FEDERAL COMMUNICATIONS COMMISSION

Part 1—Practice and Procedure

(February 1958 Edition)

OFFICES under the chairmanship of the Office of the General Counsel as well as an ad hoc Committee established by the Federal Communications Bar Association; and

It further appearing that as a result of these conferences and after examination of the various comments, the Commission has in part accepted and in part rejected the many views presented; and

It further appearing that a further conference with representatives of the Federal Communications Bar Association has been held and that the Commission has been advised that said Association is agreeable to issuance of the rules in the form set forth below; and

It finally appearing that it is recognized that application of the rules set forth below may indicate the necessity or desirability of further study and amendment thereof and that, therefore, the Commission will welcome suggestions from all interested persons looking toward improvement of said rules;

It is ordered, That pursuant to section 4 (l) and 303 (r) of the Communications Act of 1934, as amended, Part 1 of the Commission's rules and regulations should be and herewith is recodified effective February 3, 1958, as shown below.

Released: December 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION

[Seal]

MARY JANE MORRIS,
Secretary.

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Subpart A—General Rules of Practice and Procedure

General

§ 1.10 Proceedings before the Commission. The Commission may on its own motion, on a petition or a complaint filed, or by a party to the proceeding, hold such proceedings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation or amendment of its rules and regulations. For such purposes it may subpoena witnesses and require the production of evidence. Procedures to be followed by the Commission shall, unless specifically prescribed in this part, be as such as in the opinion of the Commission will best serve the purposes of such proceeding.

§ 1.11 Requests for Commission Action. Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought and the interest of the person submitting the request.

§ 1.12 Separate pleading for different requests. (a) A separate pleading should be filed:
1. For any request to stay the effectiveness of any decision or order issued by the Commission;
2. For each request which, under Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is to be acted upon by different Bureaus or Offices.
3. Where pleadings are filed containing requests which should be acted upon under said Part O by different Bureaus or Offices, the petitioners may, except in case of a request for stay, be requested to file additional copies of the original pleading within a specified period of time. In such case the action on the pleading will be held in abeyance during the period so specified. In case of failure to timely comply with said request, the original pleading will be returned without consideration. The time within which responsive pleadings to such pleadings should be filed will be computed from the date of timely compliance with said request.

§ 1.13 Oppositions and replies to oppositions. Except as otherwise provided in this chapter, oppositions to motions, or other pleadings must be filed within 10 days after such petitions, motions, or other pleadings are filed with the Commission, and replies to such oppositions must be filed within 5 days after such oppositions are filed with the Commission. Provided, however, That oppositions to requests for stay of any order, decision of the Commission, or other temporary relief must be filed within 5 days after such requests are filed and replies thereto within 3 days after such oppositions are filed. No further pleadings may be filed unless specifically requested by the Commission or authorized by it or the Chief Hearing Examiner.

§ 1.14 Withdrawal of papers. The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

§ 1.15 Suspension, amendment or waiver of rules. The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

Note: See Subpart C of this part for practice and procedure involving rule making.

§ 1.16 Reconsideration on Commission's own motion. The Commission, may, on its own motion, set aside any action made or taken by it within 30 days after release of the document containing the full text of such action, or, in case such a document is not released,
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§ 1.17 Declaratory rulings. The Commission may, in accordance with section 5d of the Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

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(b) In computing any period of time, the last day of the period is to be included in the period unless it is a Saturday, Sunday, or a legal holiday, or a day on which the Commission's office is closed prior to 8:00 p.m. in the event the period of time prescribed or allowed in excess of next full day when the Commission's office is open. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays on motion of parties and others shall be excluded in the computation. A half holiday will be considered as a holiday.

(c) All petitions, pleadings, or other request for Commission action must be tendered for filing in complete form before 5:00 p.m. Any such petition, pleading, or other request for Commission action lodged with the Commission in complete form after 5:00 p.m. shall be deemed to be tendered for filing of the next succeeding business day.

(d) Where any petition, pleading, or other document is required to be served by the rules in this chapter and service thereof is made by mail, and the time allowed for filing a response thereto is 10 days or less, an additional 3 days for service of process shall be added to the provisions of this paragraph shall not apply to § 1.193(c).

PARTIES AND PRACTITIONERS

§ 1.21 Parties. (a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to any adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being named in the order designating the proceeding for hearing.

(c) When, in any proceeding, a pleading is filed on behalf of either the General Counsel or the Chief Engineer, he shall thereafter be deemed a party to the proceeding.

§ 1.22 Authority for representation. Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to function in that capacity.

§ 1.23 Persons who may be admitted to practice. (a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarrying, or otherwise restricting him in the practice of law, may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his proper appearance or signature shall constitute a representation to the Commission that, under the provisions of this chapter and the law, he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

§ 1.24 Censure, suspension, or disbarment of attorneys. (a) The Commission may censure, suspend, or disbar any person who has practiced, is practicing, or holding himself out as entitled to practice before it if it finds that such person:

(1) Does not possess the qualifications required by § 1.23;

(2) Has failed to conform to standards of ethical conduct required of practitioners before the Commission of any court of which he is a member;

(3) Is lacking in character or professional integrity; and/or

(4) Displays toward the Commission or any of the hearing officers conduct which, if displayed toward any court of the United States or any of its Territories or the District of Columbia, would be cause for censure, suspension, or disbarment.

(b) Before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.25 Former Commissioners and employees. (a) No Commissioner or employee of the Commission shall, for a period of one year following the termination of his services as a Commissioner, represent any person before the Commission in a professional capacity, except that such person shall apply to any former Commissioner who has served the full term for which he was appointed.

(b) No member, officer, or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) Nothing in this section shall be construed as authorizing the performance of any act which is prohibited by the provisions of Title 18 U.S. C. Sec. 264.

§ 1.26 Appearance. Rules relating to appearance are set forth in §§ 1.132, 1.63, 1.140, and 1.402.

ACTION BY MOTIONS COMMISSIONER, CHIEF HEARING EXAMINER, OR HEARING EXAMINER

§ 1.41 Matters acted on. The motions, petitions, and other pleadings upon which the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner may act are specified in detail in Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information. The provisions and rules governing disposition of motions, petitions, and other pleadings by the Motions Commissioner, Chief Hearing Examiner, and Hearing Examiners are detailed in §§ 1.42 through 1.47, inclusive.

§ 1.42 Number of copies. An original and seven copies of each motion, petition, or other pleading to be acted upon by the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner and of any opposition thereto, shall be filed.

§ 1.43 Time for action. Unless it is found that irreparable injury would be caused one of the parties or that the public interest so requires, or unless all parties have agreed, the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner shall withhold consideration of any motion, petition, or other pleading until an opportunity, accompanied by proof of service upon all parties, for a period of four days.

§ 1.44 Oppositions. Any party may file within the time specified in § 1.43 an opposition to a motion, petition, or other pleading to be acted upon by the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner. Replies to such oppositions will not be accepted. (See however § 1.432)

§ 1.45 Oral argument. Oral argument with respect to any contested motion, petition, or other pleading before the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner will be held upon request or when in the opinion of such officer the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument to be held pursuant hereto.

§ 1.46 Rulings. The Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner will dispose of any matter pending before him by written order which shall be released promptly. The order upon contested matters shall contain a statement of the reasons for the ruling therein, unless such order is self-explanatory or is merely an affirmance of a prior denial in which reasons have been given.

§ 1.47 Review of adverse rulings. Any interested party may obtain a review of an adverse ruling made by the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner,

(a) by filing, within five days after the order is released, or the ruling is made, a petition for review by the Commission or

(b) by specifically requesting review of the ruling complained of as part of the exceptions filed to the initial decision
in accordance with the provisions of §§ 1.153 through 1.155.

SPECIFICATIONS AND SERVICE OF PLEADINGS AND OTHER PAPERS

§ 1.50 Cross reference. (a) Rules governing applications and reports are contained in the respective subparts of this part.

(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in Subpart E of this part.

§ 1.51 Length of pleadings. Pleadings by any party to any proceeding which has been designated for hearing which relate to an appeal from an interlocutory ruling of the Motions Commissioner, the Chief Hearing Examiner, or the Hearing Examiner, or relate to petitions for reconsideration and grant of application without hearing, will not be accepted for filing if the pleadings exceed 18 double spaced typewritten pages. 

Provided, that parties may, in a separate pleading, request permission to file pleadings of more than 15 pages on matters covered by this section, which permission shall be granted by the Chief Hearing Examiner upon good cause shown. Such requests must be filed within two days of the ruling in question. The five-day requirement of § 1.47 shall be operative only after disposal of the request for permission to file a pleading exceeding the limit here specified.

§ 1.52 Specifications as to pleadings and documents. All pleadings and documents (except briefs) filed in any proceeding, whether orally or otherwise specifically provided, be on paper either 8 by 10 inches or 8 1/2 by 11, 13 or 14 inches, with left-hand margin not less than 1 1/2 inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double spaced. Support quoted quotations shall be single spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letterpress, printed or otherwise reproduced and the foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.53 Specifications as to briefs. Briefs may be printed, typewritten, mimeographed, or multiscribed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5 1/2 inches wide by 9 inches long, with inside margin not less than 1 1/2 inches wide, and with double spaced text and single spaced quotations. 

§ 1.54 Number of copies of pleadings, briefs, and other documents. Except as otherwise specifically provided in this chapter, an original and 14 copies of all pleadings, briefs, and other documents provided for by this part shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

§ 1.55 Subscription and verification. The original of all petitions, motions, pleadings, briefs, and other documents filed by any party represented by counsel, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. Copies should be conformed. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by statute, duly executed documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document, that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If the original of a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false, and the matter may proceed as though the document had not been presented. The recording or filing of a document by any person may be subjected to appropriate disciplinary action, pursuant to § 1.24, for a willful violation of this rule or if scandalous or indecent matter is inserted.

§ 1.56 Service of documents and proof of service. A party shall serve documents, in rule making proceedings governed by sections 7 and 8 of the Administrative Procedure Act, and in every other case where service is required or permitted by law, service of all briefs, notices, pleadings, or other papers shall be made in conformity with this section. All such documents which are required or permitted to be served upon parties shall be served by service at the respective dates fixed by these rules for service thereof as follows:

(a) Service upon the party, his attorney, or other duly constituted agent shall be made by the party filing the pleading or document or by his representative by delivering a copy or by mailing it to the last known address: Provided, however, That formal complaints, including supplemental, cross, and amended complaints filed under section 208 of the Communications Act of 1934, as amended, will be served by the Commissioner or his designee represented by an attorney of record in a formal proceeding, the service shall be made upon the attorney. Delivery of a copy pursuant to this section may be made by sending it to the attorney, the party, or the party's duly constituted agent; or leaving it at the office of the person to be served with his clerk or other person in charge thereof, or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode in a package of suitable size and discretion then delivering therein. Service by mail is complete upon mailing. If the person upon whom service by mail is being made resides 500 miles or more from the place of effecting service, such mailing must be made by airmail.

(b) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the proceeding, and the Commission may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

MISCELLANEOUS PROCEDURES

§ 1.61 Notice of violations. (a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee, or the person against whom the notice is directed, shall answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within the 10-day period, or in case of illness or other unavoidable circumstances, acknowledgment 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. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and 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. If the notice of violation relates to lack of attention to or improper operation of the apparatus, the agent or the person to whom the license number of the operator in charge shall be given.

§ 1.62 Revocation of station licenses and construction permits and issuance of cease and desist orders. (a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the Communications Act, the Commission will, except in cases of willfulness or those in which the public health, interest, or safety require otherwise, either by notice of violation as provided for in § 1.61 or by any other written warning, call to the attention of the licensee or permittee the facts or the fact which may warrant revocation of the license or construction permit or the issuance of a cease and desist order, and the Commission will accord to the licensee or permittee a reasonable opportunity to demonstrate or achieve
compliance with the said warning. In
case of failure to timely comply there-
with or in cases of willfulness or those in
which public health, interest, or safety
requires, the Commission will issue an
order directing the licensee, permittee,
or person to show cause why an order
of revocation or a cease and desist order,
as the case may be, should not be issued.
(b) Any order to show cause issued in
accordance with paragraph (a) of this
section will contain a statement of the
matters with respect to which the Com-
misson is inquiring and will call upon
the licensee, permittee, or person to
appear before the Commission at a time
and place stated in the order, but in no
event less than 30 days after the receipt
of such order, and give evidence upon the
matters specified therein: Except that
where safety of life or property is in-
volved, the Commission may provide in
the order for a shorter period.
(c) In order to avail himself of the
opportunity to be heard, the licensee,
permittee, or person in or by his
attorney, shall, within 30 days of the re-
cipt of the order or such shorter pe-
riod as may be specified therein if the
said matter with respect to which the
Commission is inquiring is the same as
with the Commission a written state-
ment stating that he will appear at the
hearing and present evidence on the
matters specified in the order, or if the
licensee, permittee, or person fails to
file such an appearance within the time
specified in this paragraph, the right to
a hearing shall be deemed waived.
(d) The matters specified in the order
to cause show and the prac-
tice and procedure in connection ther-
with shall accord with the provisions of
this subpart and Subpart B of this part,
except that in all such hearings the bur-
den of proving with the introduction of
evidence and burden of proof shall be
upon the Commission, and except that
the Commission may, where the circum-
stances of the proceeding require expedi-
tion, specify in the show cause order
times less than those specified in § 1.153
and do therefor in the hearing deci-
sion in such proceedings shall become
effective, within which exceptions to
such initial decision or replies thereto may
be filed, and within which parties may
file notice of intent to seek and participate
in oral argument.
(e) Where a hearing is waived and no
written statement has been filed within
30 days of the receipt of the order to
show cause or such shorter period of time
as may be specified therein, the allega-
tions of fact contained in the order to
cause show cause will be deemed as correct
and the Hearing Examiner will issue an
initial decision invoking the sanctions speci-
fied in the order to show cause.
(f) Where a hearing is waived, a writ-
ten statement in mitigation or justifica-
tion may be submitted within 30 days
of the receipt of the order to show
cause or within such shorter period of time
as may be specified therein. The Hear-
ing Examiner may, if the statement
contains, with particularity, factual allega-
tions denying or, in the Hearing Ex-
aminer's opinion, modifying the
matters upon which the show cause order
is based, call upon the submitting party
to furnish additional information, and
the Hearing Examiner shall request all
opposing parties to file an answer to the
written statement and/or additional
information. The Hearing Examiner will
then, unless he or she finds that further
pleadings be filed, close the record and
issue, on basis of the procedure deline-
at in this paragraph, an initial de-
cision.
(g) Corrections or promise to correct
the condition complained of in the order
to show cause shall not preclude the is-
suance of an order to cease and desist.
(h) Any order of revocation or cease
and desist order issued to the person to
which the order of revocation or cease and desist
section shall include a statement of find-
ings and the grounds therefor, shall
specify the effective date of the order,
and shall be served on the licensee, per-
mittee, or person.
§ 1.63 Modification of licenses or con-
struction permits or motion of the Com-
mision.
(a) Whenever it appears that a statlon license or construction permit
shall be modified, the Commission will
notify the licensee, permittee, or person
in writing of the proposed action and
the grounds therefor and direct him to
show cause why an order modi-
fying the license or construction permit
in the manner proposed by the Commis-
sion should not be issued.
(b) Any order to show cause issued
in accordance with paragraph (a) of this
section shall notify the licensee or per-
mittee that he may request, within a peri-
on of time of 30 days after the receipt
of the order to show cause, a hearing
in the manner proposed by the Com-
misson and on the grounds set forth in this
paragraph.
§ 1.64 Partial grants. Where the
Commission without a hearing grants
any application in part, or with any
privileges, terms, or conditions other
than those requested, or subject to any
interference that may result to a sta-
tion if designated application or applica-
tions are subsequently granted, the ac-
tion of the Commission shall be consid-
ered as a grant of such application unless
the applicant shall, within 30 days from
the date on which such grant is made or
from its effective date if a later date is
specified, file with the Commission a
written request rejecting the grant as
made and the Commission shall vacate its
order upon the application and the appli-
cation for hearing in the same manner as
other applications are set for hearing.
§ 1.65 Operation pending action on
renewal application. Where there is
pending before the Commission at the
time of expiration of license any proper
and timely application for renewal of
license with respect to any activity of a
station unless otherwise authorized by
the provision of section 9 (b) of the Ad-
ministrative Procedure Act, such license
shall continue in effect without further
action by the Commission until such
time as the Commission shall make a
final determination with respect to the
renewal application. No operation by
any licensee under this section shall be
germinated as a finding that the operation
shall be subject to public interest, convenience, or necessity, nor
shall such operation in any way affect or
limit the action of the Commission with
respect to any pending application or
licensure. In the event of noncompliance
with this section, the Commission shall
make a final determination with respect to
such renewal application. The provision
of this section shall not set the date of
expiration specified in the license, post,
in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the renewal application which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the license has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for the renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may, in its discretion, grant a temporary extension or, granted without determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radiating device for the public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in and of itself or limit the jurisdiction of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization is not on its face conclusive as to whether a station will have sufficient financial resources to continue operation, the Commission, upon examination of such application, shall find that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, be contrary to the public interest, the renewable station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

1.67 Procedures for handling applications requiring special aeronautical study. (a) All antenna surveys are conducted by the Antenna Survey Branch of the Engineering Division, Field Engineering and Monitoring Bureau.

(b) Each operating Bureau or Office examines the application and determines whether it is responsible to ascertain whether or not an antenna consideration is required. If such consideration is required, the antenna data is furnished to the Antenna Survey Branch of the Engineering Division, Field Engineering and Monitoring Bureau.

(c) The Antenna Survey Branch then ascertains whether a special aeronautical study is required.

(d) If no special aeronautical study is required, the application and the appropriate antenna painting and lighting specifications are returned to the originating Bureau or Office for such further action as is necessary.

(e) If a special aeronautical study is required, the antenna data are forwarded to the appropriate regional airspace subcommittee for its study and recommendations and the originating Bureau or Office advises of this action.

(f) Upon receipt of a report from the airspace subcommittee approving a proposed antenna, the Antenna Survey Branch will notify the applicant that a number of additional questions of painting and lighting specifications or other conditions in accordance with the provisions of Part 17 of this chapter and forwards this information to the originating Bureau or Office. If the proposed antenna is disapproved, a report of the disapproval is forwarded to the originating Bureau or Office.

§ 1.68 [Reserved.]

§ 1.69 [Reserved.]

§ 1.70 Application for radio operator license. (a) For an application for a new, renewed, replacement, or duplicate commercial personal or commercial operator license, for a verification card, or for a verification of operator license (for additional posting) FCC Form 759, shall be filed on FCC Form 756 entitled "Application for Radio Operator License": Except that, if a restricted radiotelephone operator permit is being applied for, FCC Form 756 shall not be used but application shall in all cases be filed on FCC Form 753-1 entitled "Application for Restricted Radiotelephone Operator Permit by Declaration.

(b) Application for an amateur radio operator license is included with the application for station license. (See § 1.530.)

§ 1.71 Procedure with respect to commercial radio operator license applications. (a) Upon acceptance for filing of an application for a new commercial operator license, an examination is conducted, where required, by the field office with which the application is filed in accordance with § 1.75 of this chapter. If applicant passes the examination and is found qualified in respect to citizenship, character, and physical condition, the license will be issued. Where determined character, character, or physical condition arise, the application is referred to the Commission's Inspection and Examination Division, Field Engineering and Monitoring Bureau, Washington, D.C., for consideration. If it appears that further information is required to determine the applicant's qualifications or that a grant of the application will not serve the public interest, the applicant will be notified in writing and given an opportunity to furnish such written showings as the Commission may request and as the applicant may desire to submit. If, from the information furnished, it does not appear that the applicant is qualified or that the public interest would not be served by a grant of the application, the applicant will be advised thereof in writing and given the opportunity to request, within the period of time to be specified in such writing, that the application be set for hearing. In case of failure timely to request such hearing, the application will be denied.

(b) Where an examination is not required, the application will be handled with respect to other matters in accordance with the procedure contained in paragraph (a) of this section.

(c) Applications for renewal of license after acceptance for filing are handled in accordance with the procedure contained in paragraph (a) of this section, provided that no examination is required unless the circumstances as set forth in § 13.38 of this chapter exist, in which case a renewal examination will be required.

§ 1.72 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 operation of such license for the period of 15 days. Upon receipt of notice of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator, who may have an opportunity to apply to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator 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 the 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 of the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Field Engineering and Monitoring 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., or 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.

§ 1.73 Procedure with respect to equipment type approval and type acceptance. Rules on applications for equipment type approved and on type acceptance are contained in Part 2, Subpart F, of this chapter.

§ 1.74 Procedure with respect to Experimental Radio Services. Rules governing applications for licensing of stations in the Experimental Radio Services (other than broadcast) are contained in Part 5 of this chapter.
§ 1.75 Procedure with respect to licensing in the industrial, scientific, and medical services. Applications for a license for the use in the industrial, scientific, and medical service are contained in Part 18 of this chapter.

SUBPART B—HEARING AND DECISION PRACTICE AND PROCEDURE

GENERAL

§ 1.101 Scope. This subpart shall be applicable to the following cases which have been designated for hearing:

(a) Adjudication (as defined by the Administrative Procedure Act); and

(b) Rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

Note: For special provisions relating to consideration of standard broadcast applications in the light of the 1950 NARBA and the U.S./Mexican Agreement, see § 1.223.

§ 1.102 Official reporter; transcript. The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. No transcript of the testimony taken thereat, at any hearing, will be furnished by the Commission, but will be open to inspection under § 0.406 of the Commission's Statement of Organization, Delegations of Authority and Other Information. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

§ 1.103 Notice of hearing. Reasonable notice of hearing will be given to all parties to whom the Commission determines should be notified and as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and at any time not later than 10 days prior to the date of hearing, a petition for intervention. The time and place of the hearing will be indicated in the notice of hearing. The notice of hearing will be mailed to the last known address of the person to whom such notice is mailed.

§ 1.104 Petitions to intervene. (a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, a proceeding has been filed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and at any time not later than 10 days prior to the date of hearing, a petition for intervention showing the basis of its interest. Where such person's interest is based on claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensor, applicant, or licensee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer who shall show, either by following the procedures prescribed therein, in good faith, after making determinations of interference in the Advisory opinions, measurements or by actual measurements made in accordance with the methods prescribed in this chapter, the extent of such interference to the person's prejudice and the value of any measurements in support of such claims.

(b) The petition to intervene must be filed with the Commission, which will, after the file is made, decide whether the petition is meritorious and whether the petition to intervene should be granted.

(c) If the petition to intervene is granted, the petition to intervene shall be entered into the record of the proceeding, and such person shall be deemed a party to the proceeding.

(d) The petition to intervene shall be served on the petitioner and on the party in interest, and if such party in interest has not retired or withdrawn his petition, such person shall be deemed a party to the proceeding.

(e) The petition to intervene shall be served on the party in interest, and if such party in interest has not retired or withdrawn his petition, such person shall be deemed a party to the proceeding.

(f) The petition to intervene shall be served on the party in interest, and if such party in interest has not retired or withdrawn his petition, such person shall be deemed a party to the proceeding.

§ 1.105 Participation by non-parties; considerations. In considering applications, (a) If any matter is designated for hearing the Secretary will notify all persons who have requested that they be advised of the hearing in order that they will have an opportunity to appear and give evidence at such hearing. In the case of communications bearing more than one signature, notice of hearing shall be given to each person. If the communication clearly indicates that such notice should be sent to someone other than such person, (b) No person shall be precluded from giving a hearing in the industrial, scientific, or medical service as a party in interest because he lacks a sufficient interest to justify his intervention as a party in the matter. (c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.106 Consolidations. (a) The Commission, upon its own motion or the motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims.

(b) In non-broadcast cases, no application will be consolidated for hearing with a previously filed application or applications unless such application is substantially complete and tendered for filing not later than the close of business on the day preceding the day the previously filed application or applications are designated for hearing.

(2) In non-broadcast cases, any application which is mutually exclusive with another application or applications already designated for hearing will be consolidated with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the Federal Register of the Commission's order designating for hearing the prior application or applications with which such application is in conflict.

(2) In non-broadcast cases, any application which is mutually exclusive with another application or applications already designated for hearing will be consolidated with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the Federal Register of the Commission's order designating for hearing the prior application or applications with which such application is in conflict.

§ 1.111 Prehearing conferences. (a) Prehearing conferences shall be held by the Commission's presiding officer on its or his initiative, or at the request of any party, direct the parties or their attorneys to appear at a specified time and place for a conference prior to the filing of a motion to intervene or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to the number of witnesses;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment; and

(6) In cases involving comparative advantage, the parties shall:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) Admissions of fact and of documents which will avoid unnecessary proof;

WorldRadioHistory
Reports and letters relating to surveys or contacts;
Assumptions regarding the availability of equipment;
Network programming;
Offers of letters in general;
The method of handling evidentiary documents in existing stations owned or operated by the applicants with organizations in the area;
Proof of contracts, agreements, orders, or tenders reduced to writing;
Stipulations;
Need for depositions;
The numbering of exhibits;
The order or offer of proof with relationship to docket number; and
The date for the formal hearing and such other matters as will be conducive to an expeditious conduct of the hearing.

At the pre-hearing conferences prescribed by this section, the parties in any broadcast proceeding shall be prepared to submit, in affidavit form, a description of any or all phases of their affirmative direct cases to written form. Where it appears that it will conduce significantly to the position of the proceeding for the parties to submit any portion of their cases in writing, it is the policy of the Commission to encourage them to do so. However, the phase or phases of the proceeding to be submitted in writing, the dates for the exchange of the written material, and other procedural limitations upon the effect of adopting the written case procedure (such as, whether material ruled out as incompetent may be restored by competent oral testimony) is to be left to agreement of the parties as approved by the Hearing Examiner.

An official transcript of all pre-hearing conferences shall be made.

§ 1.112 Time and place of hearing. Any hearing shall begin at the time and place ordered by the Commission or the Chief Hearing Examiner.

The time and place of subsequent hearings shall be determined by the presiding officer: Provided, however, That in case the hearing is suspended to begin in the District of Columbia, the first change of place of such hearing will be ordered by the Commission or the Chief Hearing Examiner.

§ 1.113 Continuance and extensions. Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the Chief Hearing Examiner upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.121 When depositions may be taken. At any time after a case has been designated for hearing, the testimony of any witness may be taken by deposition for purposes other than discovery.

§ 1.122 Notice to take depositions. A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, and the fact that the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and the matters with which the deposition will be concerned. On motion of any party upon whom the notice is served, the Commission may, for good cause shown, enlarge or shorten the time for taking the deposition.

§ 1.123 Deposition orders. (a) After notice is served for taking a deposition, upon motion seasonably made by any party or by the person to be examined, and upon notice and for good cause shown, the Commission may make an order:
(1) That the deposition shall not be taken;
(2) That it may be taken only at some designated place other than that stated in the notice;
(3) That it may be taken only on written interrogatories;
(4) That certain matters shall not be inquired into;
(5) That the scope of the examination shall be limited to certain matters;
(6) That the examination shall be held with no one present except the parties to the action and their officers or counsel; or
(7) That after being sealed the deposition shall be opened only by order of the Commission.

(b) The Commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

§ 1.124 Persons before whom depositions may be taken. Depositions shall be taken before any judge of any court of the United States; any United States commissioner; any clerk of a district court; any chancellor, justice, or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of the State, the District of Columbia, or any other court of competent jurisdiction, not being of counsel or attorney to any party, nor interested in the event of the proceeding.

§ 1.125 Oath; transcript of depositions. The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.126 Submission of deposition to witness; changes; signing. When the deposition is taken, the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making the change. The deposition shall be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed as above, the officer shall sign it and state on the record the fact of the waiver, the illness or absence of the witness, the fact of the refusal to sign together with the names of the parties, if any, who signed therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress, the Commission holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.127 Certification of deposition and filing by officer; copies. The officer shall certify on the deposition that the witness is dead or seriously ill, that other exception exists, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to any of the parties, nor interested in the event of the proceeding. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (insert name of witness)" and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Commission.

§ 1.128 Inclusion in the record. (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.
(b) The deposition of a person with a substantial interest in, or holding a position of responsibility with, a party to the proceeding will not be admitted in evidence unless shown, to the satisfaction of the Commission, that the deposition is fairly and impartially taken and, in the event of the proceeding, the deposition should be admitted.

§ 1.129 Objections to depositions. (a) Except as provided in paragraphs (b), (c) and (d) of this section, objection may be made at the hearing to receiving in evidence any deposition, and any party in interest may object to the admissibility of any part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.
(b) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition unless the ground of the objection is one which might have been obviated or removed if presented at that time.

