 76-489, 41 FR.

§73.1206 Broadcast of telephone conversations.—Before recording a telephone conversation for broadcast, or broadcasting such a conversation simultaneously with its occurrence, a licensee shall inform any party to the call of the licensee's intention to broadcast the conversation, except where such party is aware, or may be presumed to be aware from the circumstances of the conversation, that it is being or likely will be broadcast. Such awareness is presumed to exist only when the other party to the call is associated with the station (such as an employe or part-time reporter), or where the other party originates the call and it is obvious that it is in connection with a program in which the station customarily broadcasts telephone conversations.

Rebroadcasts

§73.1207 Rebroadcasts. (a) The term "rebroadcast" means reception by radio of the programs or other transmissions of a broadcast or any other type of radio station, and the simultaneous or subsequent retransmission of such programs or transmissions by a broadcast station.

(1) As used in this section, "program" includes any complete program or part thereof.

(2) The transmission of a program from its point of origin to a broadcast station entirely by common carrier facilities, whether by wire line or radio, is not considered a rebroadcast.

(b) No broadcasting station may rebroadcast the program, or any part thereof of another U.S. broadcast station without the express authority of the originating station. A copy of the written consent of the licensee originating the program must be kept by the licensee of the station rebroadcasting such program and made available to the FCC upon request. Stations originating emergency communications under a Detailed State EBS Operational Plan are deemed to have conferred rebroadcast authority to other participating stations. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

(c) Programs originated by the Voice of America (VOA) and the American Forces Radio and Television Service (AFRTS) cannot, in general, be cleared for domestic rebroadcast, and may therefore be rebroadcast only by special arrangement among the parties concerned. Except as otherwise provided by interna-

tional agreement, programs originated by foreign broadcasting stations may be rebroadcast without the consent of the originating station. In the case of retransmissions of subcarrier background music and other FM multiplex subscription services, permission must first be obtained from the originating station. The retransmission of point-to-point messages originated by government and privately owned non-broadcast stations must be authorized by the FCC prior to retransmission; such authority may be requested informally by telephone, to be followed within one week with a written confirmation accompanied by the written consent of the originating station.

(d) The rebroadcasting of time signals originated by the Naval Observatory and the National Bureau of Standards and messages from the National Weather Service stations is permitted without specific authorization under the following procedures:

(1) Naval Observatory Time Signals. (i) The time signals rebroadcast must be obtained by direct radio reception from a naval radio station, or by land line circuits. (ii) Announcement of the time signal must be made without reference to any commercial activity. (iii) Identification of the Naval Observatory as the source of the time signal must be made by an announcement, substantially as follows: "With the signal, the time will be courtesy of the U.S. Naval Observatory." (iv) Schedules of time signal broadcasts may be obtained upon request from the Superintendent, U.S. Naval Observatory, Washington, D.C. 20390.

(2) National Bureau of Standards Time Signals. (i) Time signals for rebroadcast must be obtained by direct radio reception from a National Bureau of Standards (NBS) station. (ii) Use of receiving and rebroadcasting equipment must not delay the signals by more than 0.05 second. (iii) Signals must be rebroadcast live, not from tape or other recording. (iv) Voice or code announcements of the call signs of NBS stations are not to be rebroadcast. (v) Identification of the origin of the service and the source of the signals must be made by an announcement substantially as follows: "At the tone, 11 hours 25 minutes Coordinated Universal Time. This is a rebroadcast of a continuous service furnished by the National Bureau of Standards, Ft. Collins, Colo." No commercial sponsorship of this announcement is permitted and none may be implied. (vi) Schedules of time signal broadcasts may be obtained from, and notice of use of NBS time signals for rebroadcast must be forwarded semiannually to: National Bureau of Standards, WWV/WWVB, 2000 East County Road 58, Ft. Collins, Colo 80524. (vii) In the rebroadcasting of NBS time signals, announcements will not state that they are standard frequency transmissions. Voice announcements of Coordinated Universal Time are given in voice every minute. Each minute, except the first of the hour, begins with an 0.8 second long tone of 1000 hertz at WWV and 1200 hertz tone at WWVH. The first minute of every hour begins with an 0.8 second long tone of 1500 hertz at both stations. This tone is followed by a 3-second pause, then the announcement, "National Bureau of Standards Time." This is followed by another 3-second pause before station identification. This arrangement allows broadcast stations sufficient time to retransmit the hour time tone and the words "National Bureau of Standards Time" either by manual or automatic switching. (viii) Time signals or scales made up from integration of standard frequency signals broadcast from NBS stations may not be designated as national standard scales of time or attributed to the NBS as originator. For example, if a broadcasting station transmits time signals obtained from a studio clock which is periodically calibrated against the NBS time signals from WWV or WWVH, such signals may not be announced as NBS standard time or as having been originated by the NBS.