In the event of the death of any witness at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and witnesses at any deposition or depositions of any kind which might be obviated, removed, or cured if promptly
presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(6) Any objection made at the time of the examination to the qualifications of the officer taking a deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party in the taking of the examination, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection.

SUBPENAS

§ 1.131 Who may sign and issue Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

(a) Hearings before the Commission en banc or before a Committee of Commissioners: By a Commissioner.

(b) Hearings before a Hearing Examiner: By the Hearing Examiner, or in his absence by the Chief Hearing Examiner.

§ 1.132 Requests; verification and certification; motion to quash. A subpoena, other than one issued by the Commission on its own initiative, will be issued only upon request in writing, unless such request is made on the record while a hearing is in progress, in which case such request on the record may be accepted in lieu of written request. Any request for a subpoena shall be supported by a showing of the general relevance and materiality of the evidence sought. A request for a subpoena to compel a witness to produce documentary evidence shall be in writing, duly subscribed and verified, and shall state in particularity the books, papers, and documents desired and the facts expected to be proved thereby. Other parties to the proceeding need not be served with copies of such a subpoena. A person against whom a subpoena is directed may file a motion to quash or limit the subpoena setting forth reasons why the subpoena shall not be compelled, or if limited in scope. Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for subpoena and of a motion to quash.

§ 1.133 Witness fees. Witnesses who are subpoenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. The party at whose instance the testimony is taken shall tender such fees at the time the subpoena is served.

§ 1.134 Service of subpenas; return.

(a) A subpoena may be served by a United States marshal or his deputy or by Commission personnel or by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. If the subpoena is issued on behalf of the United States or an officer or agency thereof fees and mileage need not be tendered.

(b) If service of the subpoena is made by a person other than a United States marshal or his deputy, the person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpoena. The person in whose favor the subpoena is ordered to be issued shall be notified thereof. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service, the original subpoena shall be addressed to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpoena, bearing or accompanied by the required return affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpoena, to the official before whom the person named in the subpoena is required to appear.

§ 1.135 Attendance of witness; disobedience.

(a) The attendance of witnesses and the production of documentary evidence may be required from any person in the United States at any designated place of trial or hearing. A failure of any person to attend or to produce the evidence as directed by subpoena or by order of the Commission may result in the issuance of a warrant for the arrest and return of such person, or to the attendance of such person, or to the production of evidence by such person.

§ 1.140 Procedure when an application is designated for hearing.

(a) When an application has been designated for hearing, the Secretary of the Commission will mail an order to the applicant setting forth the reasons for the Commission's action and the issues upon which the application will be heard. In addition, the notice of hearing will be published in the Federal Register. The Commission will, when possible, give at least 60 days advance notice on comparative hearings.

(b) A hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proof and the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant except as otherwise provided in the order of designation.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written application stating that he will appear on the date fixed for hearing, and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of such time period a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days the application will be dismissed with prejudice by the Chief Hearing Examiner for failure to prosecute.

(d) The Commission will set its own motion name as parties to the hearing any person found to be a party in interest.

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (d) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in triplicate, a written statement that he will appear and present evidence on the issues specified in the notice of hearing. Any person so named who fails to file such written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

§ 1.142 Order of procedure.

(a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue to the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests, the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission; otherwise the grantee does.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions, or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission, or presiding officer, shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate the order of presentation of such intervenors.

(d) Immediately upon convening, the formal hearing in any proceeding, the hearing examiner shall enter upon the record a statement reciting all actions taken at the prehearing conferences, and incorporating into the record all of the stipulations and agreements of the
§ 1.143 Designation of presiding officer. (a) Hearings will be conducted by one or more Commissioners or by an Examiner designated pursuant to section 11 of the Administrative Procedure Act: Provided, That in cases of adjudication, hearings will be conducted only by the Commission or Hearing Examiner. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony, another presiding officer will be designated.

(b) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice thereof released to the public, at least 10 days prior to the date set for hearing. In the event that a presiding officer deems himself disqualified and desires to withdraw from the case he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing. Any party may request the presiding officer to withdraw on the grounds of personal bias or disqualification. The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the presiding officer may file a response thereto. Such affidavit shall be filed not later than 5 days before the commencement of the hearing, unless for good cause shown, additional time is necessary. If the presiding officer believes himself not disqualified, he shall so rule and proceed with the hearing. If the person seeking disqualification excepts to the ruling, he shall so state at the time the ruling is made, and the presiding officer shall certify the question, together with the affidavit and any response, filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission. The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised. The affidavit, response, testimony, and decision thereon shall be part of the record in the case. Unless objection is made and specific exception is taken, the right to request withdrawal of the presiding officer shall be deemed waived.

§ 1.144 Authority of presiding officers. Presiding officers, with respect to each case before them, from the date of their designations until the submission of their decisions or the transfer of the cases to the Commission or other presiding officers, shall have such authority as is vested in them by law and the provisions of this chapter, including authority to:

(a) Administer oaths and affirmations;
(b) Issue subpoenas;
(c) Examine witnesses;
(d) Rule upon questions of evidence;
(e) Take or cause depositions to be taken;
(f) Regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupt the proceedings;
(g) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which they are required to rule during the hearing;
(h) Hold conferences for the settlement or simplification of the issues by consent of the parties;
(i) Dispose of procedural requests or similar matters raised in section 0.33 of the Commission's Statement of Organization, Delegations of Authority, and Other Information;
(j) Take actions and make decisions or complete transcripts of testimony together with the Administrative Procedure Act.

§ 1.145 (Reserved.)

§ 1.146 Closing of the hearing. The record of hearing shall be closed by an announcement to that effect at the hearing by the presiding officer when the taking of testimony has been concluded. In the absence of a presiding officer, thereafter the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared; Provided, The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the adjourned date except upon 10 days' notice to all parties to the proceeding.

§ 1.147 Certification of transcript. After the close of the hearing, the complete record of hearing, without hearing, or it may require testimony or argument on the issues raised. The affidavit, response, testimony, and decision thereon shall be part of the record in the case. Unless objection is made and specific exception is taken, the right to request withdrawal of the presiding officer shall be deemed waived.

§ 1.148 Corrections to transcript. Within 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer motions setting forth the corrections to be made in the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceedings. Within 5 days after the filing of such motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his initiative, may specify corrections to be made in the transcript on 5 days' notice.

§ 1.149 Proposed findings and conclusions. (a) Each party to the proceeding may file proposed findings of fact, conclusions, briefs, or memoranda of law: Provided, However, that the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, or memoranda of law, such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all other counsel in the proceeding. If a party is not represented by counsel, proof of service upon such party shall be made.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

§ 1.150 Contents of findings of fact and conclusions. Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be stated separately. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

§ 1.151 Initial and recommended decisions. (a) Except as provided in paragraphs (b) and (c) of this section, the presiding officer shall prepare an initial (or recommended) decision which shall be transmitted to the Secretary of the Commission who shall make it public immediately and file it in the dockets of such cases.

(b) The Commission may direct the certification of the record in a pending proceeding to it for initial or final decision where:

(1) The Commission finds upon the record that due and timely execution of its functions, imperatively and unavoidably, require such certification or
(2) The presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, in which event the record shall be certified to the Commission by the Chief Hearing Examiner.

(c) If the presiding officer becomes unavailable to the Commission after the taking of evidence has commenced but before it has been concluded, the Commission may:

(1) Order a rehearing before another presiding officer designated in accordance with §1.143, or
(2) Upon a finding that due and timely execution of its functions, imperatively and unavoidably so requires, order the hearing to be continued by another presiding officer (or by the Commission itself) designated in accordance with §1.143: Provided, That the officer continuing the hearing shall not, without the expressed consent of all parties, prepare an initial decision but shall certify the record to the Commission for an initial or final decision with or without a rec-
recommended decision as provided in paragraph (d) of this section.

(d) When the Commission has directed that the record be certified to it for initial or final decision, the presiding officer will first prepare and file a recommended decision as defined by Commission's initial or final decision except where he becomes unavailable to the Commission or the Commission finds upon the record that due and timely explanation of its functions imperatively and unavoidably requires that no recommended decision be issued by the presiding officer.

Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of review, decision or order.

(1) The authority of the presiding officer over the proceedings shall cease when a party or the Commission records or recommends the disposition of a case. In such case, the record shall be filed no decision, when he has certified the case to the Commission for decision after specifying corrections to the transcript in accordance with §1.152.

§1.152 Waiver of initial or recommended decision. At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. The Commission may, in its discretion, grant the request, in whole or in part, if such action will best conduct to the expeditious and economical dispatch of business and to the ends of justice.

§1.153 Appeal and review of initial decision. (a) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision; and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. The time for filing such exceptions may be extended for good cause.

(b) The Commission may on its own initiative provide, by order adopted not later than 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraph (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate request by a party, take any one or more of the following actions:

1. Hear oral argument on the exceptions;
2. Require the filing of briefs;
3. Prior to or after oral argument of the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;
4. Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and
5. Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 50 days after public release of the full text thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission's initiative, or the taking of action by the Commission under paragraph (c) of this section shall stay the effectiveness of the initial decision, and any Commission proceeding or reviewing thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions, it shall be postponed automatically until 50 days after the time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not acted upon action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case, and a "Public Notice" thereof shall be given by the Commission. The provisions of §1.16 shall not be applicable with respect to this paragraph.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

§1.154 Exceptions; oral arguments. (a) Each exception to an initial decision or to any part of the record or proceeding, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit, or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(b) The Commission shall consider and may rehear the record or in any case, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit, or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(c) The exception shall be considered and may be reheard on the record or in any case, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit, or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(d) The Commission shall consider and may rehear the record or in any case, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit, or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.
in the Commission's order of review is examined pursuant to § 1.153 (b).

§ 1.158 Number of copies of proposed findings of fact, etc. An original and fourteen copies of proposed findings of fact and conclusions, exceptions, supporting statements, or briefs shall be filed.

§ 1.157 Final decision of the Commission. (a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, or briefs, and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain: (1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; (2) Ruling on each relevant and material fact, and the sanction, relief or denial thereof.

§ 1.158 The record. The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, and all other documents and papers included in the record, shall govern formal hearings. Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

Evidence

§ 1.171 Rules of evidence. Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.172 Cumulative evidence. The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.173 Further evidence during hearing. At any stage of a hearing, the presiding officer may consider further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.174 Documents containing matter not material. If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the document may be compelled to supply an unabbreviated copy thereof to the presiding officer, and to the presiding officer, the original document, together with true copies of such material and relevant material and no other material, as it is desired to introduce. Upon presentation of such material, material and relevant, in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.175 Documents in foreign language. Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it was written, and accompanied by an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed shall be accompanied by a separate copy of the translation.

§ 1.176 Copies of exhibits. No document or exhibit, or part thereof, shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.177 Mechanical reproductions as evidence. Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter allowed by § 1.175 hereof to be heard upon shall have such matter typewritten on a paper of the size prescribed by § 1.152, and the same shall be identified and offered in duplicate in the same manner and under the same provisions as documents.

§ 1.178 Tariffs as evidence. In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.179 Proof of official record; authentication of copy. An official record, or entry therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or entry, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States, its territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.180 Proof of lack of record. The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search its record of such tenor was not found to exist in the records of his office, accompanied by a certificate as provided in § 1.179. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.181 Other proof of official record. Sections 1.179 and 1.180 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

Rehearsings, Reconsideration, and Protests

§ 1.191 Petitions for reconsideration and rehearing. (a) When a decision, order, or requirement has been made by the Commission in any proceeding, except as provided in § 1.193 (c) through (h) has been denied, any party thereto, or any other person aggrieved or whose interests are adversely affected thereby, may petition for reconsideration or rehearing.

§ 1.192 (b) Any person not a party to the proceeding desiring to file a petition for reconsideration or for rehearing shall be served with particularity of the action taken in the proceeding and show good reason why it was not possible for him to participate in the proceeding.

§ 1.193 (c) Petitions for reconsideration or rehearing and any supplement thereto must be filed within 30 days from the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question. No supplement or addition to a petition for reconsideration or rehearing which has not been acted upon by the Commission, filed after expiration of the 30 day period, will be considered except upon leave granted by the Commission upon a separate pleading for leave to file, which may be made on the ground of a showing that new and material circumstances have occurred or that the matters advanced were not previously available to the petitioner through the exercise of due diligence. Any decision, order, or requirement made after rehearing, reversing, changing, or modifying the original order shall be subject to the same provisions with respect to rehearing as an original order.

(d) Petitions for reconsideration or rehearing filed under this section may request (1) reconsideration; (2) reopening of the proceeding; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the relief sought and, subject to this requirement, may be accompanied by the following requests. Each such petition shall state with particularity in what respect the decision, order, or requirement or any matter determined by the Commission is found to be unjust, unwarranted, or erroneous, and, with respect to any finding of fact,
must specify the pages of record relied on.
(e) No evidence other than newly discovered evidence, evidence which has been available on a station for a construction permit, or evidence which the Commission believes should have been taken in the original proceeding will be taken at any rehearing.
(f) When a request for reconsideration or for rehearing is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station, the request shall be granted.
(g) The specific issues upon which protest is granted. A hearing, which shall be held, which issues must relate directly to a matter specified with particularity as provided in paragraph (3) of this paragraph.
(b) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded.
(c) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (2) of this section. To the extent to which such oppositions and briefs are not covered by evidence, no consideration shall be given to such oppositions and briefs within 10 days after the date of filing, except such oppositions and briefs to the extent to which such oppositions and briefs are not included by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.
(e) The Commission may upon consideration of such a request, make an order granting the protestant or grantee or both to submit additional statements of fact under oath relating to the matters raised in the protest.
(f) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (a) and (b) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it shall designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts or the petition be proven, the Commission may designate such issues for oral argument only.

§ 1.192 Petition for reconsideration and grant without hearing. Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing.

§ 1.193 Protests of grants without hearing. (a) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application specified in such protest shall be signed by the protestant and subscribed to under oath, in accordance with § 1.303. Such protest must be filed with the Commission within 30 days after the publication containing the full text of such action, or in case such a document is not released, after release of a “Public Notice” announcing the action in question and must separately set forth:
(1) Such allegations of fact as will show the protestant to be a party in interest, i. e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.
(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Such reason shall be separately stated and shall support thereon shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

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(1) Such allegations of fact as will show the protestant to be a party in interest, i. e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.
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(1) Such allegations of fact as will show the protestant to be a party in interest, i. e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.
(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Such reason shall be separately stated and shall support thereon shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

§ 1.202 Petitions for rule making. (a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.
(b) The petition for rule making shall conform to the requirements of §§ 1.52, 1.54 and 1.55 and should be submitted or addressed to the Secretary, Federal Communications Commission, Washington 25, D. C.
(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all the facts and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

§ 1.203 Notice and availability. Any petitions for rule making meeting the requirements of § 1.202(b) will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petitions for Rule Making Filed") as the case may be, and/or their respective attorneys.

§ 1.204 Responses to petitions and replies. (a) Any interested person may file a petition in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after a "Public Notice", as provided for in § 1.203, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.56 and shall conform in other aspects with the requirements of §§ 1.52, 1.54 and 1.55.
(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 15 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed. A reply must be filed prior to the date of filing in conformity with § 1.56 and shall conform in other aspects with the requirements of §§ 1.52, 1.54 and 1.55.
(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

§ 1.205 Action on petitions. If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rule making proceeding, and
subsection and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases, the petition for rule making will be denied and the petitioner will be notified of the Commission's action with the grounds therefor.

**Rule Making Proceedings**

**§ 1.211 Notice of proposed rule making.** (a) When pursuant to a petition therefor, or upon its own motion, the Commission proposes to issue, amend or repeal a substantive rule, a notice of proposed rule making will be published in the _Federal Register_ unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law. Except when notice is required by statute or when the Commission considers notice advisable it will not ordinarily be issued of the adoption, amendment or repeal of interpretative rules, general statements of policy, organization or procedure, or any practice relating to military, naval or foreign affairs or functions of the United States, Commission management or personnel, public property, loans, grants, benefits or contracts, or in any situation in which the Commission for good cause finds (and incorporates such finding in the rule issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

(b) In addition to the notice provisions of paragraph (a) of this section, the Commission, before prescribing any requirements as to accounts, records, or memoranda to be kept by carriers, will notify the appropriate State agencies having jurisdiction over any carrier involved of the proposed requirements.

**§ 1.212 Content of notice.** A notice of the proposed issuance, amendment, or repeal of a rule will include:

(a) a statement of the time, nature and place of any public rule making proceeding to be held;

(b) reference to the authority under which the issuance, amendment or repeal of a rule is proposed;

(c) either the terms or substance of the proposed rule or a description of the subjects and issues involved;

(d) the docket number assigned to the proceeding; and

(e) a statement of the time for filing comments and replies thereto.

**§ 1.213 Comments and replies.** (a) After notice of proposed rule making is issued, the Commission will afford interested persons an opportunity to participate in the rule making proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rule making:

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rule making.

(d) No additional comments may be filed unless specifically requested by the Commission or authorized by it.

**§ 1.214 Statutory requirement for hearing.** Any rule making proceeding required by law to be made on the record after opportunity for a Commission hearing, the requirements of sections 7 and 8 of the Administrative Procedure Act and applicable parts of Subparts A and B of this part will govern in place of §§ 1.213 and 1.215.

**§ 1.215 Form of comments and replies.** Comments and replies to comments filed in response to a notice of proposed rule making should conform to the requirements of §§ 1.22 and 1.54.

**§ 1.216 Further notice of rule making.** In any rule making proceeding where the Commission deems it warranted, a further notice of proposed rule making will be issued with opportunity for notice to interested persons to submit comments in conformity with §§ 1.213 and 1.215.

**§ 1.217 Oral argument and other proceedings.** In any rule making proceeding where the Commission determines that an oral argument, hearing or other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the _Federal Register_, and will be mailed to all parties to the proceeding.

**§ 1.218 Commission action.** The Commission will consider all relevant comments and material of record before taking final action in a rule making proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

**§ 1.219 Effective date of rules.** (a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the _Federal Register_ except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause found and published with the rule, any rule issued by the Commission may be made effective within less than 30 days from the time it is published in the _Federal Register_. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel, public property, loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; or organization rules, procedure or practice, or interpretative rules and statements of policy may be made effective without regard to the 30 day requirement.

(c) In cases of alterations by the Commission, the manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

**SUBPART D—BROADCAST APPLICATIONS AND PROCEEDINGS**

**§ 1.300 Scope.** This subpart is applicable to all matters set forth in Parts 3 and 4 of this chapter. For additional information relative to applications, see the respective rules relating to each service.

**GENERAL REQUIREMENTS AS TO APPLICATIONS**

**§ 1.301 Applications required.** (a) Except as provided in paragraph (b) of this section, construction permits as defined in sections 133 and 133(b) of the Communications Act of 1934, as amended; station licenses as defined in section 3(bb) of the Communications Act; modifications of construction permits or licenses; renewals of licenses; transfers, assignments of construction permits or station licenses, or any rights thereunder, shall be granted only upon written and subscribed application. A separate application shall be filed for each instrument of authorization requested, except as may otherwise be provided in this part.

(b) In cases of (1) emergency found by the Commission involving the national defense or security of the United States, declared by the President or acknowledged by the Congress; (2) war declared by the President or acknowledged by the Congress in which the United States is engaged, and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission may issue construction permits and station licenses, or modifications or renewals thereof, without the filing of a formal application, but no authorization so granted shall continue in effect beyond the period of the emergency or war requiring it.

(c) Each individual request submitted under the provisions of paragraph (b) of this section shall contain, as a minimum requirement, the following information:

(1) Name and address of applicant;

(2) Location of proposed installation or operation;

(3) Initial call letters of any valid station authorization already held by applicant and the station location;

(4) Type of service desired (not required for renewal; required for modification unless class of station is to be modified);

(5) Frequency assignment, authorized transmitter power (a), and authorized class (e) of emision desired (not required for renewal; required for modification only to the extent such information may be involved);

(6) Equipment to be used, specifying the manufacturer and type or model number (not required for renewal; required for modification only to the extent such information may be involved);

(7) Statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act; and

(8) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission.
sion for the purpose of this section including estimated duration of emergency or which, if during an emergency or war declared by the President or Congress, necessitate such action without formal application for the permit or security or in furtherance of the war efforts.

§ 1.302 *Filing of applications.* All applications for authorizations set forth in § 1.301 must be filed in the Office of the Secretary, Federal Communications Commission, Washington 25, D. C. The number of copies required for each application is set forth in the FCC Form which is to be used in filing such applications.

§ 1.303 *Subscription and verification of applications.* (a) Each application, or amendment thereto and each written statement of fact required by the Commission from any applicant or licensee shall be filed in the form and manner prescribed for such action by the Commission; or in the case of an individual; a partner of the applicant; or a partnership; or an officer of the applicant, if a corporation or association; or an officer of the Commission. The description and verification may be made by the attorney for the party in such a case of physical disability of the party or absence from the continental United States.

(b) Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.304 *Contents of applications.* (a) Each application shall include all information called for by the particular form on which the application is required to be filled in the manner and form called for is inapplicable in which case the fact shall be indicated.

(b) The Commission may require an application to include documents and written statements of fact, unless such information as in its judgment may be necessary. The Commission may also, upon its own motion or upon motion of any party to a proceeding, require the applicant to amend his application so as to make the same more definite and certain.

§ 1.305 *Specification of facilities.* (a) An application for facilities in the standard, FM, or television broadcast services shall be limited to one frequency, or channel assignment, and no application will be accepted for filing if it requests alternate frequency or channel assignments.

(b) An application for facilities in the experimental and auxiliary broadcast services may request the assignment of more than one frequency if consistent with applicable rules. See § 1.301 of this chapter. Such applications must specify the frequency or frequencies requested and may not request alternate frequencies.

(c) An application for construction permit for a new broadcast station, the facilities for which are specified in an outstanding construction permit, will not be accepted for filing.

(d) An application for facilities in the international broadcast service may be filed without a request for specific frequencies as the Commission will assign frequencies from a table to be used later in accordance with §§ 3.702 and 3.711 of this chapter.

§ 1.306 *Acceptance of applications.* (a) Applications which are tendered for filing in Washington, D. C., are dated by the Office of the Secretary upon receipt and then forwarded to the Broadcast Bureau where an administrative examination is made to ascertain whether the applications are complete. Applications found to be incomplete or with respect to which complete are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be requested to supply the missing information. Applications which are not substantially complete will be returned to the applicant.

(b) Acceptance by an application for filing merely means that it has been the subject of a preliminary review by the Commission's administrative staff as to completeness. Such acceptance will not preclude the Commission from disallowing the application if it is found to be patently not in accordance with the Commission's rules.

(c) At regular intervals the Commission will issue a "Public Notice" listing all applications and major amendments thereto which have been accepted for filing.

§ 1.307 *Defective applications.* (a) Applications which are determined to be patently not complete or in accordance with the Commission's rules, regulations, or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing or if inadvertently accepted for filing will be dismissed. Requests for waiver shall show the nature of the error or exception desired and shall set forth the reasons in support thereof.

(b) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, a failure to comply with such request will be deemed to render the application defective and such application will be dismissed.

§ 1.308 *Inconsistent or conflicting applications.* While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 1.309 *Repetitious applications.* (a) Where the Commission has denied an application for a new station or for any modification of facilities or services, if no application for the new station or for any modification of facilities or services, if no application for the new station or for any modification of facilities or services, if no application for such station or for such modification, has been filed within 12 months from the effective date of the Commission's action: Provided, however, That applicants whose applications have been denied in a comparative hearing for a particular FM or television station and whose allocations in the allocation table, may immediately re-apply for another available FM or television channel.

§ 1.310 *Multiple applications.* Where there is an application for new or additional facilities pending, no other application for new or additional facilities for a station of the same class to serve the same community, or for a license to a station of the same character or an FM or television station, by the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until final disposition of such appeal.

§ 1.311 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the adoption date of the order designating such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.303.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. If the granting of such petition would permit a grant of the amended application or an application therefor in conflict with the amended application, such petition must be accompanied by an affidavit or other consideration that has been promised to or received by petitioner, directly or indirectly, in connection with the filing of the petition. Such affidavit or other consideration has been promised to or received, the affidavit shall set forth in full detail all the relevant facts. The affidavit of consideration shall be executed by:

1. The applicant, if an individual;

2. A partner of an applicant, if a partnership;

3. An officer of an applicant having personal knowledge of the facts, if a corporation or association.

§ 1.312 *Dismissal of applications.* (a) Any application may, upon request of the applicant, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. An applicant's request for the return of an application that has been accepted for filing will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice
where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly supported by a statement of reasons. Such request will be granted only for good cause shown. Such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. If consideration has been promised or received, the affidavit shall set forth in full detail all relevant facts. The affidavit of consideration shall be executed by the applicant, if an individual; a partner of applicant, if a partnership; or an officer of the corporation upon having personal knowledge of the facts, if a corporation or association.

§ 1.313 Forfeiture of construction permit. A construction permit shall be automatically forfeited if the station is not ready for operation within 180 days of the expiration of the permit or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

§ 1.314 Period of construction. Each construction permit will specify a maximum of 90 days from the date of granting thereof as the time within which construction of the station shall begin and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon having personal knowledge of the facts, in any particular case.

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

FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

§ 1.321 Formal and informal applications. (a) "Formal application" means any request for authorization where an FCC Form for such request is prescribed. "Informal application" means all other requests for authorization. Informal applications may be in letter form, but all such applications should contain a caption clearly indicating the nature of the request submitted therein.

(b) An informal application requesting modification of an outstanding authorization must comply with the requirements as to signing under oath and

affirmation specified in §§ 1.301 and 1.303.

§ 1.322 Application forms for authority to construct a new station or make changes in an existing station. (a) Applications for new facilities or modifications of existing facilities shall be made on the following forms:

(1) FCC Form 301 "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station."

(2) FCC Form 309 "Application for Authority to Construct or Make Changes in an Existing International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station." (3) FCC Form 312 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request for Subsidiary Communications Authorization."

(b) The following application forms shall be used:

(1) FCC Form 302 "Application for New Broadcast Station License."

(2) FCC Form 310 "Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License."

(c) FCC Form 315 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request for Subsidiary Communications Authorization."

(5) FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License."

(6) (Reserved.)

(7) FCC Form 347 "Application for Terrestrial Broadcast Translator Station License."

§ 1.326 Application for license to use former main transmitter or antenna as an auxiliary. The following application forms shall be used when no new construction is involved:

(a) FCC Form 302 "Application for Broadcast Station License."

(b) FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License."

§ 1.327 Application for modification of license. (a) An application for modification of license may be filed for:

(1) Change in name of licensee where no change in ownership or control is involved;

(2) Change station location involving no change in transmitter location;

(3) Change main studio location of a television station to or from a location outside the principal community;

(4) Change studio location of a standard or FM station to a location outside the city limits other than the associated transmitter site;

(b) The application forms set forth in § 1.322 shall be used.

§ 1.328 Application for renewal of license. (a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed except that applications for renewal of license of an experimental or developmental broad- cast station or a television broadcast translator station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(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 §§ 1.341 to 1.345, 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 date certain, such application shall be filed within 30 days of the date when such request for notice of hearing shall be received.

Following application forms shall be used:

(1) FCC Form 303 "Application for Renewal of Broadcast Station License."
(2) FCC Form 311 "Application for Renewal of an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License.~ To be used for all applications for renewal of licenses of Experimental Television, Experimental Facsimile, and Developmental Broadcast stations.
(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services." To be used for all applications for renewal of regular licenses of auxiliary broadcasting stations.
(4) FCC Form 318 "Request for Subsidary Communications Authorizations."
(5) FCC Form 342 "Application for Renewal of Noncommercial Educational FM Broadcast Station License."
(6) (Reserved).
(7) FCC Form 348 "Application for Renewal of Television Broadcast Transmitter Station License."

§ 1.329 Application for voluntary assignment or transfer of control. (a) Application for consent to the assignment of construction permit or license, or for consent to the transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control), or FCC Form 316 (Short Form). Such application should be filed with the Commission at least 45 days prior to the contemplated effective date of the assignment or transfer of control.

(b) In the following situations, applications for inter- or intrastation assignment or transfer may be filed on FCC Form 316.

(1) Assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in the relative interests;
(2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;
(3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;
(4) Corporate reorganization which involves any change in the beneficial ownership of the corporation;
(5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignee stockholders without substantial change in their interests; or
(6) Assignment of less than a controlling interest in a partnership.

§ 1.330 Application for involuntary assignment of license or transfer of control. (a) The Commission shall be notified in writing promptly of the death or legal disability of the individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee, or within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 1.331 Application for temporary authorization. (a) The specific circumstances in which temporary authority will be granted are set out in Parts 2, 3, and 4 of this chapter.

(b) Temporary authority may be granted to a licensee or permittee of a broadcast station to operate such station for a period not to exceed 90 days upon request of such person and such request shall be filed with the Commission at least 10 days prior to the date of the proposed operation, and should be accompanied by a statement giving full particulars as to the purpose for which the request is made. Any temporary authority issued under this section may be cancelled by the Commission without further notice.

(c) No request by a standard broadcast station for temporary authority to extend its hours of operation beyond those authorized by its regular authorization will be accepted or granted by the Commission.

(d) An informal application may be used provided such application is signed by the applicant under oath or affirmation in accordance with the provisions of § 1.303.

(e) Request for temporary operation represented by equipment damage or failure may be made in regard to the procedural requirements of this section.

§ 1.332 Application for renewal or modification of special service authorization. (a) No special service authority will be issued after February 3, 1968: Provided, however, Consideration will be given to renewal or modification of a special service authorization outstanding on February 3, 1988 providing a satisfactory showing in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;
(2) That experimental operation is not involved as provided for by 1 § 32.2 of this chapter; and
(3) That public interest, convenience, and necessity will be served by the authorization requested.

(b) Application for renewal or modification of special service authorization must be made by formal application on FCC Form 317 "Application for Standard Broadcast Station Special Service Authorization or Extension Thereof."

§ 1.333 Application for standard broadcast station experimental operation. Special experimental authorization may be issued, in accordance with § 1.32 of this chapter, to a standard broadcast station in addition to the regular license. An informal application should be used in applying for, such authorization.

§ 1.334 Application concerning programs to be transmitted to foreign radio stations. Application under section 325 (b) of the Communications Act for authority to locate, use, or maintain a radio broadcast studio in connection with a foreign radio station shall be made on FCC Form 306 "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station." Provided, That licensees or permittees may file an informal application in those cases where the programs to be transmitted or delivered to a foreign station have been, is being, or will be broadcast in the United States by said licensee or permittee.

§ 1.335 Application to determine operating power by direct measurement of antenna power. Application to determine operating power of standard broadcast stations or broadcast translators by direct measurement of antenna power shall be made on FCC Form 302 "Application for New Broadcast Station License."

§ 1.336 Application for permission to use lesser grade operators. (a) Application for temporary permission to operate standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, and such showing is made in regard to the making of an adequate similar showing. A request for extension of the permission granted may be granted upon a showing of continuing efforts to obtain a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

(b) Such application or report is not required to be submitted on any numbered or prescribed form. However, the request or report shall be in writing, signed by the licensor of the licensee and an individual; by a partner, if the license is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall include the following information:

(1) Call letters of the station;
(2) Name of licensee;
(3) The number of persons holding radiotelephone first class operator licenses, or officers, employees, and agents at the station (this does not include part-time employees and persons only available on call in case of emergencies).

(4) A statement that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure.

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained if the employment of the operator is rejected.

(6) In the event an operator of the required grade was rejected by the station, a statement should be submitted by the station showing the reason for the rejection; and

(7) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at the station to whom temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received, within 3 days after employment of a lesser grade operator, a written certification setting forth the name and operator license number of the lesser grade operator employed and stating that the operator has the ability to perform the normal operation of the station.

§ 1.337 Requests for extensions of authority to operate without certain indicating instruments. Requests for extension of authority to operate without a frequency monitor, a modulation monitor, a plate ammeter or voltmeter, a base current meter or common point meter, or a transmission line meter for FM and television stations, should be made by indicated transmission to the Engineer in Charge of the radio district in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

OTHER FORMS AND INFORMATION TO BE FILED WITH THE COMMISSION

§ 1.341 Financial reports. Each licensee or permittee of a commercially operated standard, FM, television, or international broadcast station (as defined in Part 3 of this chapter) shall file with the Commission before April 1 of each year, on FCC Form 324, broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of such calendar year.

§ 1.342 Filing of contracts. Each licensee or permittee of a standard, FM, television, or international broadcast station (as defined in Part 3 of this chapter), whether operating or intending to operate on a commercial or noncommercial basis, shall file with the Commission copies of the following contracts, instruments, and documents together with amendments, supplements, and cancelations, within 30 days of execution thereof. The substance of oral contracts shall be reported in writing.

(a) Contracts relating to network service: All contracts, agreements, or understandings between a station and a national, regional, or other network shall be filed. Transcription agreements or contracts for the supplying of film for television stations which specify option time must be filed. This section does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, nor contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements.

(b) Contracts relating to 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, stockholder, or interests therein, or relating to changes in such ownership or control. This paragraph is limited to the following:

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

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

(3) Any contract, loan, agreement, or instruments affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting and that specify elections for transfer of stock; (ii) Instruments for the issuance of new stock; or (iii) Agreements for the acquisition of licenses or permittees' stock by the issuing licensee or permittee corporation. Options to purchase stock, pledges, trust agreements, and other executory agreements are required to be filed;

(4) Proxies with respect to the licensees' or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given within 60 days before April 1 of each year, with respect to proxies given by stockholders who are officers or directors, or who have 1 percent or more of the corporation's voting stock; in cases where the licensee's stock is a corporation having more than 50 stockholders, such complete proxy statements need not be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1 percent or more of the corporation's stock, the only information required to be filed is the number of persons voting in favor of the proposal, and 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;

(c) Mortgage or conveyance agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount and kinds of payments for the purchase of new equipment, the maintenance of current assets, etc.; or

(d) Any agreement reflecting a change in the officers, directors, or stock, or a corporate reorganization, other than the licensees or permittees, having an interest, direct or indirect, in the licensee or permittee as specified by § 1.343.

(e) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(f) Contracts relating to Subsidiary Communications Authorization Operation, except contracts granting licenses or permits to companies engaged in SCA the right to broadcast copyright music.

(g) Time sales contracts: Time sales contracts with the network of 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) do not exceed 2 hours.

(h) Contracts relating to personnel:

(1) The following contracts, agreements, or understandings shall be filed: management consultant agreements with independent contractors; contracts relating to the utilization in management capacity of any person other than an officer, director, or regular employee of the licensee or permittee's stockholder, director, or regular employee 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 station managers with independent contractors; contracts with chief engineers or other engineering personnel; contracts with attorneys, accountants, or consulting radio engineers; contracts with stockholders; contracts with station representatives; contracts with labor unions; or any similar agreements.

§ 1.343 Ownership reports. (a) Each licensee of a standard, FM, or television station (as defined in Part 3 of this chapter), whether operating or intending to operate on a commercial or non-commercial basis, shall file an Ownership Report (FCC Form 323) at the time of the application for renewal of station license is required to be filed: Provided, however, That licensees owning more than one standard, FM, or television broadcast station need file only one Ownership Report at three-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:

(b) 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;

Note: Any change in partners or in their rights will require prior consent of the Commissions stockholders to application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent should be made upon FCC Form 316 (Short Form).

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

(i) The name, residence, citizenship, and stockholders, 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 of any 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 beneficial interest in the licensee or any of its stock;

For example:

(a) Where A is the beneficial owner or voting stockholder of B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25 percent 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) Where X corporation should be furnished as to Y corporation if it controls X corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of Y corporation and as to Z corporation if it controls Y corporation or holds 25 percent 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:

(a) A list of all contracts still in effect relation to the grant of the license and expiration of each contract; and

(ii) Any interest which the licensee may have in any other broadcasting station.

(a) A report filed an Ownership Report (FCC Form 323) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report shall contain all the applicable portions of paragraph (a) of this section.

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee within 25 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) A transfer of stock;

(b) Issuance of new stock or disposition of treasury stock; or

(c) 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) of this section.

Note: 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, the Commission consent must be received under § 310 (b) of the Communications Act and § 1.329. A transfer of control takes place when an individual, or group in privacy, holds 50 percent or negative (50 percent) control. See instructions on FCC Form 323 "Ownership Report."

(d) Exceptions: Where information is required under paragraphs (a), (b), (c) of this section with respect to a corporation or association having more than 50 stockholders or members, such information need be filed 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 percent or more of either the voting or non-voting stock of the corporation or voting rights in the association.

THE MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.351 Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 833. Action will be withheld on the following types of applications:

(a) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(b) Applications by existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(c) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(2) A change in transmitter location resulting in a material reduction in the distance from that station to the protected contour of a United States Class I station on the channel.

§ 1.352 Standard broadcast applications involving stations in other North American countries. (a) The special procedural provisions set forth in paragraphs (b) through (e) of this section with respect to the consideration of applications for standard broadcast station assignments are adopted in order to take into account the policy set out in the note to § 3.28 (b) of this chapter. That note has reference to consideration by the Commission of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of provisions of (1) the North American Regional Broadcasting Agreement, Washington, 1950, referred to herein as NARA, (2) the Agreement for the Caribbean, United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D. F., 1951, referred to herein as the Mexico Agreement, and (3) the existing relationship in the field of standard broadcasting between the United States and a North American country not signatory to either of these agreements, referred to herein as a non-signatory country.) The procedure set forth in paragraphs (b) through (e) of this section is applicable to all applications before the Commission for standard broadcast station assignments except those already being held in a pending status in connection with Dockets Nos. 64-832 and 833.

(a) Whenever it appears with respect to an application not in hearing status that a grant thereof would be inconsistent with the NARA or the U. S./Mexico Agreement, in the event that application is proposed therein would cause objectionable interference to a station in a non-signatory country, such application shall be placed in the pending file and, except as provided in this section, shall not receive further consideration or action.
pending modification of the policy set forth in the note to § 3.28 (b) of this chapter. Where it appears that such application is mutually exclusive with an application or applications, the grant of which would not be inconsistent with these agreements and would not result in objectionable interference to any station in a non-signatory country, such application will be designated for hearing in consolidation with the application or applications with which it is in conflict. In such cases, the question of consistency with the NARBA or the U. S./Mexican Agreement or objectionable interference to stations in a non-signatory country shall be made a matter of issue in the hearing.

(c) (1) Whenever it appears, with respect to any application which has been designated for hearing by itself or in consolidation with other applications in any consolidated proceeding, that a grant of the application or each and every one of the applications involved would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country, and where the hearing involved has not been commenced, such application or applications will be removed from the hearing docket and placed in the pending file. Where the hearing involved has commenced, such application or applications will be placed in the pending file, but will not be removed from the hearing docket. Such action shall be by order and may be taken by the Commission.

(2) Whenever it appears with respect to one or more, but not all, of the applications in any consolidated proceeding that a grant of such application or applications would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference with stations in a non-signatory country, and where consistency with the agreements or interference to stations in a non-signatory country is not already a matter at issue in the proceeding, the notice of hearing will be amended to include an appropriate issue, and if the request for consolidation will be permitted for the purpose of taking testimony with respect to such issue. Such action will be taken by the Commission upon its own motion, or upon motion of any party to the proceeding or the Chief of the Broadcast Bureau.

(3) In any proceeding in which, after the hearing has commenced, it becomes necessary to place the applications involved in the pending file or to add, with respect to any application or applications, an issue concerning consistency with the NARBA or the U. S./Mexican Agreement or interference to stations in a non-signatory country, the application concerned will, without the status of proceeding and the provisions of § 1.311 (b), be afforded a reasonable opportunity to file a petition for the purpose of achieving consistency with these agreements and eliminating interference to a non-signatory country.

(4) In any proceeding in which there is involved a question of consistency with the NARBA or the U. S./Mexican Agreement or interference to stations in a non-signatory country, the presiding officer will include in his decision a finding on this issue. However, neither the presiding officer nor the Commission will take this factor into account in arriving at a determination whether the grant of any application involved in the proceeding would result in objectionable interference to any station in a non-signatory country. Such applications will be designated for hearing in consolidation with the application or applications with which it is in conflict. In such cases, the question of consistency with the NARBA or the U. S./Mexican Agreement or objectionable interference to stations in a non-signatory country shall be made a matter of issue in the hearing.

§ 1.353 Staff consideration of applications which receive action by the Commission. Upon acceptance of an application, the complete file is reviewed by the staff and a report containing the recommended procedures and other documents required is prepared and placed on the Commission’s agenda.

§ 1.354 Processing of standard broadcast applications. (a) Applications for standard broadcast facilities are divided into two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, such as changes in frequency, power, hours of operation, station location, or substantial change in directional antenna system. The applications in the first group are acted upon by the Commission.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations, and applications in this second group are acted upon by the Chief of the Broadcast Bureau under delegated authority.

(b) The Commission will not act upon applications in paragraph (a) (1) of this section until 30 days after the date on which “Public Notice” is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which “Public Notice” is given of the acceptance for filing of the amended application. Applications filed or major amendment thereto is in conflict with another application, the 30-day limitation shall be applicable only to the earlier of the conflicts.

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first, until the file number designated by the order in which the staff’s work is begun on a particular application. There is one exception thereto; the Broadcast Bureau is authorized to initiate any applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding.

(d) Applications which are acted upon by the Chief of the Broadcast Bureau under delegated authority are not placed on the processing line but are processed as nearly as possible in the order in which they are filed.

(e) Applications for modification of license to change hours of operation of a
class IV station, to decrease hours of operation of any other class of station, or to change station location. No change in transmitter site will be considered without reference to the processing line.

If, upon examination, the Commission finds that the public interest, convenience, and necessity will be served by the granting of an application, the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in §1.362 will be followed.

(g) When an application which has been designated for hearing has been moved from the hearing docket, the application will be returned to its proper position. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Chief Hearing Examiner in acting on such petitions, will dismiss the application.

(h) An application will continue to be carried under the same file number unless a major amendment is made which constitutes it as a different application. (Examples: Change in station location so that essentially a new service area is involved; substitution of new parties in the application so that the original applicant no longer holds a majority control.)

(i) When an application is reached for processing, and it is necessary to address a letter to the applicant asking further information, the application will not be processed until the information requested is received, and the application will be placed in the pending file to await the applicant's response.

(j) When an application is placed in the pending file, the applicant will be notified of the reason for such action.

§1.355 Processing of television broadcast applications. (a) Applications for television broadcast facilities are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, such as those containing significant increases in power and/or antenna height, significant changes in antenna location, and changes in station location.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations.

(b) The Commission will not act on applications delineated in paragraph (a) (1) of this section until 30 days have elapsed from the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such amendment.

(3) Changes for television stations will be processed as nearly as possible in the order in which they are filed.

(4) Regardless of the number of applications filed for channels in a city or the number of accepted facilities in that city, those applications which are mutually exclusive, i.e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 63 have been assigned to City X and there are applications for two channels and an application for one channel and two applications for Channel 1 and one application forChannel 2 will be designated for hearing.

(5) If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(6) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is less than the separation requirements set forth in §3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing.

In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been filed for at least one day before the lower file number application has been acted upon by the Commission.

(7) Where prior to designation for hearing, a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, any application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

§1.356 Processing of FM and non-commercial educational FM broadcast applications. (a) Applications for FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations, applications for major modification of authorized facilities, or amendments to such applications requesting a major change in the proposed facilities. (Such changes in the class of station, significant increase in power and/or antenna height, and/or a change in station location.)

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations.

(b) Applications for noncommercial educational FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations.

(2) The second group are all applications for changes in the facilities of authorized noncommercial educational FM broadcast stations.

(c) Applications delineated in paragraphs (a) (1) and (2) of this section will be acted upon by the Commission. The Commission, however, will not act on applications delineated in paragraph (a) (1) of this section until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such an amendment.

(d) Applications for noncommercial educational FM broadcast stations delineated in paragraph (b) of this section may be acted upon at any time after "Public Notice" is given of acceptance for filing of such applications.

(e) Applications delineated in paragraphs (a) (2) and (b) of this section may be acted upon by the Chief of the Broadcast Bureau under delegated authority.

(f) Regardless of the number of applications filed for Class B channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i.e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 230, 238, 242, and 250 have been assigned to City X and there are pending two applications for Channel 230 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 230 will be designated for hearing. If there are two pending applications for Channel 230 and two applications for Channel 230, separate hearings will be held.

§1.357 Staff consideration of applications which do not require action by the Commission. Those applications which do not require action by the Commission but which, pursuant to the delegation of authority contained in the Commission's Statement of Organizations, Delegations of Authority, and Other Information, may be acted upon by Chief Broadcast Bureau are forwarded to the Broadcast Bureau for necessary action. If the application is granted, the license division issues the formal authorization. In any case where it is recommended that the matter be set for hearing, where a novel question of policy is presented, or where the Chief, Broadcast Bureau desires instructions from the Commission, the matter is placed on the Commission's agenda.

ACTION ON APPLICATIONS

§1.361 Grants without hearing of authorizations other than licenses pursuing
an to construction permit; procedure for filing objections. (a) An application for an instrument of authorization, other than a license pursuant to a construction permit, shall be granted without hearing thereon: (1) If the application is in proper form; (2) if there is not pending a mutually exclusive application filed in accordance with paragraph (b) of this section, that the application is not such as to require examination of the application and supporting data, and upon consideration of objections filed pursuant to paragraph (c) of this section, that: (i) The application is not essentially technical, financially, and otherwise qualified; (ii) The application is not in violation of the provisions of law or of this chapter or established policies of the Commission; and (iii) A grant of the application would otherwise serve public interest, convenience, or necessity.

(b) In making its determinations pursuant to the subsection of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application unless such other application was substantially complete and was filed with the Commission not later than the close of business on the date upon which the hearing on the application takes action, with regard to the application under consideration.

(c) Before Commission action on an application: for an instrument of authorization other than a license pursuant to a construction permit, any person may file objections to the grant. Such objection shall be signed by the objector. The limitation of pleadings and time for filling pleadings provided for in § 1.18 shall not be applicable to any objections duly filed under this section.

§ 1.362 Designation for hearing. (a) If the Commission is unable, upon examination of any application for an instrument of authorization other than a license pursuant to a construction permit, to make the findings specified in § 1.961 (a), it will without delay notify the applicants and all other known parties in interest of the grounds and reasons for its inability to make such findings, and of all objections made to the application, as well as the source and nature of such objections. If, within 30 days after the giving of such notice, the applicant is given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, it shall formally designate the application for hearing upon the issues thereon and shall notify the applicant and all other known parties in interest of such action.

(b) Where a grant of an application would preclude the grant of any application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications. A grant of a hearing on an exceptional grant will be made upon the express condition that such grant is subject to being withdrawn if, at the hearing, it is determined that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

1. That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

2. That public interest requires the prompt consideration of radio service in a particular community or area, or

3. That a grant of one or more applications will be in the public interest, and that a delay in making a grant to any applicant adverse to the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question;

4. That a grant of one application would be in the public interest, and that it appears from an examination of the record of the hearing that this application cannot be granted because they are in violation of provisions of the Communications Act, other statutes, or the provisions of this chapter.

§ 1.363 Retention of applications in hearing status after designation for hearing. (a) After an application for a broadcast facility is designated for hearing, it shall be retained in hearing status on the docket until amended and removed from hearing of any other application or applications with which it has been consolidated for hearing.

(b) Where the applicants in a consolidated hearing, the broadcast facility shall be by option, merger, or like arrangement effect a consolidation of their respective interests, the application which is to be prosecuted should be amended to reflect the arrangements between or among the applicants, and as amended will be retained in hearing along with the other applications, which will be dismissed by the hearing examiner, in this decision.

(c) In all cases arising under paragraphs (a) and (b) of this section, the hearing examiner will consider in the initial decision whether a grant of the remaining application or applications to be prosecuted would be in the public interest in the light of the arrangement whereby the parties effected a consolidation of their respective interests or the competing applications were either dismissed or amended and removed from hearing.

(d) An application for a broadcast facility which has been designated for hearing and which is amended so as to eliminate the need for hearing or further hearing on the issues specified, other than as provided for in paragraph (b) of this section, will be removed from hearing status.

§ 1.364 Special waiver procedure relative to applications. (a) In the case of any broadcast applications designated for hearing, the Commission may, on its own motion or upon request the Commission to grant or deny an application upon the basis of the information contained in the applications and other papers specified in paragraph (b) of this section, without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with paragraph (e) of this section, and serve copies on all other parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties or a joint waiver, the Commission will consider whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(b) In all cases considered in accordance with this procedure, the Commission will decide the case upon the basis of the information contained in the applications and any other papers open to public inspection on file with the Commission, as of the date the record was closed, or such period as the parties may agree to be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days after the ceding of such information the waiver is withdrawn.

(c) Any decision by the Commission rendered pursuant to this section will be in the nature of a final decision, unless otherwise ordered by the Commission.

(d) By agreeing to the waiver procedure prescribed in this section, no party shall be deemed to waive the right to petition for reconsideration or rehearing, or to appeal to the Courts from any adverse final decision of the Commission.

(e) The waiver provided for by this section shall be in the following form:

WAIVER

Name of applicant

Docket No.

The undersigned hereby requests the Commission to consider its application and grant or deny an application in accordance with the procedure prescribed in § 1.364 of the Commission's rules and regulations. It is understood that all the terms and provisions of

SUBPART E — COMPLAINTS, APPLICATIONS, TARIFFS, AND REPORTS INVOLVING COMM.

CARRIERS

GENERAL

§ 1.401 Show cause orders. (a) The Commission may commence any proceeding within its jurisdiction against any party to a proceeding or against the carrier in question or the carrier acting on behalf of any party to such proceeding, to show cause why an order should not be made in such proceeding, and to require the party or the carrier to appear before the Commission at a time and place therein stated and give evidence upon the matters specified in the order.
(b) Any carrier, upon whom an order has been served under this section, shall file its answer within the time specified in the order. The answer shall fully and completely respond to all allegations and matters contained in the show cause order.

(c) All papers filed by a carrier in a proceeding under this section shall conform with the specifications of §§1.52 and 1.53 and the subscription and verification requirements of §1.55. An original and 14 copies of all such papers shall be filed.

§1.402 Appearances—(a) Hearings. Except as otherwise required by §1.140 regarding application proceedings, by §1.62 regarding proceedings instituted under section 312 of the Communications Act of 1934, as amended, or by Commission order in any proceeding, no written statement indicating intent to appear need be filed in advance of actual appearance at any hearing by any person or his attorney.

(b) Oral arguments. Within 5 days after release of an order designating an initial decision for oral argument or within such other time as may be specified in such order, any party who wishes to participate in the oral argument shall file a written statement indicating that he will appear and participate. Within such other time as may be specified in an order designating any other matter for oral argument, any person wishing to participate in the oral argument shall file a written statement to that effect setting forth the reasons for his interest in the matter. The Commission will advise him whether he may participate. (See §1.154 for penalties for failure to file appearance statements in proceedings including oral arguments on initial decisions.)

(c) Commission counsel. The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Common Carrier Bureau.

COMPLAINTS

§1.411 Formal or informal complaints. Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

§1.412 Satisfaction of complaints; damages. If a carrier satisfies any complaint brought to its attention by the Commission, a statement must be filed with the Commission, in duplicate, setting forth the reason and how the complaint has been satisfied: Provided, however, That no complaint seeking damages as a result of alleged unjust or unreasonable charges, practices, classifications, or regulations contained in an effective tariff schedule on file with the Commission shall be satisfied except after appropriate authorization by the Commission.

INFORMAL COMPLAINTS

§1.416 Form. An informal complaint shall be in writing and shall contain: (a) The name and address of the complainant; (b) the name of the carrier against which the complaint is made; and (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act.

§1.417 Procedure. Upon receipt of any informal complaint, the Commission will forward a copy to the carrier complained of or take the question up by correspondence with the carrier. The carrier will also be called upon within such time as may be prescribed either to satisfy the complaint or advise the Commission of its refusal or inability to do so. If the carrier satisfies the complaint, it shall so notify the Commission in accordance with the provisions of §1.412. The Commission will forward a copy of the carrier’s notice of satisfaction to the complainant. If the carrier refuses or is unable to satisfy the complaint, it shall so notify the Commission, in duplicate, and the Commission will forward a copy of such notice to the complainant with a statement of the procedure to be followed to further prosecute the complaint.

§1.418 Unsatisfied informal complaints; form of complaint; relating back to the filing dates of informal complaints. When an informal complaint has not been satisfied pursuant to §1.417, the complainant may file a formal complaint in the form specified in §1.421. Such filing will be deemed to relate back to the filing date of the informal complaint: Provided, That the formal complaint: (a) Is filed within 6 months from the date of the Commission’s statement accompanying a copy of the carrier’s notice of refusal or inability to satisfy, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complaint will be deemed to have abandoned the Commission informal complaint, and such complaint will be deemed dismissed.

FORMAL COMPLAINTS

§1.421 Form. (a) A formal complaint shall contain the name of each complainant and defendant, the address of each complainant, and the name and address of his attorney, if represented by an attorney, and shall be subscribed and verified by the complainant.

(b) The following form may be used in cases to which it is applicable, with such alterations as the circumstances may render necessary.

COMPLAINT BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D. C.

Docket No. (To be inserted by the Secretary of the Commission)

Complainant

v.

Defendant

The complaint (here insert full name of each complainant and if it a corporation the corporate title of such complainant) shows:

(1) That (here state the nature and extent of such services)

(2) That (here insert the full name, occupation, and post office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the statement made).

Wherefore, complainant asks (here state specifically the relief desired).

Form of Verification

being first duly sworn, on oath, deposes, and says that he (or she) is (here insert the name of each of the complainants) in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof; and that the matter and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

Subscribed and sworn to before me this day of , 19_

(Notary public or other proper officer)

§1.422 Statement of issues and facts. A formal complaint shall be so drawn as to advise the Commission of the nature of the defendant fully wherein the provisions of the Communications Act, or an order, rule, or regulation of the Commission have been violated; the facts claimed to constitute such violation including such data as will identify, with reasonable certainty, the communications or transmissions, or other services complained of (as well as any other appropriate facts elicited by §1.430), and the relief sought.

§1.423 Damages; allegations with certainty. (a) In case recovery of damages is sought, the complaint shall contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications or transmissions, or other services, for which recovery is sought and shall state:

(1) That the complainant makes claim for damages;

(2) The name and address of each individual complainant asking damages;

(3) The name and address of the defendant against which claim is made;

(4) The communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne;

(5) The period of time within which, or the specific dates when the communications, transmissions, or other services were rendered;

(6) The points of origin and reception of the communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the facts showing the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne;

(7) The nature and amount of injury sustained by each complainant;
Paragraphs 1 to 8 are not included.

8. Separately, the damages with respect to each communication, transmission, or other service for which recovery is sought;

9. If damages are sought on behalf of others than the complainant, in what capacity such complainant is made in their behalf; and

10. That suit has not been filed in any count on the basis of the same cause of action.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint based on the findings of the Commission in the original proceeding.

§ 1.424 Specific tariff schedule references. The several charges, classifications, regulations, or practices complained of should be set out by specific reference to the tariff schedules in which they appear, whenever that is possible.

§ 1.425 Joint complainants and causes of action. (a) Two or more complainants may join in one complaint if the applicable causes of action are against the same defendant and concern substantially the same alleged violation of the Communications Act and the same facts.

(b) Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately numbered.

§ 1.428 Discrimination, preference, or prejudice. When unjust or unreasonable discrimination or undue or unreasonable preference, advantage, prejudice, or disadvantage is alleged, the complaint shall clearly specify the particular person, company, or other entity, locality, or description of traffic affected thereby, and the particular discrimination, preference, advantage, prejudice, or disadvantage relied upon as constituting a violation of the Communications Act.

§ 1.427 Supplemental complaints. (a) Filing. There may be filed with the Commission a supplemental complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action.

(b) Seeking damages. If recovery of damages or overcharges is sought by supplemental complaint, it must be filed with the Commission within the statutory period of limitations as to actions of such nature contained in section 415 of the Communications Act.

§ 1.428 Cross complaints. A cross complaint, seeking any relief within the jurisdiction of the Commission against any carrier which is a party (complainant and defendant) to the proceeding, may be filed by a defendant with its answer.

A cross complaint will be accepted for filing and will be served by the Commission in the manner provided in §1.429 for service of process on the server of this subpart, the term "cross complaint" shall include counterclaim.

§ 1.429 Copies; service. (a) An original and 14 copies of all pleadings and briefs filed in any formal complaint proceeding shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

(b) The Commission will serve a copy of any formal complaint filed with it (and any supplemental, amended, or cross complaint) together with a notice of the filing of the complaint. Such service shall be sufficient to satisfy the complaint in accordance with §1.412 or answer the same in writing within the time specified in said notice.