(3) National Weather Service Messages. (i) Messages of the National Weather Service must be rebroadcast within 1 hour of receipt. (ii) If advertisements are given in connection with weather rebroadcast, these advertisements must not directly or indirectly convey an endorsement by the U.S. Government of the products or services so advertised. (iii) Credit must be given to indicate that the rebroadcast message originates with the National Weather Service. (e) A broadcast station may not rebroadcast, live or delayed, the transmissions of a Personal Radio Service station.

(d) A broadcasting station may not rebroadcast, live or delayed, the transmissions of a Citizen's Radio Station.

Recordings, Tapes and Films

§73.1208 Broadcast of taped, filmed, or recorded material.—(a) Any taped, filmed or recorded program material in which time is of special

significance, or by which an affirmative attempt is made to create the impression that it is occurring simultaneously with the broadcast, shall be announced at the beginning as taped, filmed or recorded. The language of the announcement shall be clear and in terms commonly understood by the public. For television stations, the announcement may be made visually or aurally.

(b) Taped, filmed or recorded announcements which are of a commercial, promotional or public service nature need not be identified as taped, filmed, or recorded.

Time

For AM, FM and TV..

§73.1209 References to time. Unless specifically designated as "standard (non-advanced)" or "advanced," all references to time contained in this part, and in license documents and other authorizations issued thereunder, shall be understood to mean local time; i.e., the time legally observed in the community.

Political Broadcasts

For AM, FM and TV..

§73.1940 Broadcasts by candidates for public office.—(a) Definitions. (1) A legally qualified candidate for public office is any person who: (a) has publicly announced his or her intention to run for nomination or office; (b) is qualified under the applicable local, state or federal law to hold the office for which he or she is a candidate; and, (c) has met the qualifications set forth in either subparagraphs (2), (3), or (4), below.

(2) A person seeking election to any public office including that of President or Vice President of the United States, or nomination for any public office except that of President or Vice President, by means of a primary, general or special election, shall be considered a legally qualified candidate if, in addition to meeting the criteria set forth in subparagraph (1) above, that person: (a) has qualified for a place on the ballot, or (b) has publicly committed himself or herself to seeking election by the write-in method and is eligible under applicable law to be voted for by sticker, by writing in his or her name on the ballot or by other methods, and makes a substantial showing that he or she is a bona fide candidate for nomination or office.

Persons seeking election to the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered legally qualified candidates only in those states or territories (or the District of Columbia) in which they have met the requirements set forth in paragraph (a)(1) and (2) of this rule: Except, that any such person who has met the requirements set forth in paragraph (a)(1) and (2) in at least 10 states (or nine and the District of Columbia) shall be considered a legally qualified candidate for election in all states, territories and the District of Columbia for purposes of this Act.

(3) A person seeking nomination to any public office, except that of President or Vice President of the United States, by means of a convention, caucus or similar procedure, shall be considered a legally qualified candidate if, in addition to meeting the requirements set forth in paragraph (a)(1) above, that person makes a substantial showing that he or she is a bona fide candidate for such nomination: Except, that no person shall be considered a legally qualified candidate for nomination by the means set forth in this paragraph prior to 90 days before the beginning of the convention, caucus or similar procedure in which he or she seeks nomination.

(4) A person seeking nomination for the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered a legally qualified candidate only in those states or territories or the District of Columbia in which, in addition to meeting the requirements set forth in paragraph (a)(1) above, (a) he or she, or proposed delegates on his or her behalf, have qualified for the primary or Presidential preference ballot in that state, territory or the District of Columbia, or (b) he or she has made a substantial showing of bona fide candidacy for such nomination in that state, territory or the District of Columbia: Except, that any such person meeting the requirements set forth in paragraph (a)(1) and (4) in at least ten states (or nine and the District of Columbia) shall be considered a

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legally qualified candidate for nomination in all states, territories and the District of Columbia for purposes of this Act.

(5) The term "substantial showing" of bona fide candidacy as used in paragraphs (a)(2), (3) and (4) above means evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his campaign manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.

(b) Charges for use of stations. The charges, if any, made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or reelection, to such office shall not exceed (1) during the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period, and (2) at any other time, the charges made for comparable use of such station by other users thereof. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office. (3) This paragraph shall not apply to any station which is not licensed for commercial operation.