(c) All subsequent pleadings and briefs, including any cross complaint proceeding shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of §1.428.

§ 1.430 Answers to complaints, supplemental complaints, amended complaints, and cross complaints. Any answer filed with the Commission or to a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall serve an answer within the time specified in the complaint as the notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the defense, and shall respond specifically to all material allegations of the complaint.

§ 1.431 Motions to dismiss complaints or to make them more definite and certain. (a) A defendant may serve with his answer a motion to dismiss a complaint because of lack of legal sufficiency upon any phase or parts thereof. Where matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 1.432 Replies to answers or amended answers; motions to make answers more definite and certain. Within 10 days after service of an answer or an amended answer, or service of a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed as admission of any allegations contained in such answer or amended answer. A complaintant may also serve with his reply a motion that the answer be made more definite and certain, such motion to point out the defects complained of and the details desired. If such motion is granted by the Commission, it will order the defendant to file an amended answer within such time as may be specified in the order. No application to motions to dismiss complaints or to make them more definite and certain. Within 10 days after service of a motion to dismiss a complaint or to make it more definite and certain, a complainant may serve an opposition to such motion.

§ 1.434 Specifications as to pleadings, briefs, and other documents; subscription and verification. All papers filed in any corrected and that corrected pleadings shall be deemed in conformity with the requirements of §§1.52, 1.53, and 1.55.

§ 1.435 Formal complaints not stating a cause of action; defective pleadings. (a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case any amendment to such document will be considered a new filing which must be made within the statutory period of limitations of actions contained in section 415 of the Communications Act, if recovery of damages or overcharges is sought.

(b) Any pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this part (other than the matter covered in paragraph (a) of this section) may be deemed defective. In such case the Commission will:

1. Request that specified defects be cured, and the corrected pleadings be served within a prescribed time as a condition to being treated as timely filed; and

2. Notify all persons, known to the Commission to have been served with any defective pleading, of the action taken under this paragraph.

APPENDIX

§ 1.440 Scope. The general rules relating to applications contained in §§1.441 through 1.447 apply to all applications filed by carriers except those filed by public companies to applications pursuant to Parts 7, 8, 9, 14, and 21 of this chapter. Part 21 contains general rules applicable to applications filed pursuant to part 107. For general rules applicable to applications filed pursuant to Parts 7, 8, 9, and 14, see such parts and Subpart F of this part.

§ 1.441 Place of filing; number of copies. All applications shall be tendered for filing with the Office of the Secretary, Federal Communications Commission, Washington 25, D. C. The applications will be dated by the Office of the Secretary upon receipt and then forwarded to the Common Carrier Bureau. The number of copies required for each application is set forth in the rules in this chapter relating to various types of applications. However, if any application is filed as specified by this chapter, an original and two copies of such application shall be submitted.

§ 1.442 Subscription and verification. Each application or amendment thereto shall be personally subscribed and verified (or affirmed) by the applicant, if the
applicant is an individual; by any one of the partners, if the applicant is a partnership; by any officer, employee, or agent of a corporation, or by any person employed by a corporation, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; or by an executive of the applicant if the applicant is not an individual, partnership, corporation or association: Provided, however, That an application may be subscribed and verified by the attorney-at-law or in fact for an applicant in case of physical inability of the applicant, or his absence from the continental United States. If subscription and verification is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Only the original of the application need be subscribed and verified or affirmed; the copies may be conformed.

§ 1.443 Amendments. (a) Any application not designated for hearing may be amended at any time by the filing of substitution of any number of amendments in the same manner, and with the same number of copies, as was the initial application.

(b) After any application is designated for hearing, requests to amend such application may be granted by the Commission upon good cause shown by petition, which petition shall be properly served upon all parties to the hearing.

(c) The Commission may order the applicant to amend his application at any time so as to make it more definite and certain. Such order may be vacated by the Commission upon its own motion or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

§ 1.444 Additional statements. The Commission may require an applicant to submit such additional documents and written statements as fact, subscribed and verified (or affirmed), as in its judgment may be necessary.

§ 1.445 Defective applications. (a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.446 Inconsistent or conflicting applications. When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of such applicant, his successor, or assignee, will be considered by the Commission.

§ 1.447 Dismissal of applications—(a) Before designation for hearing. Any application designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant's request for the return of an application that has been accepted for filing and has been designated for hearing, but which the applicant fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

(b) After designation for hearing. A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all parties to the hearing and will be granted only for good cause shown. The Commission may dismiss an application without prejudice after it has been designated for hearing and final:

(1) Fails to comply with the requirements of § 1.140 (c);

(2) Otherwise fails to prosecute his application;

(3) Fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

§ 1.448 Action on applications under delegated authority. Certain applications do not come within the purview of the Commission but pursuant to the delegated authority contained in the Commission's Statement of Organization, Delegation of Authority to Federal Radio Commission, may be acted upon by the Telecommunications Committee, the Telephone Committee, or the Chief of the Common Carrier Bureau, respectively, subject to reconsideration by the Commission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.449 Cross reference. Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in Parts 6, 7, 8, 9, and 21 of this chapter.

§ 1.450 Interlocking directorates. Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act or for a finding that two or more carriers are commonly owned shall be made in the form and manner and with the number of copies required by Part 62 of this chapter. The Commission shall be informed of any change in status of any person authorized to hold the position of officer or director of more than one carrier, as required by Part 62 of this chapter.

§ 1.451 Construction, extension, acquisition or operation of lines. (a) Applications under section 214 of the Communications Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner and with the number of copies required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.452 Discontinuance, reduction, or impairment of service. (a) Applications under section 214 of the Communications Act for authority to discontinue, reduce, or impair service to a community or part of a community or for the temporary, emergency, or partial discontinuance, reduction, or impairment of service shall be made in the form and manner and with the number of copies required by Part 63 of this chapter. Posted and published notice shall be given the public as required by Part 66 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

§ 1.453 Consolidation or acquisition of telephone companies. Applications under section 221 (a) of the Communications Act involving public correspondence radio stations are specified in Parts 6, 7, 8, 9, and 21 of this chapter.

§ 1.454 Consolidation of domestic telephone carriers. Applications under section 222 of the Communications Act by two or more domestic telephone carriers for authority to effect a consolidation or merger or to acquire all or any part of the domestic telephone facilities of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the act.

(b) These applications are acted upon by the Commission after public hearing. A notice of the time and place of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Attorney
General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives, to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.465 Cable landing licenses. (a) Applications for cable landing licenses under 47 U.S.C. 34-39 and Executive Order No. 5966, May 10, 1930, shall be filed in duplicate and in accordance with the provisions of said Order. These applications should contain the name and address of the applicant; a corporate structure and citizenship of officers if a corporation; description of submarine cable, including type and number of channels and capacity thereof; location of points on shore of United States and points in foreign countries where cable will land (including map); proposed use, need, and desirability of the cable; and any other information as may be necessary to enable the Commission to act thereon.

(b) These applications are acted upon by the Commission after obtaining the approval of the District Attorney of the United States, and such assistance from any executive department or establishment of the Government as it may require.

(c) Copies relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D.C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State, and prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for copies or inspection of these files should, however, be addressed to the Federal Communications Commission, Washington 25, D.C.; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

Tariffs

§ 1.461 Filing. Schedules of charges and classifications, practices and regulations affecting such charges required under section 203 of the Communications Act of 1934, shall be filed, filed, and posted in accordance with and subject to the requirements of Part 61 of this chapter.

§ 1.462 Application for special tariff permission. Applications under section 203 of the Communications Act for special tariff permission shall be made in the manner prescribed for the filing and posting of equivalent information, shall be filed annually with this Commission by each person, directly or indirectly, operating any communications common carrier in accordance with Part 43 of this chapter.

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with Part 43 of this chapter.

§ 1.472 Monthly financial reports. Monthly reports are required, except as provided in this section, and other items shall be filed by carriers as required by Part 43 of this chapter on the following forms:

FCC Form 901—Telephone.

FCC Form 903—Radio-telegraph and Ocean-cable.

FCC Form 905—Wire-telegraph.

§ 1.473 Reports of proposed changes in depreciation rates. Carriers shall file reports, according to the description herein contained, in accordance with Part 43 of this chapter.

§ 1.474 Reports regarding pensions and benefits. Carriers shall file reports regarding pensions and benefits as required by Part 43 of this chapter.

§ 1.475 Reports regarding division of international telegraph communication charges. Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by Part 43 of this chapter.

§ 1.476 Reports relating to traffic by international carriers. Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form 378 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form 337 certain traffic information at periodic intervals. These reports are set forth in Orders Nos. 85 and 86.

§ 1.477 Reports and requests to be filed under Part 31 of this chapter. Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of Part 31 of this chapter.

§ 1.478 Reports and requests to be filed under Part 33 of this chapter. Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by class C telephone companies in accordance with and subject to the provisions of Part 33 of this chapter.

§ 1.479 Reports and requests to be filed under Part 34 of this chapter. Reports and requests shall be filed either periodically, upon the happenings of specified events, or for specific approval, by radiotelegraph carriers in accordance with and subject to the provisions of Part 34 of this chapter.

§ 1.480 Reports and requests to be filed under Part 35 of this chapter. Reports and requests shall be filed either...
periodically, upon the happening of specified events, or for specific approval, by wire-telegraph and ocean-cable carriers in accordance with and subject to the provisions of Part 35 of this chapter.

SERVICES AND FACILITIES REPORTS

§ 1.483 Reports regarding telegraph carrier services. Telegraph carrier services shall file descriptions of the services as required by Part 42 of this chapter.

§ 1.484 Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service. Carriers receiving authority under Part 41 of this chapter shall file quarterly and semiannual reports as required therein.

§ 1.485 Reports relating to reduction in temporary experimental service. As required in Part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.486 Reports regarding domestic telegraph speed of service. The Western Union Telegraph Company shall furnish monthly reports under Part 64 of this chapter, according to Message Center speed of service and Origin to Destination speed of service on FCC Forms 338-A and 338-B, respectively, and copies of instructions to field offices in accordance with Part 64 of this chapter.

§ 1.487 Reports relating to service by carriers engaged in public radio service operations. Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in Part 6 of this chapter.

MISCELLANEOUS REPORTS

§ 1.490 Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services. Amendments to such documents shall be reported and filed in accordance with Part 21 of this chapter.

§ 1.491 Reports regarding premature destruction of records. Carriers shall file reports of the premature destruction of records as required by Parts 45 and 46 of this chapter.

§ 1.492 Reports of negotiations regarding foreign communication matters. Carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted as required by Part 43 of this chapter.

§ 1.493 Reports regarding free service rendered the Government for national defense. Carriers rendering free service in connection with national defense to any agency of the United States Government shall file reports in accordance with Part 2 of this chapter.

SUBPART F—SAFETY AND SPECIAL SERVICES APPLICATIONS AND PROCEEDINGS

GENERAL REQUIREMENTS AS TO APPLICANTS

§ 1.500 Scope. This subpart is applicable to all services listed in Parts 7, 8, 9, 10, 11, 12, 14, 16, 19, and 20 of this chapter, except that rules involving common carriers concerning complaints, tariffs, applications and reports required under Title II of the Communications Act are set forth in § 1.204 of this section. (For additional information relative to applications, see the rules in this chapter relating to each of the respective services.) In case of apparent inconsistency between the rules set forth in this subpart and the rules for the specific services enumerated in this section, the former shall govern.

§ 1.501 Applications required. (a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3 (dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3 (bb) of the Communications Act; operator licenses or modifications or renewals thereof; assignments of construction permits or station licenses or any rights thereunder; and consent to transfer control of a station by transferring a construction permit or license shall be granted only upon written, subscribed, and verified application.

(b) In cases of (1) emergency found by the Commission to be of such danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) in cases of emergency when the Commission finds in its discretion that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedures, the Commission may grant construction permits and station licenses, or modifications or renewals thereof, without the filing of a formal application, but no such authorization can be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under this paragraph is the same as for obtaining special temporary authority under § 1.525.

(c) In case of vessels at sea, the Commission may issue by cable, telegraph, or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

(d) Canadian licenses desiring to operate in the United States under the terms of Articles 2 and 3 of the Convention between the United States and Canada concerning Operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952) shall make application upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington 25, D.C., or, if filed from the FCC Secretary, any field office of the Commission, or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

§ 1.502 Where applications are to be filed. (a) Applications requesting author
§ 1.504 Full disclosures. Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms. Additional information, forms, plans, and maps, and the submitted in letter form need not be notarized.

§ 1.505 Amendments of applications.
(a) Any amendment to an application shall be subscribed, verified, and submitted in the same manner and with the same number of copies, as was the original application.
(b) Any application may be amended as a matter of right prior to the designation of application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed.
(c) The Commission may upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain, and may require an applicant to submit additional documents and written statements of facts, under oath as in its judgment may be necessary.

§ 1.506 Dismissal of applications. (a) Any application may, upon written request of the applicant or the applicant’s attorney, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.
(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will cause for dismissal. Such dismissal will be without prejudice unless the applicant has been designated for a hearing; such dismissal may be with prejudice after an application has been designated for a hearing.
(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only upon good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS
§ 1.521 Procedure for obtaining a radio station authorization and for commencement of operation. (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with the rules for the particular service. A list of all application forms used by Safety and Special Radio Services Bureau is contained in § 1.522. Each form contains appropriate instructions concerning the necessary information to be included, where it may be filed, and the services in which it is intended to be used.
(b) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable in which case that fact shall be indicated.
(c) In some cases equipment and service tests are required before an authorization may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

§ 1.522 Forms to be used.
FCC Forms
Title
400 Application for Radio Station Authorization in the Safety and Special Radio Services.
400-10 Instructions for completion of FCC Form 400.
490-A Request for Amendment of Radio Station Authority.
401 Application for New or Modified Radio Station Construction Permits (Other than Broadcasting).
401-A Description of Proposed Antenna Structure(s) (Service other than Broadcasting).
403 Application for Radio Station License or Modification Thereof (Other than Broadcasting, Amateur, Ship, and Aircraft Services).  
404 Application for Aircraft Radio Station License.
405-A Application for Renewal of Radio License (Short Form).
410 Registration of Canadian Radio Station Licenses, Canadian Application for Permit to Operate.
453-B Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft.
450 Application for Civil Air Patrol Radio Station Authorization.
451 Application for Authority to Operate a Station in the Radio Amateur Service, or to Exercise Special Emergency Service.
452 Certification of Civil Defense Radio Officer.
501 Application for Ship Radio Station License.
501-A Application for Ship Radiotelephone Station License.
506 Application for Citizens Radio Station Construction Permit and License.
525 Application for Disaster Communications Radio Station Construction Permit and License.
600 Application for Non-Amateur Station License at a Military Post.
610 Application for Amateur Operator and Station Authorization.
701 Application for Additional Time to Construct Radio Station.
701-A Application for Consent to Assign-New Construction Permit or License (For Stations in Services Other Than Broadcast).
701-B Application for Consent to Transfer of Control of Corporation Holding Construction Permit for Station in Services Other Than Broadcast.
820 Application for Ship Exemption.
820-A Application for Exemption (Great Lakes Area).

§ 1.523 Construction permits. No construction permit is required for any class of station in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, or Communications, and Amateur Services except as follows: A construction permit is required for:
(a) All operational fixed stations;
(b) Land radiodispension stations in the industrial radiolocation service;
(c) Public coast stations and limited Class I and Class II coast stations;
(d) Shore radio-location, shore radio-navigation, and shore radar stations;
(e) Alaskan public fixed stations; and
(f) Any station involving the erection of a new antenna or changes in an existing antenna if:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet, no Form 401-A need be filed.

Notes: In cases of Amateur stations involving the criteria set forth in paragraph (f) of this section, applicants need file only FCC Form 401-A; application for construction permit is not required.

§ 1.524 Assignment or transfer of control, voluntary and involuntary. (a) Radio station licenses are not transferable; however, except for those set forth in subparagraph (2) of this paragraph, they may be assigned. Licenses must be assigned whenever there is a change of ownership of an authorized radio station after it has been sold or leased. The radio communication equipment is sold with a business. The new owner must apply for assignment to him of the existing authorization in accordance with the rules under which the station is authorized.

(b) Licenses for stations in the Amateur, Aviation (aircraft), Citizens, and Marine (ship) services may not be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(c) (1) Application for consent to voluntary assignment of a construction permit or license, or for consent to voluntary transfer of control of a corporation holding a construction permit or license, shall be filed with the Commission at least 60 days prior to the commencement of effectiveness date of assignment or transfer of control.

(2) The following application forms should be used:

(i) FCC Form 400, "Application for Radio Station Authorization in the Safety and Special Radio Services" may be used for application for assignment of station authorization in services under Parts 10, 11, and 16 of this chapter. Attached thereto shall be a notarized letter from proposed assignor stating his desire to assign his current authori-
zation in accordance with the rules gov-
erning the particular service involved.

Form 480. Application for Consent to Assignment of Radio Station Construction Permit or License (for sta-
tions in services other than Broadcast).”

(iii) FCC Form 703, “Application for Consent to Assignment of Com-
mission Holding Construction Permit or Station License (for stations in ser-
vice other than Broadcast).”

(1) In the event of the death or legal disabil-
ity involving a person or entity legally quali-
ﬁed to succeed to the foregoing interests un-
der the laws of the place having jurisdiction
over the estate involved. The procedure and
forms to be followed are the same as those
speciﬁed in paragraph (b) of this section.

(3) In the case of stations in the Ama-
teur, Aviation (aircraft), Citizens, and
Maritime (ship) Radio Services, invol-
untary assignment of licenses will not be
made; such licenses shall be surrendered for
cancellation upon the death or legal disabil-
ity of the licensee.

§ 1.525 Application for special tem-
porary authority. (a) Special tem-
porary authority may be granted to
install and operate new equipment, or to
operate a licensed station in a manner
and to an extent or for service other
or beyond that authorized in an existing
license upon proper application therefor.

No such request will be considered unless
full particulars as to the purpose for
which the request is made are stated and
unless that request is received by the
Commission at least 10 days prior to the
date of proposed operation. A request
received within less than 10 days may be
denied on the ground due showing of suf-
cient reasons.

(b) Requests for such temporary au-
 thorization may be ﬁled in letter form
signed under oath; however, in cases of
emergency involving danger to life or
property or due to damage to equipment,
such request may be made by telephone
or telegraph provided written request,
signed under oath, is submitted within
10 days following the date of such request.

(c) The purchasers of a new aircraft
with factory-installed radio equipment
may operate the radio station on the
aircraft for a period of 30 days under Spec-
ial Temporary Authority. In order to obtain
a copy of a certiﬁcate (FCC Form 453B)
executed by the manufacturer, dealer, or
distributor, the original of which has been
mailed to the Commission, the formal appli-
cation for station license shall be submitted
with FCC Form 405-A (except as noted
in paragraph (b) of this section). Application
for renewal of license in the Amateur
Service shall be ﬁled during the last
120 days of the license term; all
other applications for renewal of license
shall be ﬁled during the last 60 days of
the license term. In any case in which
the licensee has, in accordance with the
provisions of this chapter made timely
and sufﬁcient application for renewal of
license, no license with reference to any
speciﬁc activity shall expire until such application shall have been ﬁnally determined.

(b) Application for renewal of author-
ization to operate an amateur station
in the Radio Amateur Civil Service shall be ﬁled on FCC Form 481-1
and shall be submitted concurrently with
the application for renewal of the basic
organization, Delegations License, Applica-
tion for renewal of Civil Air Patrol radio
station authorization shall be submitted
on FCC Form 480. Application for re-
newal of such a station license shall be
submitted on FCC Form 404.

§ 1.527 Application for ship radio in-
spection or periodical survey of ships
subject to compulsory radio require-
ments. (a) Applications for ship radio
inspection or certiﬁcation of the ship
radio license in accordance with the re-
quirements of section 363 (b) of the
Commission, should be submitted on FCC Form 801 entitled “Application for Ship
Radio Inspection.” This form should be
forwarded to the Engineer in Charge of
the radio district ofﬁce nearest the
desired port of inspection (see section 0.49
of the Commission’s Statement of Or-
ganization, Delegations of Author-
ity, and Other Information).

(b) Applications for periodical sur-
vey as required by Article 11 of the Great
Lakes Agreement, and certiﬁcation pre-
scribed by Articles 12 and 13 thereof
shall be submitted on FCC Form 809
“Application for Periodical Survey
(Great Lakes Agreement”). This form
shall be forwarded to the Engineer in
Charge of the radio district ofﬁce nearest
the desired place of survey (see sec-
tion 0.59 of the Commission’s Statement
of Organization, Delegations of Author-
ity, and Other Information).

(c) Applications for inspection of
ship radio equipment and apparatus, for
the purposes of Part II of Title III of the
Communications Act of 1934, as am-
ended, may be submitted to the
Commission on a Sunday or a national holiday or
during other than the established work-
ing hours on any other day, should be
submitted on FCC Form 808 entitled
“Application for and Certiﬁcate of Over-
time Service Involving Inspection of
Ship Radio Equipment.” This form
shall be forwarded to the Engineer in
Charge of the radio district ofﬁce nearest
the desired port of inspection (see sec-
tion 0.49 of the Commission’s Statement
of Organization, Delegations of Author-
ity, and Other Information).

(d) Applications for ship radio in-
spection and certiﬁcation of vessels subject
to Part III of Title III of the Communi-
cations Act pursuant to section 385
thereof should be submitted on FCC Form
820 entitled “Application for Periodical
Inspection under Title III of the
Communications Act, Title III, Part III”. This form
shall be forwarded to the Engineer in
Charge of the radio district ofﬁce near-
est the desired place of survey (see sec-
tion 0.49 of the Commission’s State-
ment of Organization, Delegations of
Authority, and Other Information).

§ 1.528 Application for exemption
from compulsory ship radio require-
ments. Applications for exemption, ﬁled
under the provisions of section 385 (b)
or (c) and 383 of the Communications
Act, and Regulations 5 or 6, Chapter IV,
shall be submitted on FCC Form 820 entitled “Application for Ship
Exemption”. Applications for exempt-
ions ﬁled under the provisions of Article
6 of the Great Lakes Agreement shall be
submitted on FCC Form 820-A entitled
“Application for Exemption (Great
Lakes Agreement).”

§ 1.529 Procedure with respect to ap-
pli cations for ship radio inspection or
periodical survey. After the follow-
ing applications are submitted, the
Engineer in Charge of the radio district ofﬁce
in which the application is sub-
mitted makes the necessary examination
and issues the appropriate certiﬁcation:

(a) Application for ship radio inspec-
tion and certiﬁcation of the ship radio
license, pursuant to the requirements of
section 362 (b) of the Communications
Act.

(b) Application for a Safety Conven-
vention certiﬁcate in accordance with the
terms of Regulations 11 and 12, Chapter
I of the Safety Convention;

(c) Application for periodical survey as
required by Article 11 of the Great
Lakes Agreement and certiﬁcation pre-
scribed by Articles 12 and 13 thereof.

(d) Application for periodical inspec-
tion of vessels subject to Part III of Title III of the
Communications Act, pursuant to section 385 thereof.

§ 1.530 Procedure with respect to
amateur radio operator license. After
an application for an amateur radio
operator license is accepted and an ex-
amination is conducted in accordance
with § 12.44 of this chapter, the ex-
amination is graded by the ofﬁce super-
vising the examination. The results of
the examination are forwarded to Wash-
ington, and if the applicant is successful,
a license is issued by the Safety and
Special Radio Services Bureau.

§ 1.531 Application for extension of
construction permit. (a) A construction
permit shall be automatically forfeited
if the station is not ready for operation
within the time speciﬁed therein or with-
in such further time as the Commission
may have allowed for completion, and a
new application for the forfeiture of any con-
struction permit which has been appor-
tioned will be placed in the records of the
Commission as of the expiration date.

(b) Application for extension of time
within which to construct a station shall
be ﬁled on FCC Form 701, except in the
Public Safety, Industrial, and Land Transportation Radio Services where FCC Form 400-A shall be used. Such application must be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such application will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such application will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 1.532 Time in which station must be placed in operation. In those cases in which a license is issued initially in lieu of a construction permit, if the station authorized is not placed in operation within eight months from the date of grant, the authorization shall be invalid and must be returned to the Commission for assignment.

§ 1.533 Installation or removal of apparatus. In the Public Safety, Industrial, and Land Transportation Radio Services, replacement of transmitting equipment may be made without prior authorization: Provided, The replacement transmitters appear on the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services, and the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

THE MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.541 How applications are distributed. Applications for radio station authorizations in the Safety and Special Radio Services are forwarded through the Application Control Office to the appropriate Division for processing as follows:

(a) Aviation Division: Air Carrier, Aircraft, Private Aircraft, Airborne Command, Aeronautical Enroute, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radiolocation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropitan.

(b) Industrial Division: Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Low Power Industrial, Industrial Radiolocation.

(c) Land Transportation Division: Motor Carrier, Railroad, Taxicab, Auto-mobile Emergency, Highway Truck, Citizens.

(d) Marine Division: Coast Stations, Public Coast Station, Limited Coast Stations, Stations on Land in the Maritime Radiolocation Service, Fixed Stations Associated with the Maritime Mobile Service for Maritime purposes, Stations on Shipboard in the Maritime Services.

§ 1.542 How file numbers are assigned. (a) File numbers are assigned by Application Control to all applications and authorizations in the Safety and Special Radio Services with the exception of the following: Amateur Radio Service, RACES, Citizens, all classes of ship stations including radiolocation, radiodetermination and radar, the Disaster Communications Service, all classes of Aircraft, and Canadian Registrations (flight) operators may be assigned to applications in these services if the application is routed outside of the Division). A sample file number 13143-LX-P-K is made up of the following parts: 13143 is the serial number which is assigned in numerical sequence upon receipt of the application; LX is the service designator which, in this case, indicates the Taxicab Radio Service; the letter P indicates that the application is for a construction permit; and the letter K indicates that the application is an application for renewal during the fiscal year 1956.

(b) File number symbols and service designators:

| AMATEUR AND DISASTER SERVICES |
| Y—Amateur. |
| D—Disaster. |
| R—RACES. |

| AVIATION SERVICES |
| A—Aeronautical and fixed group. |
| AM—Aircraft group. |
| AA—Aviation auxiliary group. |
| AR—Aeronautical navigation land. |
| AC—Civil Air Patrol. |

| INDUSTRIAL SERVICES |
| IP—Forest products. |
| IR—Industrial radiolocation. |
| IL—Low power industrial. |
| IM—Motion picture. |
| IP—Petroleum. |
| IW—Power. |
| IV—Relay press. |
| IS—Special industrial. |

| LAND TRANSPORTATION SERVICES |
| LA—Automobile emergency. |
| LC—Citizens. |
| LL—Intercity passenger. |
| LJ—Interurban property. |
| LK—Highway truck. |
| LL—Railroad. |
| LX—Taxicab. |
| LU—Urban passenger. |
| LV—Urban property. |

| MARINE SERVICES |
| MK—Alaskan group. |
| MG—Gulf group. |
| MA—Marine auxiliary group. |
| MB—Marine radiolocation land. |
| MS—Ship group. |

| PUBLIC SAFETY SERVICES |
| FP—Fire. |
| FO—Forestry preservation. |
| PH—Highway maintenance. |
| FP—Police. |
| P—Public Safety (combined). |
| PS—Special emergency. |
| PQ—State Guard. |

| Types of applications or authorizations: |
| P—Construction Permit. |
| M—Modified CP. |
| MP—Modified CP and License. |
| MP/ML—Modified CP and Modified License. |

| AP—Assignment of Permit. |
| ML—Modified License. |
| AL—Assignment of License. |
| PL—Assignment of CP and License. |
| R—Renewed License. |
| TC—Transfer of Control. |

§ 1.543 Frequency coordination, Canada. (a) As a result of mutual agreements, the Commission has, since May 1950, been coordinating with the Canadian Department of Transport regarding proposed assignments in certain frequency bands for stations north of 60° latitude. Lines of authority are as follows: Begins at Aberdeen, Washington, running by great circle arc to the intersection of 48° N. and 120° W., thence along parallel 48° N. to the intersection of 85° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N. 85° W., thence southward along the meridian 85° W. to its intersection with parallel 41° N., thence along parallel 41° N. to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, then by great circle arc through the southernmost point of Searsmont, Maine, at which point it terminates.