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

(d) Records, inspection. Every licensee shall keep and permit public inspection of a complete record (political file) 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 the request is granted. When free time is provided for use by or on behalf of such candidates, a record of the free time provided shall be placed in the political file. All records required by this paragraph shall be placed in the political file as soon as possible and shall be retained for a period of two years. See §§1.526-27 of this chapter.

(e) Time of request. A request for equal opportunities must be submitted to the licensee within one week of the day on which the first prior use, giving rise to the right of equal opportunities, occurred; provided, however, that where the person was not a candidate at the time of such first prior use, he shall submit his request within one week of the first subsequent use after he has become a legally qualified candidate for the office in question.

(f) Burden of proof. A candidate requesting equal opportunities of the licensee, or complaining of non-compliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

(g) General requirements. (1) Except as otherwise indicated in paragraph (g)(2) of this section, 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 candidates for that office to use such facilities. Such licensee shall have no power of censorship over the

material broadcast by any such candidate. Appearance by a legally qualified candidate on any (i) bona fide newscast, (ii) bona fide news interview, (iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject covered by the news documentary), or (iv) on-the-spot coverage of bona fide news events (including, but not limited to political conventions and activities incidental thereto) shall not be deemed to be use of a broadcasting station. (Section 315(a) of the Communications Act.)

(2) Section 312(a)(7) of the Communications Act provides that the Commission may revoke any station license or construction permit for willful or repeated failure to allow reasonable access to, or to permit purchase of, reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for federal elective office on behalf of his candidacy.

(h) Political broadcasting primer. A detailed study of these rules regarding broadcasts by candidates for federal and non-federal public office is available in the FCC public notice of July 20, 1978, "The Law of Political Broadcasting and Cablecasting."

Revocations, Modifications, Suspensions

All Classes of Station Licenses...

§1.87 Modification of license or construction permit on motion of the Commission.—

(a) Whenever it appears that a station license or construction permit should be modified, the Commission will notify the licensee or permittee in writing of the proposed action and the grounds and reasons therefor and direct him to show cause why an order modifying the license or construction permit in the manner proposed by the Commission should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will notify the licensee or permittee that he may request within a period of time to be stated in the order to show cause, that a hearing be held on the proposed modification. In case of timely request, a hearing will be held on the proposed modification, in no event less than 30 days after the receipt of the order to show cause, unless the Commission finds that safety of life or property require the fixing of a shorter period.

(c) In order to avail himself of the right to request a hearing and of the opportunity to appear and give evidence upon the matters specified in order to show cause, the licensee or permittee, in person or by his attorney shall, within the period of time as may be specified in the order to show cause, file with the Commission a written statement stating that he request a hearing and will appear at the hearing and present evidence on the matter specified in the order to show cause. Such written statement must contain a detailed response to the matter specified in the order to show cause and the permittee or licensee shall be limited in the hearing to matters fairly encompassed within the issues raised by the response.

(d) The right to request a hearing shall, unless a good cause is shown in a petition to be filed not later than 5 days before the lapse of the time specified in paragraph (c) of this section, be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section.

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(e) Where the right to request a hearing is waived and no written statement has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission.

(f) Where the right to request a hearing has been waived, a written statement may be filed within the period of time to be specified in the order to show cause, showing with particularity why the license or construction permit should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may, depending upon the facts alleged and proof offered, either call upon the submitting party to furnish additional information under oath, designate the proceeding for hearing, or issue without further proceedings, an order modifying the construction permit or license as proposed in the order to show cause or in said written statement. The order to show cause will advise the person against whom it is directed of procedure set forth in this paragraph.

(g) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefore, shall specify the effective date of the order and shall be served on the licensee or permittee.

§1.89 Notice of violations.—(a) Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension or cease and desist proceedings are instituted, be served with a written notice calling these facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose. The notice of violation may be combined with a notice of apparent liability to monetary forfeiture. In such event, notwithstanding the notice of violation, the provisions of §1.80 apply and not those of §1.89.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgement made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) 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. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state the date such apparatus was ordered, the name of the manufacturer, and the 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 of the application.

(2) If the notice of violation relates to lack of attention to or improper operation of the transmitter, the named and license number of the operator in charge shall be given.

§1.91 Revocation and/or cease and desist proceedings: hearings.—

(a) If it appears that a station license or construction permit should be revoked and/or that a cease and desist order should be issued, the Commission will issue an order directing the person to show cause why an order of revocation and/or a cease and desist order, as the facts may warrant, should not be issued.

(b) An order to show cause why an order of revocation and/or a cease and desist order should not be issued will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the person to whom it is directed (the respondent) to appear before the Commission at a hearing, at a time and place stated in the order, but not less than thirty days after the receipt of such order, and give evidence upon the matters specified in the order to show cause. However, if safety of life or property is involved, the order to show cause may specify a hearing date less than thirty days from the receipt of such order.

(c) To avail himself of such opportunity for hearing, the respondent, personally or by his attorney, shall file with the Commission, within thirty days of the service of the order or such shorter period as may be specified therein, a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the order. The Commission in its discretion may accept a late appearance. However, an appearance tendered after the specific time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petition for acceptance of late appearance will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(d) Hearings on the matters specified in such orders to show cause shall accord with the practice and procedure prescribed in this subpart and Subpart B of this part, with the following exception: (1) In all such revocation and/or cease and desist hearings, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; and (2) the Commission may specify in a show cause order, when the circumstances of the proceeding require expedition, a time less than that prescribed in §§1.276 and 1.277 within which the initial decision in the proceeding shall become effective, exceptions to such initial decision must be filed, parties must file request for oral argument, and parties must file notice of intention to participate in oral argument.

(e) Correction or promise to correct the conditions or matters complained of in a show cause order shall

not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or cease and desist order should be issued.

(f) Any order of revocation and/or cease and desist order issued after hearing pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the person to whom such order is directed.

§1.92 Revocation and/or cease and desist proceedings: after waiver of hearing.—(a) After the issuance of an order to show cause, pursuant to §1.91, calling upon a person to appear at a hearing before the Commission, the occurrence of any one of the following events or circumstances will constitute a waiver of such hearing and the proceeding thereafter will be conducted in accordance with the provisions of this section.

(1) The respondent fails to file a timely written appearance as prescribed in §1.91(c) indicating that he will appear at a hearing and present evidence on the matters specified in the order.

(2) The respondent, having filed a timely written appearance as prescribed in §1.91(c), fails in fact to appear in person or by his attorney at the time and place of the duly scheduled hearing.

(3) The respondent files with the Commission, within the time specified for a written appearance in §1.91(c), a written statement expressly waiving his rights to a hearing.

(b) When a hearing is waived under the provisions of paragraph (a) (1) or (3) of this section, a written statement signed by the respondent denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause may be submitted within the time specified in §1.91(c). The Commission in its discretion may accept a late statement. However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Chief Hearing Examiner (or the presiding officer if one has been designated) shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

(d) After a hearing has been terminated pursuant to paragraph (c) of this section, the Commission will act upon the matters specified in the order to show cause in the regular course of business. The Commission will determine on the basis of all the information available to it from any source, including such further proceedings as may be warranted, if a revocation order and/or a cease and desist order should issue, and if so, will issue such order. Otherwise, the Commission will issue an order dismissing the proceeding. All orders specified in this paragraph will include a statement of the findings of the Commission and the grounds and reasons therefore, will specify the effective date thereof, and will be served upon the respondent.

(e) Corrections or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or cease and desist order should be issued.

Suspension of Operator Licenses

§1.85 Suspension of operator licenses.—Whenever grounds exist for suspension of an operator license, as provided in Section 303(m) of the Communications Act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension in any operators' license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the

operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Radio Bureau or the Chief, Field Engineering Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. 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.

Logs and Records

§1.6 Availability of station logs and records for Commission inspection.—(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of that law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the Chief of the law enforcement agency shall promptly certify in writing to the Federal Communications Commission that the removal of the logs or records will hinder law enforcement activities of the agency, and stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records may be released to the Federal Communications Commission.

Lotteries

§73.1211 Broadcast of lottery information.—(a) No licensee of an AM, FM or television broadcast station, except as in paragraph (c) of this section, shall broadcast any advertisement 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. (18 USC §1304, 62 Stat 763)

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

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to an advertisement, list of prizes or other information concerning a lottery conducted by a state acting under authority of state law when such information is broadcast: (1) by a radio or television broadcast station licensed to a location in that state, or (2) by a radio or television broadcast station licensed to a location in an adjacent state which also conducts such a lottery.

(d) For the purposes of paragraph (c) of this section, "lottery" means the pooling of proceeds derived

from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. It does not include the placing or accepting of bets or wagers on sporting events or contests.

NOTE: Pursuant to the exemption set out in paragraph (c) of this section, a broadcast station licensed to a location in a state that conducts a state lottery may broadcast advertisements of or information concerning such lottery in its state of license and advertisement of or information concerning such lotteries conducted in any adjacent state. The exemption would, for example, permit a broadcast station licensed to a location in New York, which conducts a lawful state lottery, to broadcast advertisements of or information concerning the New York state lottery as well as the lawful state lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania since these states are adjacent to New York, and also conduct a state lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan state lotteries since those states are not adjacent to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland state lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a state lottery.