(b) The frequency bands are as follows:

<table>
<thead>
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<th>Mo</th>
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<tbody>
<tr>
<td>30.56—32.00</td>
<td>42.00—50.00</td>
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<tr>
<td>32.00—34.00</td>
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<td>35.00—38.00</td>
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<td>37.00—38.00</td>
<td>102.00—102.50</td>
</tr>
<tr>
<td>39.00—40.00</td>
<td>450.00—460.00</td>
</tr>
</tbody>
</table>

(c) Due, however, to the nature of the service, proposed assignments on the following specific frequencies are not coordinated:

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<thead>
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<th>Mo</th>
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<tbody>
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<td>157.4</td>
</tr>
<tr>
<td>156.7</td>
<td>157.5</td>
</tr>
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</table>

§ 1.544 Shared use of broadcast antenna structure. Applicants who propose to share the use of an antenna structure used by a standard, FM, or TV broadcast station shall submit the following information as a part of the application:

(a) A scale sketch of the antenna system showing the position of the proposed antenna on the tower structure and its relation to any required obstruction lights and other antennas on the tower; and

(b) A diagram which will clearly indicate the proposed method of mounting the transmission feed lines and how these lines will bridge antenna base insulators if employed by the broadcast station.

§ 1.545 Defective applications. (a) Applications which are incomplete or defective in any respect shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:
(1) Statutory disqualification of applicant, e.g., aliens under section 310 of the Communications Act; (2) the purpose or object of the station would be unlawful;

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission will be considered defective and denied unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request for the applicant for waiver of, or exception to, any rule or regulation with which the application is in conflict. Such request shall show the nature of the waiver or exception demanded. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents, such documents shall be in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed.

1.546 How applications are processed. (a) Applications are processed in sequence according to the date of filing. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of authority as set forth in Part O, the Commission's Delegation of Authority, and Other Information.

(b) Applications are presented to the Commission in cases where:

(1) Applicant requests reconsideration of action taken by the staff under such delegations of authority;
(2) Requests are made for waiver of, or exception to, a rule for a period in excess of 90 days; and
(3) Applicant files a reply to a letter sent pursuant to section 309 (b) of the Communications Act.

1.547 Grants without a hearing. The Commission will grant without a hearing an application for radio facilities which is proper upon its face and appears, from an examination of the application and supporting data, that:

(a) Applicant is legally, technically, and financially qualified;

(b) A grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit;

(c) A grant of the application would not preclude the grant of any mutually exclusive application; and

(d) A grant of the application would be in the public interest.

1.548 Designation for hearing. Applications which are returned to applicants as defective because of incompleteness of answers, inadequacy of data, or questions of eligibility will be accompanied by a brief statement advising applicant of the defects in such application. If, upon the resubmission of such application, the deficiencies are not cured, the Commission will make a determination that the public interest, convenience, or necessity will be served by a grant of such application, the application shall be proceeded with pursuant to the provisions of section 309 (b) of the act as to the grounds and reasons for its inability to make such findings and of all the objections made to such application. If such notice is not mailed to the applicant, the applicant will be given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, convenience, or necessity, it will formally designate the application for hearing upon the issues then obtaining and will notify the applicant and all other known parties in interest of the hearing. Such notice shall show the reasons for such hearing.

1.549 Resubmitted applications. Any application which has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 30 days of the date on which it was returned to the applicant. If the application is not resubmitted within the prescribed time, it will be treated as a new application, and will be considered at the time other applications received on the same date are considered.

1.550 Repetitious applications. Where the Commission has, for any reason, denied an application for a new station or for any modification or facilities, dismissed such application with prejudice, or revoked the license for a radio station in the Safety and Special Radio Services, the Commission will not consider a like or new application involving service of the same kind to substantially the same area by substantially the same applicant, its successor or assign, or in which both the location and size of the original facilities in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

REPORTS TO BE FILED WITH THE COMMISSION

1.551 Reports, annual and semi-annual. (a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.
(2) Results of operation to date.
(3) Analysis of the results obtained.
(4) Copies of any published reports.
(5) Need for continuation of the program.
(6) Number of hours of operation on each frequency.
(c) Where required by the particular service rules, licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the non-profit cost-sharing nature of the arrangement to the Commission's offices in Washington, D.C., no later than three months after the close of the licensee's fiscal year.
statement of any material facts that may have been omitted from the original application for relief. On review the Commission, if it deems advisable, or otherwise, or to

aside the previous action, or direct any

further proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action upon the decision of an ap-

parent liability for forfeiture or an offer of

mitigation or a notification of denial of

relief, the case may be referred by the Com-

mission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

APPENDIX—A PLAN OF COOPERATIVE PROCEDURE IN THE ADMINISTRATION OF THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 29, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE NATURE AND EFFECT OF THE PLAN

Sec. 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereafter called the Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the Commission to appoint, in the administration of said Act to a board to be composed of a member or members of each of the States in which the wire or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes cooperation between the Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and terms of service of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred for conciliation, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceeding or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is interested, either in the proceeding itself, or in any matter related to the proceeding, the proceeding shall be referred for opinion to a joint board appointed by the Commission.

The provisions of this plan will sometimes occur purely through inadvertence, any such failure to refer shall be interpreted as suggesting that any such proceeding be made the subject matter of cooperative action if cooperation therein is deemed desirable. It is understood that each commission, whenever it appears that cooperation in the administration of the Communications Act of 1934, as revised by the Commission, is desirable, shall notify, or shall have notified, the other commission.

Thus the Commission in its report on the provisions of section 410 of the Act of May 13, 1934, indicates that it will act whenever it is convinced that it will be a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission, proceedings involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission, if it deems the proceeding one which should be considered under the cooperative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in such proceeding. In such conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference as to the order of such proceeding. Upon receipt of such request the Federal Commission will consider the same and may confer with the State commission, the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable, and desired, shall advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said Sec. 410 (a), and, as heretofore provided, when such cooperation will be by a joint hearing under said Sec. 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted by it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the provisions of the Act, shall cooperate with any State commission regarding any matter relating to the regulation of public utilities and carriers moving in interstate commerce. The commission desiring a conference upon any such matter should notify the other commission, and upon such notification the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTTERS REFERRED FOR OPINION

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of such commission, shall desire to refer a matter arising in the administration of the Communications Act of 1934, as revised by the Commission, involving a member or members of the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve as Commissioners.

The representation of each State concerned shall be equal, unless one or more of the States affected choose to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of section 24(b) of the Act of May 13, 1934, the Federal Commission will make an order referring the particular matter to such board of Commissioners, which board, at the place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern the board, and shall be publicly available.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested party, shall determine that a joint hearing under said Sec. 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission in said hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are within the territory affected by the proceeding, the general solicitor shall at once advise the State commissions of said States, they being represented in the matter before the Federal Commission, of the receipt of such notice, and shall request each such commission to give advice to him in writing as to whether it will cooperate in such hearing, or if it will, by what commissioner it will be represented therein.

Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(c) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall determine whether or not the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have authority to accept or to decline said invitation for the association, and to name such cooperating committee, and to name any number of State commissioners who shall be named on the cooperating committee, provided that he shall not be a voting member of the board of directors or board of managers of the association's executive committee.

In the event of any failure of the president of the association to act within the time prescribed of the executive committee to agree, the second vice president of the association (or other officer of the association given authority by the board of directors or board of managers of the association's executive committee to so act) shall be consulted, and the majority opinion given shall be final. The minutes and expressions of opinion may be by mail or telegraph.

In any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission,
which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating party in the proceeding, may make such suggestion to the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperation committee. If so requested, the general solicitor shall be invited to make such suggestion after consideration with the executive officers above named. If said Federal Commission accedes to such suggestion, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperating, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperating. If said Federal Commission accedes to such suggestion, it shall notify the general solicitor of the association to which the suggestion is made thereupon the general solicitor shall proceed as is provided in such case when the invitation to cooperate is made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall have the right to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding to the association that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperating proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, and who, in accordance with such selection, shall serve as a member of a cooperating committee in any proceeding, shall have further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or report has been made, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall be deemed to have or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other incapability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after consultation with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring, the vacancy shall be filled upon such report as the association may make to the Federal Commission in which case the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE EXPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission shall accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinafter provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

CROSS REFERENCES

SUBPART A

New section derived from old section

1.10-------------1.727, 1.801.
1.11-------------1.721 and 1.727.
1.12-------------New.
1.13-------------1.730.
1.14-------------1.768.
1.15-------------1.701.
1.16-------------1.726 (c).
1.17-------------1.728.
1.18-------------1.703.
1.19-------------1.711.
1.22-------------1.712.
1.23-------------1.713.
1.24-------------1.714.
1.25-------------1.715.
1.26-------------New.
1.41-------------1.741, 1.742, 1.743 (a), 1.744 (a), (b).
1.42-------------1.746.
1.43-------------1.745.
1.44-------------1.746.
1.45-------------1.747.
1.46-------------1.749.
1.47-------------1.750.
1.50-------------1.727 (a), 1.761.
1.51-------------1.781.
1.52-------------1.762.
1.53-------------1.763.
1.54-------------1.764.
1.55-------------1.765.
1.56-------------1.767.
1.61-------------1.401.
1.62-------------1.602, 1.609.
1.63-------------1.382.
1.64-------------1.383.
1.65-------------1.384.
1.66-------------New.
1.67-------------1.377.

SUBPART C

1.202-------------1.702.
1.203-------------1.206.
1.211-1.219 New.

SUBPART D

1.300-------------New.
1.301-------------1.301.
1.302-------------1.302.
1.303-------------1.303, 1.307.
1.304-------------1.304, 1.305, 1.306, 1.308.
1.305-------------1.306.
1.306-------------1.306 (d), 1.371.
1.307-------------1.361.
1.308-------------1.362.
1.309-------------1.363.
1.310-------------1.364.
1.311-------------1.365.
1.312-------------1.366, 1.381.
1.313-------------1.382.
1.314-------------New (but see 1.324).
1.315-------------New (but see 1.324 (b)).
1.321-------------1.332.
1.323-------------1.309 (b), 1.311, 1.313.
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<td>1.875 ................................ 1.175.</td>
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<td>1.877 ................................ 1.177.</td>
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Part 1—Practice and Procedure

(February 1958 Edition)

Name

Address

City       State

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Complete this form and forward to: Federal Communications Commission

Washington 25, D. C.
TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

(Revised; effective July 1, 1955)

FEDERAL COMMUNICATIONS COMMISSION

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

Sec. 2.401 Operation during emergency.
2.402 National defense; free service.
2.407 National defense; emergency authorization.

Subpart F—Equipment Type Approval and Type Acceptance

2.501 Program defined.
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Subpart G—Laws and International Treaties and Other Agreements

2.601 Appendix A—Laws, Treaties Agreement.


SUBPART A—DEFINITIONS

§ 2.1 Definitions. The following definitions are issued:

Aeronautical mobile service. A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.
Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.
Aeronautical station (FAA). A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances an aeronautical station may be placed on board a ship.
Aeronautical utility land station (FLU). A land station located at airborne control towers and used for control of ground vehicles and aircraft on the ground.
Air carrier aircraft station (MAA). An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.
Aircraft station. A mobile station installed on board any type of aircraft continuously subject to human control.
Airfield control station (FAC). An aeronautical station providing communication between an airborne control tower and aircraft.
Altimeter station (ROA). A radio navigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude of the aircraft, aboard which the altimeter station is located, above the earth's surface.
Amateur service. A service of self training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.
Amateur station (AR). A station in the amateur service.
Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.
Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.
Aviation services. Aviation services are primarily for the safe, expeditions
and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Base station (FB). A land station in the land network, carrying on a service with land mobile stations.

Broadcasting service. A radiocommunication service of transmissions to be received directly by the general public.

This service may include transmissions of sounds or transmissions by television, facsimile, or other means.

Broadcasting station (BC). A station in the broadcasting service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave: or

The output of a transmitter when the modulating wave is made zero; or

A wave generated at a point in the transmitting system and subsequently modulated by the signal; or

A wave generated locally at the receiving terminal which when combined with the desired signal in the detector produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Carrier radio service. A radiocommunication service of fixed, land, or mobile stations, or combinations thereof. Intended for use by citizens of the United States for private or personal radiocommunication (radio signaling, control of objects by radio, and other purposes).

Civil Air Patrol Land Station (FLY). A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol Mobile Station (MOV). A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station (FC). A land station in the maritime mobile service carrying on a service with ship stations.

Facsimile station (FXC). A fixed station open to public correspondence.

Contract developmental station (FXA). An Experimental Station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States.

Developmental fixed station (FXJ). A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency of the developmental fixed station.

Developmental land station (PLA). A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental land station.

Developmental mobile station (MOA). A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental mobile station.

Disaster Communications Service. A service of fixed, land, and mobile stations licensed to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities for a period of time or which require the temporary establishment of communications facilities beyond those normally available.

Distance measuring equipment. A radiocommunication service that determines the distance of an interrogator from a transponder by measuring the time of transmission to and from the transponder.

Domestic fixed service. A fixed service intended for the transmission of information between points, all of which lie within the 48 states and the District of Columbia, except for the domestic haul of international traffic.

Domestic fixed public radiocommunications service. A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within the 48 states and the District of Columbia, or (b) within a single territory or possession of the United States.

Domestic public radiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Experimental station (EX). A station utilizing an aeronautical fixed aeronautical radiocommunication service for the development of science or technique. This definition does not include amateur stations.

Export developmental station (EXE). An experimental station operated by a radio manufacturer for the express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States.

Fixed broadcast control service. A fixed service carried on for the purpose of communicating intelligence between transmitting or receiving stations in the Public Radiocommunication Services and the message centers or control points associated therewith.

Fixed communications service of radiocommunication between specified fixed points.

Fixed station (FX). A station in the fixed service.

Flight test station (FAT). An aeronautical station used for the transmission of essential communication in connection with the testing of aircraft or major components of aircraft.

Flying school station (FAS). An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

FM broadcast STL station (FXP). A fixed station, including radiocommunication service of FM broadcast stations to the transmitter of that FM broadcast station, programs to be broadcast by that station.

FM broadcasting station (BCF). A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing FM emissions.

FM inter-city relay station (FXM). A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

Glider path station (SLG). (This term will be defined at a later date.)

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part.

Incoherent waves. Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

Industrial radio services. Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to properly function. It includes the radio transmitting facilities of which are defined as fixed, land or mobile stations.

Industrial, scientific, and medical radio services. Any service of which the radiocommunications are in the form of radio waves of industrial, scientific, medical, or any other purposes, including the transfer of energy by radio and which are neither intended nor intended to be used for radiocommunication.

Instrument landing system. A system of aeronavigation, intended to facilitate aircraft in landing, which provides lateral and vertical guidance, including indications of distance from the optimum point of landing.

International broadcasting station (IBS). A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station (FXI). A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which is intended to provide radiocommunication between the United States and its territories and possessions or overseas points.

Interzone station (FXY). A fixed station in the public safety (police) radio service using radiotelegraphy (1A emission) for communication with fixed stations within the zone and with interzone stations in other zones.

Kc (kilocycle). A kilocycle (kc) means one kilocycle per second and is equal to one thousand cycles per second.
Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station (ML). A mobile station in the land mobile service capable of operation within the geographical limits of a country or continent.

Land Radiolocation station (PL). A station in the radiolocation service other than a radiolocation station, not intended for operation while in motion.

Land station (PL). A station in the mobile service not intended for operation while in motion.

Land transportation radio services. A service of radio communication operated by, and for the sole use of certain land transportation carriers, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Localizer station (RL). A radiolocation land station in the aeronautical radiolocation service which provides signals for the lateral guidance of aircraft with respect to a runway centerline.

Loran station (RLN). A long distance radiolocation land station transmitting low frequency, subaudible, hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Radio beacon station (RLM). A radiolocation land station, the emissions of which are intended to enable a ship station to determine its bearing, or position, in relation to the marine radio beacon station.

Maritime mobile service. A mobile service between ship stations and coast stations, or between ship stations.

Maritime radiolocation service. A radiolocation service intended for the benefit of ships.

Mc (megacycle). A megacycle (Mc) means one thousand kilocycles.

Meteorological aids service. A service of emissions of special radio signals intended solely for meteorological, including hydrological, observations and exploration.

Meteorological radar station (WXD). A station in the meteorological aids service, employing a radar, not intended for operation while in motion.

Mobile, except television pickup, station (MO2). Any mobile station other than a television pickup station.

Mobile radiolocation station (PO). A station in the radiolocation service, other than a radiolocation station, intended to be used while in motion or during halts at unspecified points.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Mobile station (MO). A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Omni directional range station (RL). A radiolocation land station in the aeronautical radiolocation service providing direct indication of the bearing (omni bearing) of that station from an aircraft.

Operational fixed station (FWX). A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Maritime, and Aviation Services.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

Private aircraft station (MAP). An aircraft station on board an aircraft not operated as an air carrier.

Public correspondence. Any telecommunication which the offices and stations of the public, in the use of which their being at the disposal of the public, must accept for transmission.

Public radiocommunication services. The land mobile and fixed services the stations of which are open to public correspondence.

Public safety radio service. Any service of radiocommunication essential to either the discharge of non-federal governmental functions relating to public safety responsibilities or the alleviation of an emergency endangering life or property. Radiocommunication facilities of which are defined as fixed, land, or mobile stations.

Racon. A radiolocation system transmitting automatically or in response to a predetermined or specified signal, a pulsed radio signal with specific characteristics.

Racon station (RL). A radiolocation land station which employs a racon.

Radar. Radiolocation system where transmission and reception are carried out at the same low frequency which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

Radio. A general term applied to the use of Hertzian waves.

Radio beacon station. A radiolocation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radio beacon station.

Radiocommunication. Any telecommunication by means of Hertzian waves.

Radio direction finding. Radiolocation in which only the direction of a station is determined by means of its emissions.

Radio direction finding station (RO). A radiolocation station intended to determine the position of a station by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

Radio direction finding service involving the use of radiolocation.

Radiolocation station. A station in the radiolocation service.

Radiolocation. Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

Radiolocation mobile station (RO). A station in the radiolocation service not intended for operation while in motion.

Radiolocation mobile service. A radiolocation service involving the use of radiolocation.

Radio navigation station. A station in the radiolocation service.

Radio range station (RR). A radio-navigation land station in the aeronautical radiolocation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, balloon, or parachute which transmits meteorological data.

Radiosonde station (WXR). A station in the meteorological aids service employing a radiosonde.

Television pickup broadcast base station (FBR). A base station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Television pickup broadcast mobile station (MLR). A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Ship station (MS). A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.


Standard frequency service. A radiocommunication service for the transmission of standard and specified frequencies of known high accuracy, intended for general reception.

Standard frequency station (SS). A station in the standard frequency service.

Telegraphy. Automatic radiocommunication for the transmission of written matter by the use of a signal code.

Telemetering. Automatic radiocommunication, in a fixed or mobile service intended to indicate or record a measurable variable quantity at a distance.
Telemetering fixed station (FXE). A fixed station, the emissions of which are used for telemetering.

Telemetering land station (FLP). A land station, the emissions of which are used for telemetering.

Telemetering maritime station (MOE). A maritime station, the emissions of which are used for telemetering.

Teledphony. A system of telecommunication set up for the transmission of speech or other sounds, voice or music.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Zone station: A station in the public safety (police) radio service using radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

SUBPART B—ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

§ 2.101 Station Symbols. The following symbols shall be used to designate the several classes of stations:

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Class of station</th>
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</thead>
<tbody>
<tr>
<td>A1</td>
<td>Amateur station.</td>
</tr>
<tr>
<td>BC</td>
<td>Broadcasting station.</td>
</tr>
<tr>
<td>BCF</td>
<td>FM broadcasting station.</td>
</tr>
<tr>
<td>BCI</td>
<td>International broadcasting station.</td>
</tr>
<tr>
<td>BCM</td>
<td>Facsimile broadcasting station.</td>
</tr>
<tr>
<td>BCS</td>
<td>Standard broadcast station.</td>
</tr>
<tr>
<td>BCT</td>
<td>Television broadcasting station.</td>
</tr>
<tr>
<td>EK</td>
<td>Experimental station.</td>
</tr>
<tr>
<td>EKE</td>
<td>Export developmental station.</td>
</tr>
<tr>
<td>EKO</td>
<td>Contract developmental station.</td>
</tr>
<tr>
<td>FA</td>
<td>Aeronautical station.</td>
</tr>
<tr>
<td>FAA</td>
<td>Aeronautical advisory station.</td>
</tr>
</tbody>
</table>

Symbol | Class of station
----- | ------------------
PAC... | Aircrew communications station.
PAS.... | Flying school station.
PAT.... | Flight test station.
PBR.... | Base station.
PBRB... | Remote pickup broadcast base station.
FL... | Coast station.
FLA... | Land station.
FLB... | Developmental land station.
FLD... | Telemetering land station.
FLF... | Aeronautical utility land station.
FLV... | Civil air patrol land station.
FX... | Fixed station.
FXA... | Aeronautical fixed station.
FXC... | Common carrier fixed station.
FXE... | Telemetering fixed station.
FXF... | FM broadcast STL station.
FXJ... | Intercontinental control station.
FXK... | Developmental fixed station.
FXM... | FM inter-city relay station.
FXN... | Television inter-city relay station.
FXO... | Operational fixed station.
FXT... | Interzone station.
FXZ... | Zone station.
FXT... | Television STL station.
MA... | Aircraft station.
MAA... | Aircraft station.
MAP... | Private aircraft station.
MC... | Land mobile station.
MLR... | Radio direction-finding mobile station.
MLT... | Television pickup station.
MO... | Mobile station.
MOA... | Developmental mobile station.
MOB... | Telemetering mobile station.
MOU... | Aeronautical utility mobile station.
MOV... | Civil air patrol mobile station.
MOZ... | Mobile (except television pickup) station.
MS... | Ship station.
FQ... | Land radiopositioning station.
FG... | Mobile radiopositioning station.
RG... | Radio direction-finding station.
RL... | Radiolocation land station.
RLA... | Aeronautical marker beacon station.
RLC... | Radar station.
RLG... | Glide Path (slope) station.
RLL... | Localiser station.
RLM... | Radio beacon station.
RLN... | Loran station.
RLO... | Omnidirectional range station.
RLR... | Radio range station.
RLS... | Air route beacon station.
ROL... | Radiolocation mobile station.
ROA... | Altimeter station.
SS... | Standard frequency station.
WXI... | Meteorological beacon station.
WXR... | Radiosonde station.

§ 2.102 Nomenclature of Frequencies. Frequencies shall be expressed in kilocycles per second (kc) at and below 30,000 kilocycles per second and in megacycles per second (Mc) above this frequency.

Frequency subdivision

<table>
<thead>
<tr>
<th>Frequency range</th>
</tr>
</thead>
<tbody>
<tr>
<td>VLF (very low frequency)</td>
</tr>
<tr>
<td>LF (low frequency)</td>
</tr>
<tr>
<td>MF (medium frequency)</td>
</tr>
<tr>
<td>HF (high frequency)</td>
</tr>
<tr>
<td>VHF (very high frequency)</td>
</tr>
<tr>
<td>UHF (ultra high frequency)</td>
</tr>
<tr>
<td>SHF (super high frequency)</td>
</tr>
<tr>
<td>EHF (extremely high frequency)</td>
</tr>
</tbody>
</table>

§ 2.103 Assignment of Frequencies.

(a) Except as otherwise provided in this section the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc. and 30,000 Mc., and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the table of frequency allocations below, except that in individual cases the Commission may, without rule-making proceedings, authorize, on a temporary basis only, the use of a frequency or frequencies not in accordance with the table, in case of short duration emergencies where the Commission finds that important or exceptional circumstances require such utilization; Provided, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated in the table of frequency allocations; and provided further, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated in the table of frequency allocations.

(b) Experimental stations, for the development of techniques or equipment to be employed by stations to be licensed, may use frequencies not set forth in the table of frequency allocations in § 2.104 (a), may be authorized to use frequencies allocated to those services or classes of stations: Provided, That no harmful interference will be caused thereby to any service operating in accordance with the table of frequency allocations: And provided further, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated in the table of frequency allocations.

(c) The use of frequencies in the bands above 25 Mc allocated exclusively to Government stations and the use of frequencies below 25 Mc which may not be utilized by non-Government stations according to such regulations as may be made by the Commission to secure the maximum use of the frequency spectrum by United States Government agencies or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may use those frequencies below 30 Mc allocated to the maritime mobile service as shown in column 8 of § 2.104 (a) (5) in accordance with paragraphs 570 and 571 of the Atlantic City 1947 Radio Regulations which are quoted herewith:

570 (1) Aircraft stations may communicate with stations of the maritime mobile service.

571 (2) For this purpose only, they may utilize frequencies allocated to the maritime mobile service and must then conform to the provisions of the Maritime Mobile Regulations relating to the maritime mobile service.

§ 2.104 Frequency allocations.—(a) Table of frequency allocations. (1) In the table of frequency allocations below 25 Mc, the authority extended to stations in the fixed service, unless otherwise provided, is to be the sole authority; and in the table of frequency allocations above 25 Mc, the authority extended to stations in the fixed service, unless otherwise provided, is to be the sole authority.
specified, extends only to those stations in the following categories of service:

(i) Aeronautical fixed;
(ii) Fixed (in Territories);
(iii) International fixed public;
(iv) Fixed service which, as of January 1, 1952, had station assignments on the frequencies 2848, 4245, 5365, 7625, and 7690 kc.

(2) In the table of frequency allocations between 5000 and 25,000 kc, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical mobile;
(ii) Maritime mobile.

(3) In the table of frequency allocations below 25,000 kc (25 Mc):

(i) Stations assigned, as of January 1, 1955, on frequencies in the bands shown below, operating in a service other than indicated in column 8 for the frequency concerned, but operating in accordance with the Cairo table of frequency allocations, may continue to be authorized to use these frequencies only until the Atlantic City table of frequency allocations comes into force.

<table>
<thead>
<tr>
<th>(kc)</th>
<th>(kc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2405-2850</td>
<td>5500-5690</td>
</tr>
<tr>
<td>3025-3400</td>
<td>7300-8195</td>
</tr>
<tr>
<td>4238-4700</td>
<td>8476-8745</td>
</tr>
<tr>
<td>4750-5450</td>
<td>11400-11700</td>
</tr>
<tr>
<td>5480-5500</td>
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</tr>
</tbody>
</table>

(ii) Stations in services shown in column 8, in bands for which the Atlantic City table of frequency allocations is not yet in force, shall observe the provisions with respect to non-interference contained in paragraph 79 of the Cairo, 1938, Radio Regulations.

(iii) The Commission may authorize on a temporary basis only, the use of a frequency contained in the bands indicated in subdivision (i) of this subparagraph for the special purpose of assisting the implementation of the Atlantic City, 1947, Radio Regulations. Stations which may be so authorized shall observe the non-interference conditions of paragraph 79 of the Cairo, 1938, Radio Regulations or paragraph 88 of the Atlantic City, 1947, Radio Regulations, depending upon which international allocation is in effect for the frequency so authorized.