§1304 (of U.S. Criminal Code) Broadcast 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 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

§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 communications.

Forfeitures

§503 (of Communications Act)—(a) Any person who shall deliver messages for interstate or foreign transmission to any carrier, or for whom as sender or receiver, any such carrier shall transmit any interstate or foreign wire or radio communication, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transmission of such messages as fixed by the schedules of charges provided for in this Act, shall in addition to any other penalty provided by this Act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

(b) (1) Any person who is determined by the Commission, in accordance with paragraph (3) or (4) of this subsection, to have—

(A) willfully or repeatedly failed to comply substantially with the terms and conditions of any license, permit, certificate, or other instrument or authorization issued by the Commission;

(B) willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act or under any treaty convention, or other agreement to

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which the United States is a party and which is binding upon the United States;

(C) violated any provision of Section 317(c) or 509(a) of this Act; or

(D) violated any provision of Sections 1304, 1343, or 1464 of Title 18, United States Code;

shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by this Act; except that this subsection shall not apply to any conduct which is subject to forfeiture under Title II, Part II or III of Title III, or Section 507 of this Act.

(2) The amount of any forfeiture penalty determined under this subsection shall not exceed \$2,000 for each violation. Each day of a continuing violation shall constitute a separate offense, but the total forfeiture penalty which may be imposed under this subsection, for acts or omissions described in paragraph (1) of this subsection and set forth in the notice or the notice of apparent liability issued under this subsection, shall not exceed—

(A) \$20,000, if the violator is (i) a common carrier subject to the provisions of this Act, (ii) a broadcast station licensee or permittee, or (iii) a cable television operator; or

(B) \$5,000, in any case not covered by subparagraph

(A). The amount of such forfeiture penalty shall be assessed by the Commission, or its designee, by written notice. In determining the amount of such a forfeiture penalty, the Commission or its designee shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(3) (A) At the discretion of the Commission, a forfeiture penalty may be determined against a person under this subsection after notice and an opportunity for a hearing before the Commission or an administrative law judge thereof in accordance with Section 554 of Title 5, United States Code. Any person against whom a forfeiture penalty is determined under this paragraph may obtain review thereof pursuant to Section 402 (a)

(B) If any person fails to pay an assessment of a forfeiture penalty determined under subparagraph (A) of this paragraph, after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the Commission, the Commission shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the forfeiture penalty shall not be subject to review.

(4) Except as provided in paragraph (3) of this subsection, no forfeiture penalty shall be imposed under this subsection against any person unless and until—

(A) the Commission issues a notice of apparent liability, in writing, with respect to such person;

(B) such notice has been received by such person, or until the Commission has sent such notice to the last known address of such person, by registered or certified mail; and

(C) such person is granted an opportunity to show, in writing, within such reasonable period of time as the Commission prescribes by rule or regulation, why no such forfeiture penalty should be imposed. Such a notice shall (1) identify each specific provision, term, and condition of any Act, rule, regulation, order, treaty, convention, or other agreement, license, permit, certificate, instrument, or authorization which such person apparently violated or with which such person apparently failed to comply; (ii) set forth the nature of the act or omission charged against such person and the facts upon which such charge is based; and (iii) state the date on which such conduct occurred. Any forfeiture penalty determined under this paragraph shall be recoverable pursuant to Section 504(a) of this Act.

(5) No forfeiture liability shall be determined under this subsection against any person, if such person does not hold a license, permit, certificate, or other authorization issued by the Commission, unless, prior to the notice required by paragraph (3) of this subsection or the notice of apparent liability required by paragraph (4) of this subsection, such person (A) is sent a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission which is nearest to such person's place of residence; and (C) subsequently engages in conduct of

the type described in such citation. The provisions of this paragraph shall not apply, however, if the person involved is engaging in activities for which a license, permit, certificate, or other authorization is required. Whenever the requirements of this paragraph are satisfied with respect to a particular person, such person shall not be entitled to receive any additional citation of the violation charged, with respect to any conduct of the type described in the citation sent under this paragraph.

(6) No forfeiture penalty shall be determined or imposed against any person under this subsection if— (A) such person holds a broadcast station license issued under Title III of this Act and if the violation charged occurred more than one year prior to the date of issuance of the required notice or notice of apparent liability, or prior to the date of commencement of the current term of such license, whichever is earlier so long as such violation occurred within three years prior to the date of issuance of such required notice; or (B) such person does not hold a broadcast station license issued under Title III of this Act and if the violation charged occurred more than one year prior to the date of issuance of the required notice or notice of apparent liability.

[EDITOR'S NOTE: Section 504 provides for recovery of forfeitures by the government in federal district courts, and for remission or mitigation of forfeitures.]

Station Application Procedure

Any qualified citizen, firm, or group may apply to the Federal Communications Commission for authority to construct a standard (AM), frequency modulation (FM), or television (TV) broadcast station.

Licensing of these facilities is prescribed by the Communications Act of 1934, as amended, which sets up certain basic requirements. In general, applicants must satisfy the commission that they are legally, technically and financially qualified, and that operation of the proposed station would be in the public interest.

Full details of the licensing procedure are in Part I of the Commission's rules, "Practice and Procedure." Station operation is covered by Part 73 "Radio Broadcast Services." This includes technical standards for AM, FM and TV stations, and TV and FM channel (frequency) assignments by states and communities. Copies of the complete rules are available from the Government Printing Office.

Most applicants employ engineering and legal services in preparing their applications. The Commission does not make technical or other special studies for prospective applicants nor does it recommend individual lawyers or engineers. Names of firms and individuals practicing before the Commission are listed in various trade publications.

Following is a summary of the consecutive steps to be followed in applying for authorization to build and operate a broadcast station. The application procedure is substantially the same whether the facility sought is AM, FM or TV.

Selecting a Facility

An AM applicant must make his own search for a frequency on which he can operate without causing or receiving interference from existing stations and stations proposed in pending applications. AM broadcast stations operate on "local," "regional," or "clear" channels. Stations of 250 watts power nighttime and up to 1 kilowatt daytime serve small communities; stations of 500 watts to 5 kilowatts power cover centers of population and surrounding areas; stations of 10 to 50 kilowatts power are for large area coverage, particularly at night.

An FM station applicant must request an FM channel assigned to the community in which he proposes to operate, or a place within a 10-mile radius (for Class A FM stations) or a 15-mile radius (for Class B or Class C FM stations), which has no FM channel assignment. Power, antenna height and station separation are governed by the zone in which the station is located. There are three classes of commercial FM stations and three zones. Class A stations use power from 100 watts to 3 kilowatts to cover a radius of about 15 miles; Class B stations, 5 kilowatts to 50 kilowatts for 40-mile service and Class C, 25 kilowatts to 100 kilowatts for 65-mile range. Noncommercial educational FM stations are in a separate category and may operate with power as low as 10 watts. Commercial and educational FM

stations may apply for a "Subsidiary Communications Authorization" (Form 318) to furnish certain supplemental services. FM stations may engage in stereophonic broadcasting, for which no special application is required.

An applicant for a TV station must request a VHF (very high frequency) or a UHF (ultra high frequency) channel assignment to the community in which he proposes to operate, or a place having no channel assignment within 15 miles of that community. Power depends upon the kind of channel used (VHF or UHF) and station separation is determined by three zones. TV "translator" stations serve remote communities by picking up and rebroadcasting the programs of outside stations, with the latter's permission. They operate on any VHF channel or on any unassigned UHF channel between 55 and 69 or on any unassigned channel. Certain channels are assigned for noncommercial educational TV operation. There is a "Community Antenna Relay Service" for non-common carrier microwave facilities to relay TV signals to cable TV systems.

Applying for a Construction Permit

After a prospective broadcaster has decided upon the type of station he desires, and the place where it would be located, he should ascertain and plan to meet the programming needs of the locality he intends to serve through surveys of community leaders and of the general public. The next step is to apply for a construction permit. This is done on FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Station," which covers AM, FM, or TV broadcasts, except educational applicants (who use FCC Form 340), FM and TV translators (Form 346) and FM booster stations (Form 349P). These forms require information about the citizenship and character of the applicant, as well as his financial, technical and other qualifications, plus details about the transmitting apparatus to be used, antenna and studio locations, and the service proposed. Commercial broadcast applicants are required to show their financial ability to operate for one year after construction of the station. Triplicate copies are required. Nonprofit education institutions apply for new or changed instructional TV fixed stations on Form 330-P.

Applicants Must Give Local Notice

Applicants for new broadcast stations, license renewals, station sales or major changes in existing stations must give local public notice of their plans and also of any subsequent designation of their applications for hearing. This is done over the applicant's local station (if any) and by advertising in the local newspaper. It affords an opportunity for public comment on these applications to the commission. Applicants and stations must also maintain public reference files in their respective localities.