(4) The effective dates of the Atlantic City table of frequency allocations are as follows:

<table>
<thead>
<tr>
<th>Frequency band (kc)</th>
<th>Effective date</th>
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<tbody>
<tr>
<td>14-55</td>
<td>Aug. 15, 1952</td>
</tr>
<tr>
<td>55-150</td>
<td>Aug. 15, 1952</td>
</tr>
<tr>
<td>150-200</td>
<td>Dec. 1, 1952</td>
</tr>
<tr>
<td>200-535</td>
<td>Nov. 1, 1952</td>
</tr>
<tr>
<td>535-1605</td>
<td>Dec. 1, 1952</td>
</tr>
<tr>
<td>1605-2000</td>
<td>Jan. 1, 1953</td>
</tr>
<tr>
<td>2000-25,000</td>
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*Date to be determined.*
### World Wide

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<tr>
<th>Band (kc)</th>
<th>Service</th>
<th>Region 2</th>
<th>United States</th>
<th>Federal Communications Commission</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Service</strong></td>
</tr>
<tr>
<td>14-70</td>
<td>Mobile. Maritime mobile. (110)</td>
<td>14-70 (NG1)</td>
<td>Fixed.</td>
<td>Fixed.</td>
</tr>
<tr>
<td>70-90</td>
<td>Mobile. Maritime mobile. (110)</td>
<td>70-90 (NG1)</td>
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<tr>
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<td>Mobile. Maritime mobile. (110)</td>
<td>90-110</td>
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<td>Fixed.</td>
</tr>
<tr>
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<td>Mobile. Maritime mobile. (110)</td>
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</tr>
<tr>
<td>150-160</td>
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<td>150-160 (NG1)</td>
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<tr>
<td>400-415</td>
<td>Aeronautical Mobile. Maritime mobile.</td>
<td>400-415 (NG1)</td>
<td>Aeronautical.</td>
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<td>Band (KC)</td>
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<td>(11A, 11B)</td>
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<td>a. Fixed.</td>
<td>b. Mobile (11A)</td>
</tr>
<tr>
<td>2127-2170</td>
<td>a. Fixed.</td>
<td>b. Mobile (11A)</td>
</tr>
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<td>2170-2194</td>
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<td>b. Mobile (148, 151)</td>
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<td>a. Fixed.</td>
<td>b. Mobile (11A)</td>
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<td>2485-2605</td>
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<td>Aeronautical mobile (R) (146)</td>
<td>3025-3155</td>
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<tr>
<td>3200-3230</td>
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<td>3200-3230</td>
<td>a. Mobile except aeronautical mobile</td>
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<tr>
<td>3400-3500</td>
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<td>3400-3500</td>
<td>a. Mobile except aeronautical mobile</td>
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<tr>
<td>4000-4063</td>
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<td>4000-4063</td>
<td>b. Fixed.</td>
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<tr>
<td>4438-4650</td>
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<td>4438-4650</td>
<td>b. Mobile except aeronautical mobile</td>
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<td>a. Fixed. b. Land mobile.</td>
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<tr>
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<td>Aeronautical mobile. (R) (140)</td>
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<tr>
<td>5480-5600</td>
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<td>6765-7000</td>
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331836 O—55—2
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<td><strong>Band (kc)</strong></td>
<td><strong>Service</strong></td>
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<td>7100-7200</td>
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<td>7100-7900</td>
<td>Fixed.</td>
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<td>9775-9985 (NIGI)</td>
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<td>10100-11175 (NIGI)</td>
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<td>11400-11700</td>
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<table>
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<th>Band (kc)</th>
<th>Service</th>
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<th>Federal Communications Commission</th>
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<tbody>
<tr>
<td>13300-13500</td>
<td>Aeronautical mobile</td>
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<td>13300-13500 (N1G1)</td>
</tr>
<tr>
<td>13300-13500</td>
<td>Aeronautical mobile</td>
<td></td>
<td>13300-13500 (N1G1)</td>
</tr>
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<td>13300-16000</td>
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<td>13300-16000 (N1G1)</td>
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<td>14000-14350</td>
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<td>14600-15000</td>
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<td>14600-15000 (N1G1)</td>
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<tr>
<td>15000-15450</td>
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<td>15000-15450 (N1G1)</td>
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<td>Fixed.</td>
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<td>15400-15900 (N1G1)</td>
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<td>16700-17100</td>
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<td>17000-17700</td>
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<td>17000-17700 (N1G1)</td>
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<tr>
<td>18000-18350</td>
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<tr>
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<td>19000-20000 (N1G1)</td>
</tr>
<tr>
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<td>21450-21700</td>
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See footnotes at end of table.
## Worldwide Band Allocation

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<td><strong>United States</strong></td>
</tr>
<tr>
<td>Band (kc)</td>
<td>Service</td>
<td>Band (kc)</td>
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<tr>
<td>-----------</td>
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<tr>
<td>22720-23300</td>
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</tr>
<tr>
<td>23300-24000</td>
<td>a. Land mobile. (166)</td>
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### Region 2

<table>
<thead>
<tr>
<th>Band (kc)</th>
<th>Service</th>
<th>Band (kc)</th>
<th>Allocation</th>
<th>Band (kc)</th>
<th>Service</th>
<th>Class of station</th>
<th>Frequency (kc)</th>
<th>Nature (OF SERVICES)</th>
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<tbody>
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<td>25.01-25.03</td>
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<td>25.01-25.03 (NG1, 22)</td>
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<td>NO.</td>
<td>25.50-25.54 (NG1, 22)</td>
<td>Land mobile.</td>
<td>a. Base.</td>
<td>25.11-25.47</td>
<td>Remote pickup broadcast base; remote pickup broadcast mobile.</td>
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<tr>
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<td>a. Mobile except aeronautical mobile.</td>
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<td>25.76-25.88 (US17)</td>
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<td>G.</td>
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<tr>
<td>26.5-26.60</td>
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<td>NO.</td>
<td>26.5-26.60 (NG1, 22)</td>
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<td>a. Base.</td>
<td>25.11-25.47</td>
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<td>4</td>
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<td>4</td>
</tr>
<tr>
<td>(US24)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(US17)</td>
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<td>(US19)</td>
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<tr>
<td>(US20)</td>
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</tr>
<tr>
<td>216-220</td>
<td>a. Fixed.</td>
<td>216-220</td>
<td>(US 9,17)</td>
</tr>
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</table>

See footnotes at end of table.
<table>
<thead>
<tr>
<th>World wide</th>
<th>Region 2</th>
<th>United States</th>
<th>Federal Communications Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band Me</td>
<td>Service</td>
<td>Band Me</td>
<td>Allocation</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>450-600</td>
<td>450-600</td>
<td>450-600</td>
<td>Land mobile</td>
</tr>
<tr>
<td>460-470</td>
<td>Fixed</td>
<td>Fixed</td>
<td>Mobile</td>
</tr>
<tr>
<td>470-500</td>
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<td>Fixed</td>
<td>Mobile</td>
</tr>
<tr>
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<td>Fixed</td>
<td>Fixed</td>
<td>Mobile</td>
</tr>
<tr>
<td>550-600</td>
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<td>Mobile</td>
</tr>
<tr>
<td>900-1215</td>
<td>Aeronautical radionavigation</td>
<td>Amateur</td>
<td>900-1215</td>
</tr>
<tr>
<td>1215-1300</td>
<td>Amateur</td>
<td>Amateur</td>
<td>1215-1300</td>
</tr>
<tr>
<td>1300-1700</td>
<td>Aeronautical radionavigation</td>
<td>G.</td>
<td>1300-1700</td>
</tr>
<tr>
<td>2110-2200</td>
<td>Fixed</td>
<td>Fixed</td>
<td>Mobile</td>
</tr>
</tbody>
</table>

See footnotes at end of table.
35126 O—55—3
<table>
<thead>
<tr>
<th>World wide</th>
<th>Region?</th>
<th>United States</th>
<th>Federal Communications Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band Me</td>
<td>Service</td>
<td>Band Me</td>
<td>Service</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>2600-2700 (220)</td>
<td>Amateur.</td>
<td>2600-2700</td>
<td>Amateur.</td>
</tr>
<tr>
<td>3300-3900</td>
<td>Amatuer.</td>
<td>3300-3900</td>
<td>Amatuer.</td>
</tr>
<tr>
<td>5125-5875</td>
<td>Radionavigation. (226, 227)</td>
<td>5125-5875</td>
<td>O, NG.</td>
</tr>
<tr>
<td>8000-9800</td>
<td>Radionavigation.</td>
<td>8000-9800</td>
<td>O, NG.</td>
</tr>
<tr>
<td>8000-9800</td>
<td>Radionavigation.</td>
<td>8000-9800</td>
<td>O, NG.</td>
</tr>
</tbody>
</table>

See footnotes at end of table.
### Regulations.

#### Yours truly,

...cause... the required worldwide...provided...exclusively)....harmful...tions...preference...the...confined...the...band...During...Band...10000-

#### Stations

<table>
<thead>
<tr>
<th>World wide</th>
<th>Region 2</th>
<th>United States</th>
<th>Federal Communications Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band Mc</td>
<td>Service</td>
<td>Band Mc</td>
<td>Allocation</td>
</tr>
<tr>
<td>9600-10000</td>
<td>b. Radionavigation.</td>
<td>NG.</td>
<td>(UB17)</td>
</tr>
<tr>
<td>10000-10500</td>
<td>Amateur.</td>
<td>10000-10500</td>
<td>Amateur.</td>
</tr>
<tr>
<td>Above 10000 not allocated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10700-13000</td>
<td>NG.</td>
<td>10700-11700</td>
<td>NGI</td>
</tr>
<tr>
<td>12200-12700</td>
<td>Fixed.</td>
<td>(NGI, 13)</td>
<td>Fixed.</td>
</tr>
<tr>
<td>13200-15000</td>
<td>G.</td>
<td>(UB17)</td>
<td>G.</td>
</tr>
<tr>
<td>16000-18000</td>
<td>NG.</td>
<td>16000-18000</td>
<td>NGI</td>
</tr>
<tr>
<td>21000-23000</td>
<td>Amateur.</td>
<td>21000-23000</td>
<td>Amateur.</td>
</tr>
<tr>
<td>23000-25000</td>
<td>G.</td>
<td>(UB17)</td>
<td>G.</td>
</tr>
<tr>
<td>Above 30000</td>
<td>G.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Footnotes

#### ATLANTIC CITY FOOTNOTES

(110) Limited to coastal telegraph stations using unmodulated emission (A1 only).

(112) The development of long distance radionavigation systems is authorized in this band which will become exclusively allocated wholly or in part for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions nevertheless must be confined within the band, and must not cause harmful interference outside the band to stations operating in accordance with the Regulations.

During the experimental period prior to the international adoption of any long distance radionavigation system in this band, the rights of existing stations operating in this band will continue to be recognized.

(116) Limited to ship stations (telegraphy exclusively).

(118) The fixed service is authorized, provided no harmful interference is caused to ship telegraphy in the North Atlantic and the Mediterranean areas.

(124) Priority is given to the aeronautical fixed service in northern areas which are subject to auroral disturbances.

(125) Priority is given to the aeronautical radionavigation service in Region 2, China, India and Pakistan.

(127) In Region 2, the aeronautical radionavigation service is permitted in the band 285-325 kc provided that no harmful interference is caused to the maritime radionavigation service.

(129) The aeronautical radionavigation service has priority except in New Zealand. The frequency 410 kc is designated for the maritime radionavigation service (radio direction-finding). Other services shall not cause harmful interference to radio direction finding.

(137) In Region 2, in addition to the provisions of Note 136, the aeronautical radionavigation service has priority over the aeronautical mobile service.

(139) Limited to telegraphy.

(149) The frequency 500 kc is the international distress and calling frequency. The conditions for its use are prescribed in Article 53 of the Radio Regulations (Atlantic City, 1947).

(147) In any particular area the Loran system of radionavigation operates either on 1550 or 1950 kc, the band occupied being 1800-1900 kc or 1900-2000 kc. Any of the authorized services may employ whichever of these two bands is not required for Loran on the condition that they do not cause harmful interference to Loran.

(145) The frequency 2182 kc is the distress and calling frequency for the maritime mobile service (telephony). The Interred administrations will insure by special arrangement where necessary, that an adequate guard-band is provided. The conditions for the use of this frequency are prescribed in article 34 of the Radio Regulations (Atlantic City, 1947).

(146) For the explanation of the terms "Aeronautele mobile (R)" and "Aeronautele mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service see 243, 244 and 256-254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(151) In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement.

(152) The standard frequency is 2500 kc.

(155) The band 4065-4438 kc may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service, by fixed stations of mean power not exceeding 50 watts communicating only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency
Registration Board is drawn to the above condition.

(167) The standard frequency is 5000 kc.

(168) The band 6200-6525 kc may be used, excepted, and on the essential conditions, for the fixed service in the U.S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(169) The standard frequency is 15,000 kc.

(170) Between 17,160 and 17,500 kc, the U.S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(171) The standard frequency is 25 Mc.

(172) The frequency 12.12 Mc is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±0.06% of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(173) The frequency 15 Mc is designated for aeronautical navigation service in the band 1500-1560 Mc. To ensure the safety, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft must be provided with radiocommunication services on the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(174) Frequencies in any band allocated to aircraft (except fixed (F) service) are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regulation of flight along national or international civil air routes.

(175) The band 3285.4-3554 kc is for the use of the Instrument Landing System (glide path). The band 4200-4400 kc is for the use of instrument landing systems.

(176) The band 5000-5350 kc is for the use of instrument landing systems.

In the regions 2398.5-2399.5 kc is reserved exclusively for calling (telegraphy only).

The frequency 2244 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 6000 kc, and with the consent of the administrations of those maritime mobile services, the use of any frequency in that range is also permitted.

Emissions from Industrial, Scientific, and Medical equipment using the frequency 27.12 Mc must be confined to the band 26.96-27.28 Mc.

Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service or intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) experimental stations.

Emissions from Industrial, Scientific, and Medical equipment using the frequency 27.12 Mc must be confined to the band 26.96-27.28 Mc.

Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service or intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) experimental stations.

Facsimile broadcasting stations may be authorized in the bands 86-108 Mc.

Fixed stations in the Domestic Fixed Public service may be authorized to use any of the frequencies in the band 72-76 Mc indicated in column 10, on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5, and (b) that harmful interference will not be caused to operational fixed stations in these services.

Noise. The use of the frequencies in the block 152.87-153.55 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radios services.

The use of the frequencies in the block 156.27-156.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radios services.

The use of the frequencies in the block 156.27-156.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radios services.

The use of the frequencies in the block 156.27-156.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radios services.

The use of the frequencies in the block 156.27-156.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radios services.
tions authorized prior to April 28, 1952. Public Safety Service operations at points within 150 statute miles of coastal areas and navigable waters, and land radio stations, may be authorized only after formal finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

NG8 The international intership service band of frequencies shall be designated as the Maritime Service.

NG9 The international port operational service, on a simpler basis, has priority on this band.

NG10 The frequency 156.80 Mc has been designated for world-wide use for safety, calling and interharbors and harbor control communications in the maritime mobile service.

NG11 The use of the frequencies in the block 156.81-161.79 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services, in any area, on the condition that harmful interference will not be caused to stations in the Railroad Radio Service.

NG12 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG14 Interim FM relay stations may be authorized to use the band 940-952 Mc on the condition that harmful interference will not cause to stations operating in accordance with the table of frequency allocations.

NG15 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not cause to stations operating in accordance with the table of frequency allocations.

NG16 Land radiopositioning stations and mobile radiopositioning stations, including special land mobile stations, may be authorized to use frequencies in the band 2400-2600 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

NG17 Land radiopositioning stations and mobile radiopositioning stations, excluding speed measuring devices, may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to the radiodetection service.

NG18 In the Chicago area only, the frequency 161.86 Mc may be authorized to base and land mobile stations only for traffic communications in the Railroad Radio Service.

NG19 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°35' N., on the east by the Gulf of Mexico, on the west by the parallel 32°24' W., and on the north by longitude 106°40' W., the frequency band 220-225 Mc may be used by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through inclusive of each week. The frequency band 220-225 Mc shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emerg-

encies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be authorized to service provided by agreements between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Authorized Ranges at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall exist and shall be based on the degree of use of the frequency band at White Sands at any particular time.

NG20 The use of the frequencies assigned for the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations may be authorized to use frequencies in this band, provided that such use (a) shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, (b) shall be subject, internationally, to the provisions of paragraph 88 of the Atlantic City, 1947, Radio Regulations and to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations, (c) shall not cause harmful interference to stations in the maritime mobile service at the times at New Orleans of sunset and sunrise or at any time during an actual or imminent disaster in any area.

NG21 The amateur service may use, in any area, whichever bands, 1800-1825, 1875-1900, 1800-1925 or 1975-2000 Mc, are not required for Lorain in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radiodetection service.

(2) The amateur service shall not cause harmful interference to the radiodetection (Loran) service.

(3) Only types A1 and A3 emission shall be employed.

(4) Amateur operation shall be limited to:

<table>
<thead>
<tr>
<th>Days</th>
<th>Night</th>
<th>Power in watts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900-1825</td>
<td>1875-1900</td>
<td>500</td>
</tr>
<tr>
<td>1900-1925</td>
<td>1875-2000</td>
<td>625</td>
</tr>
<tr>
<td>1900-2000</td>
<td>1875-2000</td>
<td>750</td>
</tr>
</tbody>
</table>

(b) The provisions of (a) above shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radiodetection.

NG22 The amateur service may be authorized to use the frequencies 1609.5 Mc on the condition that the use of this band, refer to the North American Regional Broadcasting Agreement.

NG23 The aeronautical radiodetection service may be authorized the use of the frequencies 1658 kc and 1708 kc only.

NG24 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG25 Fixed stations in the Territory of Hawaii, the frequency bands 76-88 Mc and 98-108 Mc are allocated exclusively to the fixed service for use by fixed stations for inter-island communications only.

NG26 The frequency 2182 kc may be authorized to fixed stations associated with the maritime mobile service for the purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG31 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, land stations authorized and used primarily as coast stations may be authorized to use, on a secondary basis, the frequencies 156.4, 156.5, and 157.0 Mc: Provided, That, in each case, the frequency allocation shall be to the maritime mobile service and that the maritime service shall, at all times, yield priority to the maritime mobile service.

NG32 The use of frequencies in the band 25.65-26.1 Mc may be authorized in any area to remote picnic broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcast service.

NG33 As a special condition placed upon the use of frequencies in this band, the authority contained in 2.104 (a) (3) does not extend to this band in the broadcast service.

NG34 The frequency, 6340 kc, may be authorized to be used by ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service and the use of the frequencies 6340 kc shall be subject to the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG36 Stations in the fixed service in Alaska may continue to be authorized the use of frequencies in this band on the condition that the provisions of Paragraph 88 of the Atlantic City, 1947, Radio Regulations are observed.

NG37 Transmission on the frequency 161.9 Mc by coast stations at Chicago, Illinois, may be authorized on condition that harmful interference is not caused to the Land Transmission Radio Services on 161.88 Mc.
The frequency 6455 kc may be authorized for ship telephone stations and coast telephone stations operating in the continental United States, for the purpose of providing a mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

Experimentations of frequency allocations have not been made with respect to those respective frequencies in this band that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

The frequencies 4067.427.24 and 8205.6 kc may be authorized for use by either ship or land aeronautical stations operating in the Mississippi River system.

Stations in the International Fixed Public Radiocommunication Service in Florida, South of 28°50' North Latitude, may be authorized to use frequencies in the band 116-460 Mc on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation of those frequencies by the Commission when it is determined that equipment is being generally available for use in bands allocated for use in accordance with this table for temporary fixed service.

The spacing between frequency assignments in this band shall be 10 kc.

The first and last assignable frequencies are those indicated in column 10.

The spacing between frequency assignments in this band shall be 20 kc.

The first and last assignable frequencies are those indicated in column 10.

The spacing between frequency assignments in this band shall be 50 kc.

The first and last assignable frequencies are those indicated in column 10.

The spacing between frequency assignments in this band shall be 100 kc.

The first and last assignable frequencies are those indicated in column 10.

The spacing between frequency assignments in this band shall be 200 kc.

The first and last assignable frequencies are those indicated in column 10.

Pulsed emissions prohibited.

Emissions from industrial, scientific and medical equipment using the frequency 406.68-407.00 Mc must be confined to the band 406.68-407.00 Mc.

The use of the frequency 76 Mc by aeronauteal marker beacons is temporary and may be authorized until they are moved to a frequency band allocated for the aeronauteal radiolocation service, or until they are no longer required. (See notes 216 and 212).

The frequency assignment plan is in effect for both governmental and non-governmental stations in the bands 108-137 Mc and 202-240 Mc.

Public correspondence in the frequency bands allocated exclusively to the aeronauteal mobile service is not permitted.

US Footnotes

Stipulation regarding frequencies below 27.5 Mc. The international table of frequency allocations below 27.5 Mc in Table 2 includes the revisions of paragraphs 1076 and 1077 of the Atlantic City, 1947 Radio Regulations.

Explanations and Instructions regarding use of table. (1) Columns 1, 2, 3 and 4 of the table of frequency allocations are those stipulated in the Atlantic City Radio Regulations. (2) When frequencies above 25 Mc) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

Column 10 lists frequencies available for assignment to stations which conform to the nature of service or station listed in column 11 opposite the assignable frequency. The assignment...
and use of the frequencies listed in column 10 is limited to those stations which, by definition, are included in the services and classes of stations (columns 8 or 9) to which the frequency band (column 7) is allocated.

(4) In column 11 “Services” are in large block print and “Stations” in small print.

(5) The following symbols are used to designate footnotes in the table of frequency allocations.

(i) Any footnote consisting only of digits, e.g., (170), denotes a paragraph in the Atlantic City (1947) Radio Regulations.

(ii) Any footnote consisting of the letters US followed by one or more digits, e.g., US1, denotes a stipulation the application of which is not limited to non-government stations.

(iii) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to the use of a band by non-government stations.

**SUBPART C—EMISSIONS**

### § 2201 Emission, modulation and transmission characteristics

The following system of designating emission, modulation and transmission characteristics shall be employed.

(a) The emission characters used in connection with frequency assignments express:

1. Necessary bandwidth.
2. Type of modulation or emission.
3. Type of transmission.
4. Supplementary characteristics authorized.

(b) Types of modulation and emission are symbolized according to the following letters:

- (1) Amplitude modulation
- (2) Frequency or phase modulation
- (3) Pulsed emission

(c) Types of transmission are symbolized according to the following numbers:

- (1) Absence of any modulation intended to carry information
- (2) Telegraphy without the use of modulating audio frequency
- (3) Telegraphy by the keying of a modulating audio frequency or audio frequencies by the keying of the modulated emission (special case: an unkeyed modulated emission)
- (4) Use of a single sideband carrier
- (5) Use of a double sideband carrier

(d) Supplementary characteristics are symbolized in accordance with the following letters:

- (a) Double sideband, full carrier
- (b) Single sideband, reduced carrier
- (c) Two independent sidebands, reduced carrier

(e) The classification of emissions is tabulated below:

<table>
<thead>
<tr>
<th>Type of modulation or emission</th>
<th>Type of transmission</th>
<th>Supplementary characteristics</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amplitude.</td>
<td>Absence of any modulation</td>
<td></td>
<td>A0</td>
</tr>
<tr>
<td></td>
<td>Telegraphy without the use of modulating audio frequency (on-off keying)</td>
<td></td>
<td>A1</td>
</tr>
<tr>
<td></td>
<td>Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission)</td>
<td></td>
<td>A2</td>
</tr>
<tr>
<td></td>
<td>Telephone</td>
<td>Double sideband, full carrier</td>
<td>A3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Single sideband, reduced carrier</td>
<td>A3a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Two independent sidebands, reduced carrier</td>
<td>A4</td>
</tr>
<tr>
<td></td>
<td>Facsimile</td>
<td></td>
<td>A5</td>
</tr>
<tr>
<td></td>
<td>Television</td>
<td></td>
<td>A6</td>
</tr>
<tr>
<td></td>
<td>Composite transmission and case not covered by the above.</td>
<td></td>
<td>A7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reduced carrier</td>
<td>A9c</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Frequency (or phase) modulated.</td>
<td>Absence of any modulation</td>
<td></td>
<td>F0</td>
</tr>
<tr>
<td></td>
<td>Telegraphy without the use of modulating audio frequency (frequency shift keying)</td>
<td></td>
<td>F1</td>
</tr>
<tr>
<td></td>
<td>Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission)</td>
<td></td>
<td>F2</td>
</tr>
<tr>
<td></td>
<td>Telephone</td>
<td></td>
<td>F3</td>
</tr>
<tr>
<td></td>
<td>Facsimile</td>
<td></td>
<td>F4</td>
</tr>
<tr>
<td></td>
<td>Television</td>
<td></td>
<td>F5</td>
</tr>
<tr>
<td></td>
<td>Composite transmission and case not covered by the above.</td>
<td></td>
<td>F6</td>
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<td>F9</td>
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<tr>
<td>3. Pulsed emissions.</td>
<td>Absence of any modulation intended to carry information</td>
<td></td>
<td>P0</td>
</tr>
<tr>
<td></td>
<td>Telegraphy without the use of modulating audio frequency</td>
<td></td>
<td>P1</td>
</tr>
<tr>
<td></td>
<td>Telephone</td>
<td>Audio frequency or audio frequencies modulating their pulse in amplitude</td>
<td>P2d</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Audio frequency or audio frequencies modulating the width of the pulse</td>
<td>P3d</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Audio frequency or audio frequencies modulating the position of the pulse</td>
<td>P3e</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amplitude modulated pulse</td>
<td>P3f</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Phase (or position) modulated pulse</td>
<td>P3e</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>P3e</td>
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<td>P3e</td>
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</tbody>
</table>

(f) Type B emission. As an exception to the above principles, damped waves are symbolized in the Commission’s rules and regulations as type B emission.

### § 2202 Bandwidths

- **(a) Necessary bandwidths.** The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information, and does not necessarily indicate the interfering characteristics of an emission. For the determination of this necessary bandwidth, the following table may be considered as a guide. In the formulation of the table, the following working terms have been employed:

- \( B \) = Telegraph speed in bauds.
- \( N \) = Maximum possible number of black plus white elements to be transmitted per second, in facsimile television.
- \( M \) = Maximum modulation frequency expressed in cycles per second.
- \( D \) = Half the difference between the maximum and minimum values of the instantaneous frequencies; \( D \) being greater than \( 2M \), greater than \( \pi \), or greater than \( B \), as the case may be. Instantaneous frequency is the rate of change of phase.
- \( f \) = Pulse length expressed in seconds.
- \( K \) = An over-all numerical factor which differs according to the emission and depends upon the allowable signal distortion, and, in television, the time lost from the inclusion of a synchronizing signal.
(b) **Table of necessary bandwidths.**

### I. AMPLITUDE MODULATION

<table>
<thead>
<tr>
<th>Description and class of emission</th>
<th>Necessary bandwidth in cycles per second</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous wave telegraphy: A1.</td>
<td>$BK = K$ for fading circuits. $K = 3$ for non-fading circuits.</td>
<td>Morse code at 25 words per minute, $B = 20$, bandwidth: 100 c/s. Four channel multiplex, 7 unit code, 60 words per minute per channel, $B = 170$, $K = 3$ bandwidth: 600 c/s.</td>
</tr>
<tr>
<td>Telephony modulated at radio frequency: A2.</td>
<td>$BK + 2M$ for fading circuits. $K = 5$ for non-fading circuits.</td>
<td>Morse code at 25 words per minute with 1,000-cycle tone $B = 30$ bandwidth: 2,000 c/s.</td>
</tr>
<tr>
<td>Commercial telephony: A3.</td>
<td>$M$, for single sideband $2M$, for double sideband</td>
<td>For ordinary single sideband telephony, $M = 3,000$. For high-quality single sideband telephony, $M = 4,000$.</td>
</tr>
<tr>
<td>Broadcasting: A3.</td>
<td>$2M$</td>
<td>$M$ may vary between 4,000 and 10,000 depending upon the quality desired.</td>
</tr>
</tbody>
</table>

#### Facsimile.

| Carrier modulated by tone and by keying: A4. | $KN$ for $K = 1.5$ (this allows for synchronization and filter shaping). | The total number of picture elements (black and white) transmitted per second = the circumference of the cylinder (basalt of picture) x number of lines per unit length x speed of rotation of cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm = 2.77. Speed of rotation 1 turn per second. Frequency of modulation = 1,000 c/s. Bandwidth: 3,000-5,000-6,000 c/s. | Designation of emission $4.8A4$ |

#### Television: A5.

| $KN$ for $K = 1.5$ (this allows for synchronization and filter shaping). | The total number of picture elements (black and white) transmitted per second = the number of lines forming each image x number of elements per line x number of pictures transmitted per second. Number of lines = 500. Number of elements per line = 400. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s. | $9000A5$ |

### II. FREQUENCY MODULATION

| Frequency-shift telegraphy: $F1$. | $BK + 2D$ for fading circuits. $K = 3$ for non-fading circuits. | Four-channel multiplex with 7-unit code, 50 words per minute per channel: $B = 170$, $D = 1,200$. Bandwidth: 1,700 c/s. | Designation of emission $1.7F1$ |
| Commercial telephony and broadcasting: $F2$. | $2M + 2DK$ for commercial telephony. $K = 1$. For high-fidelity transmission higher values of $K$ may be necessary. | For an average case of commercial telephony with: $D = 16,000$, $K = 3,000$. Bandwidth: 35,000 c/s. | $35F3$ |
| Facsimile: $F4$. | $KN + 2M + 2D$ for facsimile (amplitude modulation). | The total number of picture elements transmitted per second = the number of lines forming each image x number of elements per line x number of pictures transmitted per second. Number of lines = 500. Number of elements per line = 400. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s. | $28F4$ |

### III. POLARIZED EMISSIONS

| Unmodulated pulse: $P0$. | $2K$ for $K$ varies from 1 to 10 according to the permissible deviation in each particular case from a rectangular pulse shape. In many cases the value of $K$ does not need to exceed 6. | Bandwidth: $4 	imes 10^4$ c/s. | Designation of emission $4000P0$ |
| Modulated pulse: $P2$ or $P3$. | The bandwidth depends upon the particular type of modulation used, many of these being still in the development stage. | | |

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### SUBPART D—IDENTIFICATION OF RADIO COMMUNICATION, AND ALLOCATION AND USE OF CALL SIGNS

#### § 2.301 Identification of transmissions.

For the purpose of identifications, with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules, each station using radio frequencies shall identify its transmissions as prescribed by the rules governing the class of station to which it belongs.