Application Processing

All broadcast applications (except translators) are reported twice by the Commission—when first tendered (received) and, again, when formally accepted for filing. An application is not acted upon until at least 30 days after the Commission gives public notice of its acceptance.

Competing AM-FM-TV applications may be filed up to a date in a notice of AM-FM-TV applications ready for processing. It usually is about 30 days following that notice. During that time objecting petitions may be filed.

Applications generally are processed in the order in which accepted. They are reviewed for engineering, legal and financial data by the Broadcast Bureau which, under delegated authority, acts on routine applications and reports to the Commission those involving policy or other particular considerations. If an application has no engineering or other conflicts and no valid protests have been received, the applicant is found qualified. Assuming all other requirements are met, the application may be granted without hearing and a construction permit issued. All such grants are announced by the Commission. Petitions for reconsideration of grants made without hearing can be filed within 30 days but must show good cause why the objections were not raised before the grant.

Hearing Procedure

Where it appears that an application does not conform to the Commission's rules and regulations, that serious interference would be caused, if there is protest of merit, or if other serious questions of a technical, legal or financial character develop, a hearing is usually required. The FCC must accord a hearing to competing applications filed within specified time limits.

Station Application, Station Trading

Sales and Transfers

If the holder of a construction permit or license desires to assign it to someone else, he makes application on Form 314 ("Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License"). Should the permittee or licensee wish to transfer corporate control, he applies on Form 315 ("Application for Consent to Transfer Control of Corporation Holding Radio Broadcast Station Construction Permit or License"). Form 316 ("Application for Assignment or Transfer—Short Form") may be used when the transfer or assignment involves no substantial change in interest. Sales of stations held less than three years are subject to hearing except in case of death, hardship or other mitigating circumstances beyond the licensee's control.

Construction Changes

Applicants for authority to make construction changes in existing stations apply on the same form used for a construction permit for the type of station involved.

Printed Rules

FCC rules may be obtained only through the Government Printing Office, Washington, D.C. 20402. The rules on FCC practice and procedure are contained in Volume I, which is available for \$14 a copy; the broadcast rules are contained in Volume III, for \$13. Orders should be sent to the Government Printing Office direct (not through the FCC). The printed rules are sold on a subscription basis, which entitles the purchaser to receive subsequent amendments to the rule part purchased until an over-all revised issue is printed.

Application Forms

Application forms may be obtained from the FCC's Administrative Services Division, Supply Section, Room B-10, 1919 M St., Washington, D.C. 20554. (202) 632-7272.

In designating an application for hearing, the Commission gives public notice of the issues for the information of the applicant and others concerned. The hearing notice generally allows the applicant 60 days or more in which to prepare. Even after the hearing has been set, an applicant may amend his application to resolve engineering or other problems if he so requests. (Commission approval is required for all mergers or situations in which a competing applicant withdraws on payment of expenses.)

Hearings on competing applications are normally held at the Commission's Washington offices. Hearings on license revocations and renewals are held in the communities affected.

Hearings are customarily conducted by an Administrative Law Judge (ALJ). He has authority to administer oaths, examine witnesses and rule upon the admission of evidence. A prehearing conference is held to reach agreement on procedural matters.

Within 20 days after the close of a record by the ALJ, each party and the Chief of the FCC Broadcast Bureau can file proposed findings of fact and conclusions to support their contentions. After review of the evidence and statements, the ALJ issues an initial decision.

An applicant or any other party in interest wishing to contest the initial decision has 30 days from the date on which the initial decision was issued to file exceptions. In all cases heard by an ALJ, the commission or its Review Board may hear oral argument on timely request of any party. After oral argument, the Commission or Review Board may adopt, modify or reverse the ALJ's initial decision. In cases where the Review Board has acted on the exceptions, an appeal from its decision may be taken to the FCC within 30 days. However, the Commission may deny an appeal for review without stating its reasons.

Court appeals can be taken within 30 days following release of the final decision, in which case the Commission's action is stayed pending court decision.

Construction Permit

When an application is granted, a construction permit is issued. The new permittee may then request call letters that, if they are available and conform to the rules, are issued. A period of 60 days from date of the construction permit is provided in which construction shall begin, and a maximum of ten months (AM, FM,

FM and TV translators and ITFS) thereafter for completion (or twelve months in all) and a maximum of 16 months (commercial and ED television; UHF-VHF) thereafter for completion (or 18 months in all). Application to modify a broadcast construction authorization or to modify a license is made on Form 301-A, for Remote Control Authority for transmitter. If the permittee is unable to build his station within the time specified, he must apply for extension of time on Form 701 ("Application for Additional Time to Construct a Radio Station"), giving reasons. Upon completion of construction the permittee conducts equipment (not program) tests.