#### § 2.302 Table of allocation of call signs. The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. Assignments will be made in each block beginning with the lowest alphabetic and numerical combination available in each call sign district and increasing until requirements are met. When stations operating in two or more classes are authorized to the same license, for the same location, the Commission will assign a separate call sign to each station in a different class, according to the following table:
### Table 2.303: Table of geographic assignment of call signs.

<table>
<thead>
<tr>
<th>Call sign area</th>
<th>Call sequence 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.</td>
<td>KAA-KBZ</td>
</tr>
<tr>
<td>Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.</td>
<td>WAA-WBZ</td>
</tr>
<tr>
<td>New Jersey, New York.</td>
<td>KCA-KDZ</td>
</tr>
<tr>
<td>Delaware, District of Columbia, Maryland, Pennsylvania.</td>
<td>WCA-WDZ</td>
</tr>
<tr>
<td>Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia.</td>
<td>KKA-KLZ</td>
</tr>
<tr>
<td>Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas.</td>
<td>WKA-WLZ</td>
</tr>
<tr>
<td>California</td>
<td>KMA-KNZ</td>
</tr>
<tr>
<td>Michigan, Ohio, West Virginia.</td>
<td>WQA-WRB</td>
</tr>
<tr>
<td>Illinois, Indiana, Wisconsin.</td>
<td>KWA-KGZ</td>
</tr>
<tr>
<td>Pacific areas</td>
<td>WWA-WWZ</td>
</tr>
<tr>
<td>Alaska</td>
<td>WWA-WWZ</td>
</tr>
<tr>
<td>Atlantic-Caribbean areas.</td>
<td></td>
</tr>
</tbody>
</table>

1 Broadcasting station calls do not follow the sequence of this table.

2 The first two letters of Experimental Station calls will follow the sequence of this table.

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**Subpart E—Distress, Disaster and Emergency Communications**

### § 2.401 Distress messages.

Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

### § 2.402 Control of distress traffic.

The control of distress traffic is the responsibility of the station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

### § 2.403 Retransmission of distress message.

Any station which becomes aware that a mobile station is in distress may retransmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.
(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

### § 2.404 Resumption of operation after distress.

No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being reached or until receipt of a general notice that the need for handling distress traffic no longer exists.

### § 2.405 Operation during emergency.

The license of any station, except amateur, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: Provided: (a) That as soon as possible after the beginning of such emergency use, notice be given to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b)
That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) That the Commission, at any time or place, may upon its own initiative and that of the Engineer in Charge shall be notified immediately when such special use of the station is terminated: Provided further, (d) That such an emergency license shall be concurrent and for a period of time to be determined by the Commission or by law; And provided further, (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 2.406 National defense; free service. Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, within 30 days or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 31st of December and on or before the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications rendered for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 National defense; emergency authorization. The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and under such conditions as may be prescribed by the Commission and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

SUBPART F—EQUIPMENT TYPE APPROVAL AND TYPE ACCEPTANCE

§ 2.501 Program defined. In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in said statutes, treaties and the Commission's rules and regulations. To facilitate such determinations, the Commission has prescribed two specific procedures for securing advance approval of equipment. These procedures are designated as type approval and type acceptance. Ordinarily, any equipment is subject to the provisions of either test and acceptance. Or in station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise approved by test or by the Commission or by law: And provided further, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 2.510 Type approval. (a) Type approval is normally based on tests performed at the Commission's laboratory at Laurel, Maryland. In certain cases, type approval may be based on tests performed at other locations provided the tests are conducted in accordance with procedures specified by the Commission and by or under the direction and supervision of Commission personnel. (b) Application for type approval may be in the form of a letter addressed to the Secretaries of the Three. The letter shall specify the parts of the rules under which type approval is desired and shall include any information specifically required to be submitted under such parts of the rules. Upon request the manufacturer shall describe the equipment to be tested and include the size and weight of each component. In most cases, the Commission will advance the applicant to ship the equipment prepaid to Chief, Laboratory Division, P. O. Box 31, Laurel, Md., complete with operating instructions and circuit diagrams. Upon completion of the tests, the equipment will be returned to the applicant, shipping charges collect. (c) In the event of failure of the equipment to meet the Commission's technical requirements, notice may be given directly by the Chief, Laboratory Division, and arrangements made for modification or adjustment as required. § 2.511 Limitations on type approval. (a) Type approval is limited to a determination that, if the equipment is properly maintained and operated and no unauthorized changes are made in its construction, it is capable of complying with the technical requirements of the applicable part of the rules. Type approval shall not be construed as conveying any determination that equipment not covered by the rules of the service under which the equipment is approved. (b) Type approval shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art. § 2.512 Withdrawal or refusal of type approval. (a) Type approval may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made unauthorized changes in the equipment or that the equipment does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type approval in such cases shall be the same as described by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended. (b) In the event changes in the Commission's technical standards necessitate the withdrawal of type approval, the procedure to be followed will be set forth in the rule or rules defining the revised technical standards after appropriate rule making proceedings. (c) When type approval has been withdrawn for unauthorized changes by the manufacturer, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type approval.

§ 2.520 Type acceptance. (a) Type acceptance of equipment is based on representations made by the manufacturer or prospective licensee. This information may be subject to check by Commission measurements. (b) Type acceptance request for type acceptance shall be submitted for each different type of equipment. Each request shall be in triplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the tests who shall attach a brief statement of his qualifications. (c) In the event there is no Commission action on an application for type acceptance within thirty (30) days after the application is filed, or within 30 days after the applicant has submitted additional data at the request of the Commission, the equipment will be deemed approved in accordance with the Commission's type acceptance procedure. The term Commission action as used in this section means either issuance of a public notice, a listing of the accepted equipment on the equipment list or sending a letter or post card to the applicant. (d) Notice to applicant of type acceptance will be by postcard and public notice will be by listing the accepted equipment on the Commission's equipment list. Notice that an application has been found unacceptable for type acceptance will be by letter to the applicant. § 2.521 Limitation on type acceptance. (a) Type acceptance is limited to a finding that, insofar as can be determined from the data submitted, if the equipment is properly maintained and operated and no change is made in its construction, except as provided for in § 2.540 (c), the equipment complies with current technical standards of the

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service in which the equipment will be operated. The fact that a particular equipment has been type accepted for licensing purposes shall not be construed to mean that the equipment is acceptable to the Federal Communications Commission in accordance with the rules of the Commission, nor that the equipment will continue to be satisfactory as the Commission’s technical standards may be changed from time to time with progress in the state of the art.

§ 2.522 Withdrawal or refusal of type acceptance. (a) Type acceptance may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made changes in the equipment other than as provided for in § 2.540 (c), or that the equipment does not comply with the technical requirements of the applicable part rules. The procedure for withdrawal of type acceptance shall be the same as that prescribed by the Commission for revocation of a construction license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission’s standards necessitate the withdrawal of type acceptance, the procedure to follow will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

c) When type acceptance has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type acceptance requirements of the Commission.

d) When type acceptance has been withdrawn for changes made by the manufacturer where such changes are not in accordance with the provisions of § 2.540 (c), the Commission will consider that fact in determining whether the manufacturer is eligible to receive any new type acceptance.

(e) Any person affected by a refusal to grant type acceptance may file a petition with the Commission within 30 days after written notice of such refusal has been issued, as provided in section 0.202 of the Commission’s rules.

§ 2.523 General information required for type acceptance. (a) Each request for type acceptance of equipment shall include the information listed in paragraph (b) of this section and in §§ 2.524 and 2.525. This information is general and is the minimum required for all equipments. In many cases, additional information specific to a particular service is also required. The applicant should carefully read the rules of the service in which the proposed equipment is intended to be operated to make sure that such additional specific information is furnished. If deemed necessary by the Commission in any particular equipment, the applicant should furnish additional information, test data, or testing in its own Laboratory at Laurel, Maryland, before determining the acceptability of the equipment.

(b) The request shall include the following information insofar as it is applicable to the equipment:

1. The type number of the equipment in accordance with § 2.250.

2. The service and rule part under which the equipment is intended to be operated.

3. Description of equipment: The description of equipment should include the type of emission, frequency range, power level as determined in the approvals, part of the rules, voltages applied to and currents into the several elements of the final amplifier tube or tubes for normal operation, function of each tube, circuit diagrams showing a general outline, a usable, tune-up procedure, a description of the oscillator circuit and any devices installed for the purpose of frequency stabilization. When circuits or devices are employed for limiting modulation or suppression of spurious radiation a description of these should be included. The description should be sufficiently complete to develop all factors that may affect a determination as to whether the equipment will comply with the technical standards of the applicable rule parts.

§ 2.524 Measurement data required for type acceptance. Measurements shall be made to establish the following:

(a) Radio frequency power output at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.525 (b) (3). Give details of the radio frequency load attached to the output terminals when this test is made.

(b) Modulation characteristics:

1. Voice-modulated communications equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a frequency range of 100 to 5000 cycles shall be submitted.

2. Other types of equipment: A curve or equivalent data will be submitted which shows that the equipment will not exceed the modulation requirements of the rules under which the equipment is to be licensed.

(c) Bandwidth occupied: The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power; measured under the following conditions as applicable:

1. Telegraph transmitters for manual operation—when keyed at 16 dots per second.

2. Other keyed transmitters—when keyed at the maximum machine speed.

3. Voice modulated transmitters equipped with a device to prevent over-modulation when modulated by an input signal 16 db greater than that required to produce the maximum percent modulation: Test at 2500 cycles.

4. Voice modulated transmitter without a device to prevent over-modulation when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 cycles.

5. Standard broadcast transmitters—when modulated with a frequency of 15 kc at 85 percent modulation: Measurements of FM broadcast transmitters, including TV aural transmitters, when modulated with a frequency of 15 kc at 85 percent modulation.

(d) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

(e) Spurious emissions from the transmitting equipment for the following conditions:

1. Radio frequency voltage measurements at the antenna terminals. The radio frequency voltages generated within the equipment and appearing on a spurious frequency shall be checked at the equipment outlet terminals when properly loaded with a suitable artificial antenna. The curve or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated with a spurious emission of the conditions specified in paragraph (c) of this section for determining the band width occupied. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be shown.

2. Field intensity measurements of spurious radiation. On and after November 15, 1955, a report of field intensity measurements made to detect spurious emissions that may be radiated shall be made for the following equipments:

1. Those in which the spurious emission are required to be 60 db or more below the carrier level.

2. All equipment operating on frequencies higher than 35 Mc.

(f) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

(iv) Other types of equipment as required, when in the opinion of the Commission, there is need for such measurement.

(e) In all of the measurements set forth in paragraphs (a) to (d) of this section, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency permitted, whichever is higher, and the data shall be determined by the use of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be reported.

(f) Frequency stability: The frequency stability of transmitting equipment shall be checked with variations in:
§ 2.535 Measurement procedure for type acceptance.

(a) The Commission will accept data in full accordance with established standards and measurement procedures as published by engineering societies and associations such as the Institute of Radio Engineers, American Institute of Electrical Engineers, the Radio-Electronics-Television Manufacturers Association, and the American Standards Association. Specific reference should be made to the standards used. In lieu of such standards, the applicant will submit a description of each measurement procedure together with a listing of the actual test equipment used. The Commission will accept measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles.

(b) For radio frequency equipment other than transmitters, appropriate tests and performance requirements may be specified in other parts of the rules.

§ 2.530 Submission of technical information for application reference.

(a) Applications for station authorizations in some services require a detailed technical description of the equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit in triplicate all information required by the application forms and the rules for the services in which the equipment is to be used. Applications for station authorizations submitted subsequent to such filing may refer to the technical information so filed.

(b) Receipt by the Commission of data for application reference purposes does not commit the Commission to the acceptance of the equipment. The Commission may not commit itself to the acceptance of the equipment until the application for the same has been examined and action has been taken thereon.

§ 2.540 Identification and changes in equipment.

(a) Equipment of the same type is defined for the purposes of type acceptance as being equipment which is electrically and mechanically interchangeable. In addition, transmitters of the same type will have the same basic tube line up, frequency multiplication, basic oscillator circuit, basic modulator circuit, and maximum rated power input.

(b) Each type of equipment for which type approval, type acceptance, or filing for application reference purposes is requested, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment. All equipment used pursuant to type approval or type acceptance shall have affixed to such indication of type approval or type acceptance as may be required in the service rules governing such equipment.

(c) No change whatsoever may be made in the design of type approved equipment without prior authorization from the Commission. A change may be authorized by the Commission.

(d) No change whatsoever may be made in the design of type approved equipment without prior authorization from the Commission. A change may be authorized by the Commission.

(e) Changes in type accepted equipment, except permissive changes as set forth in paragraph (d) of this section, shall not be made except under prior authorization of the Commission. When a change is requested the Commission shall authorize the change or require that the modified equipment be identified by a new number and be resubmitted for type approval tests.

§ 2.541 Radio equipment lists. Lists of type approved and type accepted equipment are expected to be published monthly by the Commission when there are changes to be entered. Public notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Equipment which was listed prior to May 16, 1955, will be continued on the list unless it is removed by Commission action in accordance with the provisions of § 2.522. Copies of the Radio Equipment Lists are available for inspection at the Commission's offices in Washington, D.C., and at each of its field offices. The Radio Equipment List is published in three parts:

Part A, Television Broadcast Equipment.
Part B, Aural Broadcast Equipment.
Part C, Other Than Broadcast Equipment.

§ 2.542 Limitation on availability of equipment files for public reference.

(a) Files containing information about equipment submitted by manufacturers and other persons pursuant to the rules in this part will not be open to the public.

(b) The Commission will cooperate with a manufacturer's desire to withhold the addition of new equipment to the radio equipment list until a date no earlier than that specified by the manufacturer.

§ 2.543 Making available type approved or type accepted equipment for testing or inspection. Upon request by the Commission, a manufacturer of equipment which has been type approved or type accepted by the Commission shall cooperate in making available to the Commission models of said type approved or type accepted equipment in order that the equipment may be tested or inspected either at the place of manufacture or at the Commission's laboratory at Laurel, Maryland.

SUBPART G—LAWS AND INTERNATIONAL TREATIES AND OTHER AGREEMENTS

§ 2.601 Appendix A—Laws, Treaties, Agreements and Arrangements Relating to Radio. (Corrected to June 1, 1955. Unless otherwise indicated, copies of the documents listed below may be obtained from the Government Printing Office, Washington 25, D.C.)

(a) The applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio equipment which the United States of America is a party, are listed below:
<table>
<thead>
<tr>
<th>Date</th>
<th>Series</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1937</td>
<td>T.S. 724-A</td>
<td>Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed September and October 1936, providing for the use of broadcasting facilities on the coast of Newfoundland by ships of the United States. (Not available at the Government Printing Office.)</td>
</tr>
<tr>
<td>1937</td>
<td>T.S. 796-A</td>
<td>Agreement between the United States and Labrador concerning the use of radio facilities on the coast of Labrador by ships of the United States. (Not available at the Government Printing Office.)</td>
</tr>
<tr>
<td>1937</td>
<td>T.S. 777-A</td>
<td>Arrangements between the United States, Canada, and Newfoundland relating to amateur transmitting stations on the coast of Newfoundland. (Not available at the Government Printing Office.)</td>
</tr>
<tr>
<td>1938</td>
<td>T. S. 935</td>
<td>International Radio Broadcasting Agreement for the United States and other Governments. Signed at Habana, Dec. 13, 1937 (First Inter-American Conference), and entered into force Dec. 17, 1938. (Not available at the Government Printing Office.)</td>
</tr>
<tr>
<td>1944</td>
<td>T.S. 1527</td>
<td>Agreement between the United States and Canada concerning the Use of Airwaves for Civil Aeronautical Services. Effected by exchange of notes signed May 12, 1938, and entered into force May 14, 1938. (Available at the Government Printing Office.)</td>
</tr>
</tbody>
</table>
### (b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with these particular countries. These include the following:

<table>
<thead>
<tr>
<th>Date</th>
<th>Series</th>
<th>Subject</th>
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</table>

### (d) There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

<table>
<thead>
<tr>
<th>Date</th>
<th>Series</th>
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</thead>
<tbody>
<tr>
<td>1946</td>
<td>to present</td>
<td>ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.</td>
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<th>Date</th>
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<th>Subject</th>
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<tr>
<td>1952</td>
<td>T. S. 581</td>
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</table>
**Description of the provisions of the Radio Regulations, Atlantic City, 1947**

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<th>Number</th>
<th>Subject</th>
<th>Date (day, month, year) and method of entry into force and remarks</th>
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<thead>
<tr>
<th>Number</th>
<th>Subject</th>
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<tbody>
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<td>NOTIFICATION AND REGISTRATION OF FREQUENCIES: IFB—GENERAL</td>
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<td>400-403</td>
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</table>

#### Date (day, month, year) and method of entry into force and remarks

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</tr>
</tbody>
</table>

#### Additional Notes

- The description includes various conditions and procedures related to the use of frequencies in maritime and aerial communications, including the entry into force dates and methods.
- Specific dates and references are provided for each condition or procedure, indicating the implementation timelines for compliance.
<table>
<thead>
<tr>
<th>Number</th>
<th>Subject</th>
<th>Date (day, month, year) and method of entry into force and remarks</th>
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</tr>
</tbody>
</table>
NOTICE

This form should be completed and forwarded to the Federal Communications Commission, Washington, D. C., and upon receipt of same, any amendment to this Part of the Rules and Regulations adopted after the date of this publication will be mailed to the addressee indicated, except as noted below.

Part No. 2—Frequency allocations and Radio Treaty Matters; General Rules and Regulations.

Effective date: July 1, 1955.
Revised date: June 30, 1955.

Name

Address

City State

All new rules and amendments to the Rules and Regulations adopted by the Federal Communications Commission are also printed in the Federal Register and are available in this form for reference or use by interested parties.

1 Purchasers of this part will be advised where a particular amendment may be obtained including the cost if not available from the F. C. C.
The Primary Source of Administrative Law

The Federal Register publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

- Agriculture
- Aliens
- Atomic Energy
- Aviation
- Business Credit
- Communications
- Customs
- Fair Trade Practice
- Food and Drugs
- Foreign Relations and Trade
- Housing
- Labor Relations
- Marketing
- Military Affairs
- Money and Finance
- Patents
- Public Contracts
- Public Lands
- Securities
- Shipping
- Social Security
- Taxation
- Transportation
- Utilities
- Veterans' Affairs
- Wages and Hours

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FEDERAL COMMUNICATIONS COMMISSION

Part 19—Citizens Radio Service

(September 1986 Edition)

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 19—CITIZENS RADIO SERVICE


FEDERAL COMMUNICATIONS COMMISSION,
(Surgeon) GORDON J. KENT, Acting Secretary.

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19.2 Station power.
19.3 Policy governing the assignment of frequencies.
19.4 General citizenship restrictions.

Subpart B—Applications and Licenses

19.11 Station authorization required.
19.12 Eligibility for station license.
19.13 Filing of applications.
19.14 Who may sign applications.
19.15 Standard forms to be used.
19.16 Amendment or dismissal of application.
19.17 Transfer of license prohibited.
19.21 Defective applications.
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SUBPART A—GENERAL

§19.1 Basis and purpose. The rules and regulations set forth in this part are established pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations. The rules in this part are designed to provide for private short-distance radiocommunications, radio signalling, and the control of remote objects or devices by means of radio, and to provide procedures whereby manufacturers of radio equipment to be used or operated in the Citizens Radio Service may obtain type acceptance and/or type approval of such equipment as may be appropriate.

§19.2 Definitions. For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of services.

Citizens Radio Service. A radio communications service of fixed, land, and mobile stations intended for personal or business radiocommunication, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited in this part.

Fixed service. A service of radiocommunication between specified fixed points.

Mobile service. A service of radiocommunication between mobile and land stations or between mobile stations.

(b) Definitions of stations.

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

Class A citizens radio station. A station in the Citizens Radio Service operating on an assigned frequency available to that service in the 460-470 Mc frequency band, with an authorized plate input power of 40 watts or less.

Class B citizens radio station. A mobile station in the Citizens Radio Service operating on an authorized frequency available to that service in the 460-470 Mc frequency band, with an authorized plate input power of 5 watts or less.

Class C citizens radio station. A mobile station in the Citizens Radio Service operating on an authorized frequency in the 26.96-27.23 Mc frequency band with an authorized plate input power of 5 watts or less for radiotelephony only.

(c) Miscellaneous definitions.

Antenna structure. The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

Assigned frequency. The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The maximum width of the band of frequencies, as specified in the authorization, to be occupied by an emission.

Bandwidth occupied by an emission. The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25% of the total radiated power.


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WorldRadioHistory
Harmful interference. Any radiation or any induction which endangers the function of a radionavigation service or of a safety service, or obstructs or repeatedly interferes with a radio service operating in accordance with applicable laws, treaties, and regulations.

Landing area. A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

§ 19.3 Policy governing the assignment of frequencies. (a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and application organisms which are available for use by Class B, C, or D stations, are listed in Subpart C. All applicants, and licensees of, stations in this service shall, in the selection of the use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; such use may also be restricted to one or more specified geographical areas.

(b) In no case will more than one frequency be assigned to Class A stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency is essential to the operation proposed.

§ 19.4 General citizenship restrictions. A station license may not be granted to or by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: A foreign government or representative thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 19.11 Station authorization required. No radio station shall be operated in the Citizens Radio Service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 19.12 Eligibility for station license. Subject to the general restrictions of § 19.4, an individual is eligible to hold authorizations to operate stations in the Citizens Radio Service: Provided, That if the applicant for a Class A, Class B, or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; or if the applicant for a Class C station authorization is an individual or partnership, such individual or each partner is twelve or more years of age: And provided further, That not more than one person shall be eligible as licensee of the same transmitting equipment.

Note: While the basis of eligibility in this service includes any state, territorial or local governmental entity or any organization or association operating by the authority of such governmental entity, including any duly authorized department of any state or local government, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that during periods of normal operation no protection can be afforded the communications of any station in this service, even when involving the protection of life or property, from interference which may be caused by the operation of other authorized stations.

§ 19.13 Filing of applications. (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with any applications and reports submitted for Commission consideration. Standard forms, applicable to the Citizens Radio Service, are specified in § 19.15 and may be obtained from the Washington 25, D. C., office of the Commission, or from any of its engineering field offices.

(b) An application for any class citizens radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. Applications involving Class C or Class D station equipment which is neither type approved nor certified, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and the methods employed in testing it to determine compliance with the technical requirements set forth elsewhere in this part.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

§ 19.14 Who may sign applications. The application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, by any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the units are to be one station which may, if be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant.

§ 19.15 Standard forms to be used—(a) FCC Form 565, Application for Citizens Radio License. This form shall be used when:

(1) Application is made for a new Class A base station or fixed station authorization. Separate applications shall be submitted for each proposed base or fixed station at different fixed locations; however, all equipment intended to be operated at a single fixed location is considered to be one station which may, if necessary, be classed as both a base station and a fixed station.

(2) Application is made for a new Class B, Class C, or Class D mobile station or mobile station authorization for any required number of mobile units (including hand-carried and pack-carried units) to be operated as a group in a single radio-communication system. Separate application shall be submitted for each proposed Class A, Class B, Class C, or Class D mobile station; however, an application for Class A authorization for mobile units may be combined with the application for a single Class A base station authorization when such mobile units are to be operated with that base station only.

(3) Application is made for station license of any Class A base station or fixed station upon commission of any mobile unit or installation in accordance with the terms and conditions set forth in any construction permit required to be issued for that station.

(4) Application is made for modification of any existing Class A, Class B, Class C, or Class D station authorization in those cases where prior Commission approval of certain changes is necessary (see § 19.34).
(5) Application is made for renewal of an existing station authorization, or for reinstatement of an expired authorization.

b) FCC Form 401-A. Description of Proposed Antenna Structure. This form shall be submitted in triplicate when specifically requested by the Commission in a particular case. Situations in which FCC Form 401-A may be required include, but are not necessarily limited to, the following:

(1) Where the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, or
(2) Where the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of any such landing area.

§ 19.16 Amendment or dismissal of application. (a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or denied for any reason. Each amendment to an application shall be signed, subscribed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 19.17 Transfer of license prohibited. A station authorization in the Citizens Radio Service may not be transferred or assigned.

(c) No such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 19.21 Defective applications. (a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application, and the applicant, if required, complies with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 19.22 Partial grant. Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 19.23 License period. Unless otherwise stated in the authorization, licenses for all stations in the Citizens Radio Service will normally be issued for a term of five years from the original issuance, renewal, or modification.

§ 19.24 Changes in authorized stations. Authority for certain changes in authorized stations must be obtained from the Commission before the changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of license be submitted to the Commission. Application for modification shall be submitted in the same manner as an application for the issuance of a FCC Form 505, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superceding authorization.

Any of the following changes to the authorized stations may be made only upon approval by the Commission:

(1) Change the permanent address of the station licensee.

(2) Change the presently authorized location of a fixed transmitter or control point.

(3) Move, change the height of, or erect an antenna structure of the type which requires prior approval from the Commission as set forth in § 19.25 of this part.

(4) Increase the overall number of transmitters authorized.

(5) Make changes of any nature which may affect the operational characteristics of the transmitting equipment.

(6) Addition or deletion of control point(s) for presently authorized transmitter.

(7) Change or increase in the area of operation of a Class A station.

(8) Change the operating frequency of a Class A station.

(b) Proposed changes which will not depart from any of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided that the particular equipment to be installed as included in the Commission’s “Radio Equipment List Part C,” in the case of a Class C or Class D station using crystal control, the substitute equipment is crystal controlled; and provided the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

§ 19.26 Limitation on antenna structures.

(a) No new antenna or antenna structures shall be erected for use by any station licensed or proposed to be licensed in this service, and no change shall be made in any existing antenna or antenna structures for use or intended to be used by any station licensed or proposed to be licensed in this service so as to increase its overall height above ground level, without prior approval from the Commission in any case when erecting such:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet; or

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or where the antenna is mounted on top of an existing man-made structure, other than an antenna structure for natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 505, unless specifically requested by the Commission to be filed on FCC Form 401-A in cases where an FCC Form 401-A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required as well as specifications for obstruction when required, may be obtained from Part 17 of this chapter.

(c) A permanently installed antenna for use with a Class B, Class C, or Class D mobile station shall not exceed 20 feet in height above any man-made structure or natural formation (other than an antenna structure) on which it is mounted, and the distance from the transmitter of such station, or from the point from which the transmitter is controlled, to the center of the radiation portion of its antenna shall not exceed 25 feet in any case.

SUBPART C—TECHNICAL REGULATIONS

§ 19.31 Frequencies available. (a) The following frequencies are available for assignment to Class A base, mobile, or fixed stations, on a shared basis with other stations in the Citizens Radio Service:

<table>
<thead>
<tr>
<th>Class A</th>
<th>Class B</th>
<th>Class C</th>
<th>Class D</th>
</tr>
</thead>
<tbody>
<tr>
<td>465.55</td>
<td>465.15</td>
<td>465.30</td>
<td>465.90</td>
</tr>
<tr>
<td>465.50</td>
<td>465.20</td>
<td>465.40</td>
<td>465.00</td>
</tr>
<tr>
<td>465.25</td>
<td>465.70</td>
<td>465.50</td>
<td>465.60</td>
</tr>
<tr>
<td>465.70</td>
<td>465.90</td>
<td>465.45</td>
<td>465.05</td>
</tr>
<tr>
<td>465.75</td>
<td>465.85</td>
<td>465.50</td>
<td>465.10</td>
</tr>
<tr>
<td>465.85</td>
<td>465.90</td>
<td>465.55</td>
<td>465.15</td>
</tr>
<tr>
<td>465.90</td>
<td>465.95</td>
<td>465.60</td>
<td>465.20</td>
</tr>
<tr>
<td>466.00</td>
<td>465.10</td>
<td>465.65</td>
<td>465.25</td>
</tr>
<tr>
<td>466.05</td>
<td>465.15</td>
<td>465.70</td>
<td>465.30</td>
</tr>
<tr>
<td>466.10</td>
<td>465.20</td>
<td>465.80</td>
<td>465.35</td>
</tr>
<tr>
<td>466.15</td>
<td>465.25</td>
<td>465.85</td>
<td>465.40</td>
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<td>466.20</td>
<td>465.30</td>
<td>465.90</td>
<td>465.45</td>
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<td>466.25</td>
<td>465.35</td>
<td>465.95</td>
<td>465.50</td>
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<tr>
<td>466.30</td>
<td>465.40</td>
<td>466.00</td>
<td>465.55</td>
</tr>
<tr>
<td>466.35</td>
<td>465.45</td>
<td>466.05</td>
<td>465.60</td>
</tr>
</tbody>
</table>

(b) The frequency 466.00 Mc is available for use by Class B mobile stations under the conditions specified in §§ 19.33
to 19.35 on a shared basis with other stations in the Citizens Radio Service.