License

The final step is to apply for the actual license on Form 302 ("Application for New Broadcast Station License"), or one of the following: Form 330-L (Instructional TV Fixed stations), Form 341 (Noncommercial Educational FM stations), Form 347 (TV and FM translators), or Form 349L (FM boosters). Applicants must show compliance with all terms, conditions and obligations in the original application and the construction permit. Not until he applies for a license can the holder of a construction permit request authority to conduct program tests. The license application form provides a space for program test requests, or it can be made separately. A station license and program test authority are issued if no new cause or circumstance has come to the attention of the Commission that would make operation of the station contrary to public interest.

Renewals

An applicant for renewal of station license must show that he has operated according to the terms of his authorization and the promises made in obtaining it. Most renewal applications are made on Form 303 ("Application for Renewal of Broadcast Station License"). Instructional TV fixed stations, use Form 330-R. Noncommercial educational licensees use Form 342; TV and FM translators Form 348 and FM boosters Form 349R. Pending the disposition of any Commission hearing or other proceeding involving license renewal or revocation considerations, the station continues to operate even though its license term may have expired.

Station Trading Since 1954

Dollar volume of transactions approved by FCC

Number of stations changing hands

	Total	Radio only	Combined Radio-TV†	TV only		Radio only	Combined Radio-TV†	TV only
1954	\$ 60,344,130	\$ 10,224,047	\$ 26,213,323	\$ 23,906,760	1954	187	18	27
1955	73,079,366	27,333,104	22,351,602	23,394,660	1955	242	11	29
1956	115,605,828	32,563,378	65,212,055	17,830,395	1956	316	24	21
1957	124,187,660	48,207,470	47,490,884	28,489,206	1957	357	28	38
1958	127,537,026	49,868,123	60,872,618	16,796,285	1958	407	17	23
1959	123,496,581	65,544,653	42,724,727	15,227,201	1959	436	15	21
1960	99,341,910	51,763,285	24,648,400	22,930,225	1960	345	10	21
1961	128,804,167	55,532,516	42,103,708	31,167,943	1961	282	13	24
1962	101,742,903	59,912,520	18,822,745	23,007,638	1962	306	8	16
1963	105,303,078	43,457,584	25,045,726	36,799,768	1963	305	3	16
1964	205,756,736	52,296,480	67,185,762	86,274,494	1964	430	20	36
1965	135,123,766	55,933,300	49,756,993	29,433,473	1965	389	15	32
1966	135,718,316	76,633,762	28,510,500	30,574,054	1966	367	11	31
1967	172,072,573	59,670,053	32,086,297	80,316,223	1967	316	9	30
1968	152,455,412	71,310,709	47,556,634	33,588,069	1968	316	9	20
1969	231,697,570	108,866,538	35,037,000	87,794,032	1969	343	5	32
1970	174,785,442	86,292,899	1,038,465	87,454,078	1970	268	3	19
1971	393,547,924	125,501,514	750,000	267,296,410	1971	270	1	27
1972	271,330,537	114,424,673	0	156,905,864	1972	239	0	37
1973	230,381,145	160,933,557	2,812,444*	66,635,144	1973	352	2*	25
1974	307,781,474	168,998,012	19,800,000**	118,983,462	1974	369	5**	24
1975	259,485,961	131,065,860	0	128,420,101	1975	363	0	22
1976	290,923,477	180,663,820	1,800,000	108,459,657	1976	413	1	32
1977	289,871,604	161,236,169	0	128,635,435	1977	344	0	25
1978	651,728,398	331,557,239	30,450,000	289,721,159	1978	586	3	51
1979	1,116,648,000	335,597,000	463,500,000***	317,581,000	1979	546	52***	47
Total	\$6,078,750,984	2,651,888,265	1,155,769,883	2,257,722,736	Total	8,094	294	747

Note: Dollar volume figures represent total considerations reported to all transactions, with the exception of minority-interest transfers in which control of the licensee did not change hands. All sales have been approved by the FCC.

*Two acquisitions of radio-TV combinations were approved in 1973 on waiver of FCC one-to-a-customer rule that became effective in 1971.

**Figure represents merger of Pacific & Southern's combination of four radio and one television stations into Combined Communications Corp.

***Figures represent deals involving sales of radio and television stations in single transactions. Six deals included 17 television stations and 35 radio stations.

Note: Prior to 1978, a combined AM-FM facility was counted as one radio unit in computing total number of stations traded.

†Includes single properties consisting of radio and TV stations.