In addition, a Class B mobile station employing equipment which has been type accepted for use by Class A citizens radio stations, is authorized to be operated on any of the frequencies listed in Paragraph 27.212 of this section.

(c) The following frequencies are available for use by Class C mobile stations when employing amplitude tone modulation or on-off keying of the unmodulated carrier for the remote control of objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, on a shared basis with other stations in the Citizens Radio Service, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc.

(d) The following frequencies are available for use by Class D mobile stations employing radiotelephony only, on a shared basis with other stations in the Citizens Radio Service, and subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc.

(e) Subject to the proceeding in Docket No. 11989, the following frequencies are available for assignment to Class A fixed, base, or mobile stations, on a shared basis with other stations in the Citizens Radio Service:

(f) Upon specific request accompanying application for renewal of station authorization, a Class A citizens radio station which prior to August 1, 1958 operated on a frequency in the 460-470 Mc band other than one specified in the preceding paragraphs of this section, may be assigned that frequency for continued use until not later than June 15, 1963, subject to all other provisions of this part.

§ 19.32 Station power. The maximum plate power input to the anode (plate) of the electron tubes which supply energy to the radiating system of a station in this service shall not exceed the following values:

<table>
<thead>
<tr>
<th>Class of station</th>
<th>Maximum plate power input</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>60 watts</td>
</tr>
<tr>
<td>Class B</td>
<td>5 watts</td>
</tr>
<tr>
<td>Class C</td>
<td>5 watts</td>
</tr>
<tr>
<td>Class D</td>
<td>5 watts</td>
</tr>
</tbody>
</table>

1 A maximum plate power input of 80 watts is permitted on the frequency 27.355 Mc only.

§ 19.33 Frequency tolerance. The carrier frequency of a station in this service shall be maintained within the following percentage of the authorized frequency:

<table>
<thead>
<tr>
<th>Class of station</th>
<th>Frequency tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>±0.01 Mc</td>
</tr>
<tr>
<td>B</td>
<td>±0.05 Mc</td>
</tr>
<tr>
<td>C</td>
<td>±0.1 Mc</td>
</tr>
<tr>
<td>D</td>
<td>±0.15 Mc</td>
</tr>
</tbody>
</table>

§ 19.34 Types of emission. (a) Except as provided in paragraph (e) of this section, Class A stations in this service will normally be authorized to transmit radiotelephony only. The authorization to use radiotelephony will be construed to include the use of tone signals or signalling devices whose sole function is to establish and maintain voice communication between stations.

(b) Class B citizens radio stations are authorized to use amplitude or frequency modulation, or on-off unmodulated carrier, and may be used for radiotelephony to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention.

(c) Class C citizens radio stations are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the remote control of objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention. The authorization of a Class C station shall not be construed to include authority for the transmission of any form of intelligence.

(d) Class D citizens radio stations are authorized to use amplitude voice modulation for radiotelephone communications only. The authorization of Type A3 emission to a Class D station shall not be construed to include authority for the transmission of any form of radiotelegraphy; however, it will be construed to include the use of tone signals or signalling devices whose sole function is to establish and maintain voice communication between stations.

(e) Other types of emission not described in paragraph (a) of this section and which may be authorized for citizens radio stations upon a showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of bandwidth, reference should be made to Part 2 of this chapter.

§ 19.35 Emission limitations. (a) Each authorization issued to a Class A citizens radio station will show, as a prefix to the classification of the authorized emission, a figure specifying the maximum bandwidth to be occupied by the emission.

(b) All operation of a Class B citizens radio stations shall be confined to the frequency band 462.525-467.475 Mc. The use of Type F2 or F3 emission in the frequency band 26.86-27.28 Mc is not authorized.

(d) For the purpose of demonstrating compliance with paragraphs (a), (b), and (c) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 30 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any harmonics or other spurious emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

| Maximum authorized plate power input to the final radio frequency stage: |
|-----------------------------|---------------------|
| Over 3 watts                | 50 db               |
| 3 watts or less             | 40 db               |

In the case of Class B stations having a maximum plate power input to the final radio frequency stage of 3 watts or less, any emission appearing on any frequency that falls within a band allocated to industrial, scientific, and medical equipment under the provisions of Part 2 of this chapter shall be attenuated below the unmodulated carrier by not less than 30 db.

(e) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 19.36 Modulation limitations. (a) When the radio frequency carrier of a station in this service is amplitude modulated, such modulation shall not exceed 100 percent on positive or negative frequency.

(b) Except in the case of Class B citizens radio stations operating only on the
frequency 465.00 Mc (see § 19.31 (b)), the frequency deviation of any frequency-modulated transmitter operated in this service shall not exceed ±15 kc and the simultaneous amplitude modulation and frequency or phase modulation of a transmitter shall be unauthorized.

§ 19.41 Technical measurements. While it appears that a station in this service is not being operated in accordance with the technical standards therefor, the Commission may require the licensee to provide for such tests as may be necessary to determine whether the equipment is capable of meeting these standards.

§ 19.42 Acceptability of transmitters for licensing. (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's offices in Washington, D.C., and at each of its field offices. Equipment once placed on that list will continue to be included on the list until it is removed therefrom by Commission action in accordance with the provisions of Part 2 of this chapter.

(b) Except for crystal-controlled transmitters used at Class C and Class D stations, each transmitter listed shall be a station authorized for operation under this part must be a type which is included in the Commission's current "Radio Equipment List, Part C" and designated for use in this service. Until June 15, 1963, however, equipment on that list on September 11, 1958, may continue to be used, provided the operation of such equipment does not result in harmful interference due to the failure of that equipment to comply with the current technical standards of this part.

§ 19.43 Type acceptance of equipment. (a) Any manufacturer of a transmitter to be built for use at Class A stations in this service may request "type acceptance" for such transmitter following the type acceptance procedures set forth in Part 4 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 4 of this chapter. Such transmitters, if accepted, will not normally be included in the Commission's "Radio Equipment List, Part C", but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type-accepted equipment, and limitations on the findings upon which type acceptance is based.

§ 19.44 Submission of Class B and non-crystal controlled Class C or Class D station equipment for type approval. (a) Manufacturers of equipment capable of being used or operated in this service may submit units of such equipment to the Commission for type approval, upon grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request normally will not be granted unless at least 100 units of the model to be submitted are scheduled for manufacture. When advised by the Commission, the applicant shall submit a production model or prototype of the particular equipment complete with tubes and power supply to the Commission's laboratory at Laurel, Maryland, for tests. All instructions which are intended to be supplied to the purchaser of the equipment shall be included. Transportation of the equipment and associated documentation to and from the laboratory shall be at no cost to the Government.

(b) Prior to approval or rejection of the equipment, the results of these tests will be made known only to the responsible Government officials and to the Commission. An official report of the tests will be made available only to the manufacturer involved; however, the Commission will publish from time to time lists of approved equipment.

(c) The prescribed tests may be conducted by the Commission, by any person designated by the Commission or by any other cooperating Government department. In addition, field tests, as deemed necessary or desirable by the Commission, may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those expected to be encountered in actual service.

(d) Type approval is not required for Class C or Class D station equipment employing crystal control; however, the licensee may be required to certify that the frequency stability of the crystal-controlled transmitter is within the tolerance specified elsewhere in this part.

§ 19.45 Type approval of receiver-transmitter combinations. Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, is constructed on the same chassis in whole or in part, or is identified with the same type or model number with a radio receiver, unless such receiver has been certified to the Commission as complying with the requirements of Part 15 of this chapter.

§ 19.51 Minimum equipment specifications. Equipment submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part for Class B, Class C, or Class D stations, and, in addition, shall comply with the following:

(a) Any basic instructions concerning the proper adjustment, use, or operation of the equipment that may be necessary shall be attached to the equipment in a suitable manner and in such positions as to be easily read by the operator.

(b) A durable nameplate shall be mounted on the transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the type name or serial number, FCC type approval number, and the class of station for which approved.

(c) The transmitter shall be designed, constructed, and adjusted by the manufacturer to operate on a frequency or frequencies available to the class of station for which type approval is sought. In designing the equipment, every reasonable precaution shall be taken to protect the user from high voltage shock and radio frequency burns. Connections to batteries (if used) shall be made in such a manner as to permit removal by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the general design of radio receivers so as to guard against unnecessary interference to other services. In cases of harmful interference arising from the design, construction, or operation of the equipment, the Commission may require appropriate technical changes in equipment to alleviate interference.

(d) Controls which may affect changes in the carrier frequency of the transmitter shall not be accessible from the exterior of any unit unless such accessibility is specifically approved by the Commission.

§ 19.52 Test procedure. Type approval tests to determine whether radio equipment meets the technical specifications contained in this part will be conducted under the following conditions:

(a) Gradual ambient temperature variations from 0° to 125°F.

(b) Relative humidity from 20 to 95 percent. This test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60, and 95 percent, respectively, at a temperature of approximately 80°F.

(c) Movement of transmitter or objects in the immediate vicinity thereof.

(d) Power supply voltage variations normally to be encountered under actual operating conditions.

(e) Additional tests as may be prescribed, if considered necessary or desirable.

§ 19.53 Certificate of type approval. A certificate or notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the Citizens Radio Service, constitutes a recognition that on the basis of the test made, the particular type of equipment appears to have the capability of functioning in accordance with the technical specifications and regulations contained in this part: Provided, That all such additional equipment of the same type is properly constructed, maintained, and operated: And provided further, That no change whatsoever is made in the design or construction of such equipment except upon specific approval by the Commission.

§ 19.54 Acceptance of composite equipment. (a) Class B and non-crystal controlled Class C or Class D station equipment constructed by a manufacturer and sold in lots of 10 units will not, in the usual case, be tested by the Commission for the purpose of granting type approval. Except as provided in paragraph (b) of this section, an appli-
cant in this service who proposes to use or operate composite or other equipment which has not been type approved shall supply complete information showing that the equipment fully complies with appropriate station requirements, using supplementary sheets which shall accompany the applications for authorization.

The Commission may, at its discretion, require that such equipment or a prototype thereof be made available to its laboratory at Baltimore, Maryland, for testing in accordance with the procedures described elsewhere in this part, as applicable to equipment to be manufactured in lots of more than 100 units. In addition, field tests as deemed necessary or desirable may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those encountered in actual service.

(b) In the case of Class C or Class D equipment employing crystal control, supplemental technical information is not required to accompany the standard application form: Provided, however, that it is clearly indicated that the equipment is applied for special use provided further, that the Commission may require the applicant to certify that the frequency stability of the crystal-controlled transmitter is within the tolerance specified elsewhere in this part.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 19.61 Permissible communications.
(a) Each station in the Citizens Radio Service is authorized to communicate with other stations in the same service. Communications with stations licensed under other parts of this chapter or with any United States Government or foreign station is prohibited, except for communications relating to civil defense in accordance with the provisions of § 19.93.

(b) Any station licensed in this service may provide a radiotelephone service to any person, including the licensee of another station in the same service, on a strictly voluntary and no-charge basis; however, no other form of cooperative or shared use of facilities licensed in this service shall be permitted.

(c) Communications shall be limited to the minimum practicable transmission time.

(d) A citizens radio station may not be used for any purpose contrary to federal, state, or local law; or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for direct transmission to the public through public address systems or by any other means.

(e) The licensee of any station in this service may, during a period of emergency in which normal communications facilities have been disrupted or inadequate as a result of hostile action, earthquake, enemy action, or similar disaster, utilize such station for emergency communications without regard to the provisions of this section other than the following:

(1) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission in Washington, D.C., or to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put.

(2) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are available, or when the Commission in Washington, D.C., or the Engineer in Charge, shall be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

(f) Except as provided in paragraph (d) of this section, a citizens radio station may be used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of interrupting stations shall not be operated in a manner which involves the continuous radiation of energy.

(g) Except as provided in paragraph (d) of this section, a station which is used for the purpose of communication by radiotelephony shall not emit a carrier wave unless modulated for the purpose of communication, and a citizen's radio station which is used for the purpose of communication by radiotelegraphy of any type shall not emit a carrier wave except when telegraph signals are being transmitted.

(h) A citizen's radio station may transmit a continuous carrier, without being modulated by any form of communication or signal, under the following conditions only:

(1) When transmitting for brief tests or when adjustments are being made to the transmitter; or

(2) When a station which is being used to control model aircraft by means of interrupted tone modulation is actually controlling such aircraft in flight.

§ 19.62 Station identification. The registered owner or operator of each citizens radio station license shall be the call sign assigned to such station. A citizens radio station shall transmit its call sign at the beginning and at the termination of each transmission. Each transmission shall be as long as at least once every ten minutes during every transmission of more than ten minutes' duration: Provided, That, in the case of a change of several transmissions in sequence with each transmission less than three minutes' duration, the call sign of the communication need be transmitted only once every ten minutes of operation. Stations operated solely for the radio control of remote objects or devices, or to remotely actuate devices which are used solely as a means of attracting attention, are not required to identify their transmissions except upon specific instructions of the Commission.

§ 19.63 Remote control. A Class A citizens radio station may be authorized to be used or operated by remote control from another fixed location or from mobile units: Provided, that adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from the remote control position or positions should improper operation occur. The authority for such remote control shall be shown on the station authorization.

§ 19.64 Suspension of transmissions required. The radiotelegraphy of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of such rules in this part until such deviation is corrected.

§ 19.71 Operator requirements. (a) Except for stations using manually operated telegraphy transmitting any type of the Morse Code, no operator license is required for the operation of a citizens radio station during the course of normal rendition of service.

(b) Stations using manually operated telegraphy transmitting by any type of the Morse Code may, in the course of normal rendition of service, be operated only by the holders of either a Radiotelegraph Third Class Operator Permit or a Radiotelegraph operator license (except the holders of Temporary Limited Radiotelegraph Second Class Operator Licenses).

(c) In any case, however, all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of the equipment, shall be made by or under the immediate supervision and responsibility of a person holding a first or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment.

§ 19.72 Posting of station license. (a) The current authorization of each citizens radio station operated at a fixed location shall be permanently posted at the principal fixed location from which the station is operated, and a photocopy thereof shall be permanently posted at all other fixed locations (if any) from which the station is controlled. In addition, if the transmitter of any such station is not readily accessible for inspection by Commission representatives or is not in view from at least one location at which the station license or a photocopy thereof is required to be posted, an executed Transmitter Identification Card (FCC Form 452-C, Revised) shall be affixed to that transmitter.

(b) The current authorization of each citizens radio station operated as a mobile station or operated at temporary locations may be evidenced by the remote control station and the remote control station shall be permanently posted with the station's record of the station and need not be posted; however, an executed Transmitter Identification Card (FCC Form 452-C, Revised) shall be affixed to each transmitter which is operated as a mobile station or is operated at temporary locations, and to the control equipment of each such transmitter in every case.
§ 19.81 Answers to notices of violations. (a) Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive Order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall within 10 days from such receipt send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent or acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

(b) If the notice relates to some violation that may be due to the physical or electrical characteristics of the transmitting apparatus, the licensee shall state fully what steps, if any, are taken to prevent future violations.

(c) If the notice of violation relates to some lack of attention to, or improper operation of, the station, the name of the person who caused the violation shall be given.

§ 19.82 Recording of tower light inspections. When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records, and retained for a period of at least one year, as follows:

(a) The time the tower lights are turned on and off each day, if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed or otherwise noted.

(3) Description of the nature of the adjustments, repairs, or replacements made.

(4) Identification of the Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the three-month periodic inspection required by § 19.74 (c) all:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(2) Any adjustments, replacements, or repairs made relating to compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 19.83 False signals. No person shall transmit false or deceptive signals or communications by radio, or identify the station he is using or operating by means of his call or station signal, which has not been assigned by proper authority to that station, or refuse to properly identify himself and the radio station he is using or operating when such identification is possible under the conditions of use or operation in effect at the time such identification is requested.

§ 19.91 Station location. (a) The specific location of each Class A base station and each Class B fixed station and the specific area of operation of each Class A mobile station shall be indicated in the application for license. Authorization will not be granted for the operation of a base station or a fixed station in this service at unspecified temporary fixed locations.

(b) A Class A mobile station authorized in this service may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section, unless the area of operation is changed for a period exceeding seven days, the following procedure shall be observed:

(1) When the change of area of operation occurs in the Radio District, the Engineer in Charge of the Radio District involved and the Commission's office, Washington 25, D. C., shall be notified.

(2) When the station is moved from one Radio District to another, the Engineers in Charge of the two Radio Districts involved and the Commission's office, Washington 25, D. C., shall be notified.

(c) A Class B, Class C, or Class D mobile station may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section.

(d) A mobile station authorized in this service may be used or operated on any craft or vehicle: Provided, That when such craft or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 19.92 Control of transmitters. All transmitters licensed in the Citizens Radio Service must at all times be under the control of the licensee. The licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license.

§ 19.93 Civil defense communications. A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages and information in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency hav-
ing jurisdiction over the area in which the station is located: Provided, That: (a) The operation of the radio station shall be on a voluntary basis. (b) The operation of the station shall not conflict with CONELRAD requirements. (c) Such communications are conducted under the direction of civil defense authorities. (d) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use. (e) In the event such use it to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or specific areas or times of the day, the licensee may send a single notice to the Commission in Washington, D. C., and to the Engineer of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests. (f) The Commission, at any time, order the discontinuance of such special use of the authorized facilities.

SPECIAL § CONELRAD

§ 19.101 Scope and objective. (a) This subpart applies to all radio stations in the Citizens Radio Service located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of enemy air attack or imminent threat thereof. (b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Citizens Radio Service while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 19.102 Alerting. (a) Licensees of radio stations in the Citizens Radio Service are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear. (b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority. (c) Citizens Radio Service mobile radio systems, including stations at fixed locations associated therewith, and point-to-point systems where applicable, may be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or system and ensuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety and may be carried on under the authority of § 19.103 (a) (1). (d) The CONELRAD Radio Alert for the Citizens Radio Service may be received by one or more of the methods outlined below. (1) By monitoring any standard, FM, or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert. (2) By reception of the CONELRAD Radio Alert from a point that has received the CONELRAD Radio Alert from a standard, FM, or TV broadcast station. (3) Radio station licensees desiring to receive the CONELRAD Radio Alert by means not covered by subparagraph (1) or (2) above may request authorization from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reason why methods described in subparagraphs (1) or (2) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert. Note: Every standard, FM, and TV broadcast station will be notified of the CONELRAD Alert system by telephone call or by radio broadcasts. Immediately upon receipt of the Alert, each station, standard, FM, and TV broadcast station will proceed as follows on its normally assigned frequency: (1) Discontinue the normal program. (2) Wait for the message that follows. (3) Cut the transmitter carrier for approximately five seconds. (A) Sound carrier only for TV stations. (B) Return carrier to the air for approximately 5 seconds. (C) Cut the transmitter carrier for approximately 5 seconds. (4) Return carrier to the air. (5) Return carrier to the air. (6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds. (7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to alert you to a civil defense alert. This message is being transmitted under the supervision of the Federal Communications Commission. This is a CONELRAD Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 660 and 1240 on your regular radio receiver."

§ 19.103 Operation during a CONELRAD Radio Alert. (a) Radio stations in the Citizens Radio Service, upon receipt of a CONELRAD Radio Alert, must immediately cease transmission in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 19.103 Operation during a CONELRAD Radio Alert. (a) Radio stations in the Citizens Radio Service, upon receipt of a CONELRAD Radio Alert, will interrupt any communication in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission: (1) No transmissions shall be made unless they are of extreme emergency nature affecting the national safety or the safety of people and property. Note: Transmission affecting the safety or security of industrial plants, personnel or equipment and materials necessary to the national defense may be made. All transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear has been issued.

(2) All transmissions shall be as short as possible and the station carrier shall be removed from the air during periods of no message transmission.

(b) No station identification shall be given either by announcement of regularly assigned call sign or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 19.104 Special conditions. Licensees of radio stations or systems in the Citizens Radio Service, who for technical or operational reasons believe that compliance with § 19.103 cannot be met, may request a waiver of § 19.103. Such request must be made by letter to the Secretary, Federal Communications Commission, Washington 25, D. C., stating why § 19.103 cannot be complied with. The Commission upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 19.105 Radio All Clear. The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been established by the Commission. All radio stations are authorized to return to normal operation immediately upon receiving the CONELRAD Radio Alert message.
operation on their regularly assigned frequencies:
I repeat
The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Citizens Radio Service may resume normal operation when the CONELRAD All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 19.106 Tests. Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operating system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 19.107 Record entries. Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.
NOTICE TO PURCHASER

This form should be completed and forwarded to the Federal Communications Commission, Washington 25, D. C., and upon receipt of same, any amendment to this Part of the Rules and Regulations adopted after the date of this publication will be mailed to the addressee indicated, except as noted below.¹

Part 19—Citizens Radio Service
(September 1958 Edition)

__________________________________________
Name

__________________________________________
Address

__________________________________________  __________
City        State

All new rules and amendments to the Rules and Regulations adopted by the Federal Communications Commission are also printed in the Federal Register and are available in this form for reference or use by interested parties.

¹ Purchasers of this part will be advised where a particular amendment may be obtained, including the cost, if not available from the F. C. C.

SPECIAL MAILING INSTRUCTION

Complete this form and forward to: Federal Communications Commission
Washington 25, D. C.
[Reprinted from Federal Register of June 25, 1955]

FEDERAL COMMUNICATIONS COMMISSION

Part 4—Experimental and Auxiliary Broadcast Services

(Revised to June 1, 1955)

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 4—EXPERIMENTAL AND AUXILIARY

BROADCAST SERVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 4 since it was last recapitulated in the Federal Register (February 7, 1951, at page 1192), Part 4 is recapitulated as of June 1, 1955 to read as set forth below:

FEDERAL COMMUNICATIONS COMMISSION

[Seal] MARY JANE MORRIS, Secretary.

PART 4—EXPERIMENTAL AND AUXILIARY

BROADCAST SERVICES

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4.12 Full disclosures.

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4.622 Purpose of television auxiliary stations.

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RULES RELATING TO EQUIPMENT

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4.664 Station and operator licenses; posting.

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4.681 Station logs.

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GENERAL

§ 4.1 Broadcast services covered by this part. The following broadcast services are covered by this part:

(a) Experimental and developmental broadcast:

(i) Experimental television broadcast (Subpart A).

(ii) Experimental facsimile broadcast (Subpart B).

(iii) Developmental broadcast (Subpart C).

(b) Auxiliary broadcast:

(i) Remote pickup broadcast (Subpart D).

(ii) Broadcast STL and FM intercity relay (Subpart E).

(iii) Television pickup (Subpart F).

(iv) Television STL (Subpart P).

(v) Television inter-city relay (Subpart P).

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.11 Applications. (a) If application is for a construction permit or a license for a new remote pickup broadcast, broadcast STL, FM intercity-relay, television pickup, television STL or television inter-city relay station, or to make changes in facilities, or modification of license, or renewal of license of any such existing station, an FCC Form 313 should be filed for the appropriate action.

(b) If application is for a construction permit for an experimental television, experimental facsimile or developmental broadcast station, or to make changes in facilities, or modification of license of any such existing station, FCC Form 309 should be filed; for a station license, FCC Form 310 should be filed; for renewal of station license, FCC Form 311 should be filed.

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

§ 4.13 Installation of apparatus. Applications for construction permits or modification thereof involving the installation of apparatus should be filed at least 60 days prior to the contemplated installation.

§ 4.14 Period of construction. Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

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

(b) An application (Form FCC No. 703) for extension of time within which to construct the station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant to the time permit filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 4.16 Equipment tests. (a) During the process of construction of any class of radio station listed in this part, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may perform equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

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

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

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

§ 4.17 Service or program tests. (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station listed in this part may, without further authority of the Commission, conduct service or program tests: Provided, That the Engineer in Charge of the district in which the station is located and the operation of which is notified to the Commission are notified at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) in advance of the beginning of such operation.

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

(c) Unless sooner suspended or revoked program test authority will con-
continu valid during Commission consideration of any application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) The authorization for tests embodied in this section shall not be considered as applying to the Commission of the application for station license.

§ 4.18 License period; renewal. (a) Licenses for the following classes of broadcast stations normally will be issued for a period of one year expiring as follows:

<table>
<thead>
<tr>
<th>Class of Station and Date of Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experimental television broadcast station: Apr. 1</td>
</tr>
<tr>
<td>Experimental facsimile broadcast station: May 1</td>
</tr>
<tr>
<td>Developmental broadcast station: May 1</td>
</tr>
</tbody>
</table>

(b) Licenses for stations in the Auxiliary Broadcast Services will be issued for a period running concurrently with the licenses of the broadcast station with which such auxiliary stations are used. A remote pickup broadcast station licensed for use with more than one broadcast station will be licensed for a period running concurrently with the license of the broadcast station having the longer license period.

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

§ 4.20 Renewal of license. (a) Unless otherwise directed by the Commission each application for renewal of license of an Auxiliary Broadcast Station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed. An application for renewal of license of an Experimental and Developmental Broadcast Station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) Whenever the Commission regards an application for renewal of a station license for any class of broadcast station listed in § 4.1 as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally in accordance with the regulations governing each class of station.

§ 4.21 Temporary extension of station licenses. Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might necessitate the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license, the Commission, in its discretion, may grant a temporary extension of such license: Provided, however, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license.

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

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

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

(b) Involuntary. In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

SUBPART A—RULES GOVERNING EXPERIMENTAL TELEVISION BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.101 Definitions. (a) The term "experimental television broadcast station" means a station licensed for experimental television or temporary broadcast of visual images or fixed objects for simultaneous reception and reproduction by the general public.

§ 4.102 Purpose. A license for an experimental television broadcast station will be issued for the purpose of carrying on research and experimentation for the advancement of television broadcasting which may include tests of equipment, training of personnel, and experimental programs as are necessary for the experimentation.

§ 4.103 Frequency assignment. (a) The following groups of channels are available for assignment to television broadcast stations licensed experimentally:

<table>
<thead>
<tr>
<th>Group A</th>
<th>Channel No.</th>
<th>Megacycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>54-50</td>
<td>180-186</td>
</tr>
<tr>
<td>2</td>
<td>56-60</td>
<td>186-192</td>
</tr>
<tr>
<td>3</td>
<td>60-66</td>
<td>192-198</td>
</tr>
<tr>
<td>4</td>
<td>66-72</td>
<td>198-204</td>
</tr>
<tr>
<td>5</td>
<td>70-72</td>
<td>204-210</td>
</tr>
<tr>
<td>6</td>
<td>72-74</td>
<td>210-216</td>
</tr>
<tr>
<td>7</td>
<td>174-176</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group B</th>
<th>Megacycles</th>
<th>Megacycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>460-500</td>
<td>500-550</td>
</tr>
<tr>
<td>2</td>
<td>620-640</td>
<td>640-660</td>
</tr>
<tr>
<td>3</td>
<td>650-680</td>
<td>680-700</td>
</tr>
<tr>
<td>4</td>
<td>700-720</td>
<td>720-740</td>
</tr>
<tr>
<td>5</td>
<td>740-760</td>
<td>760-780</td>
</tr>
</tbody>
</table>

The channel divisions of this band are tentative and subject to change.

Higher frequency channels for experimental television will be assigned in the near future. In the meantime persons desiring to employ higher frequency channels should correspond with the Commission prior to the filing of an application.

(b) No experimental television broadcast station will be authorized to use more than one channel in group A except for good cause shown. Both visual and aural carrier waves with side bands for transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcasting and one license will authorize both visual and aural broadcast.

1 The phrase "station licensed experimentally" and "experimental station" are used interchangeably.
modulation are authorized but no emission shall result outside the authorized channel.

c) Channels in group B may be assigned to experimental television stations to serve auxiliary purposes such as television relay or pickup stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.111 Administrative procedure. See §§ 4.11 to 4.23, inclusive.

§ 4.112 Supplementary statements to be filed with application for construction permit. A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental television broadcast station confirming the applicant's understanding:
(a) That all operation upon the frequency requested is for experimental purposes only.
(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and that the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation.
(c) That any frequency which may be assigned is subject to change without advance notice or hearing.
(d) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.113 Supplementary reports to be filed with application for renewal of license. (a) A report shall be filed with each application for renewal of experimental television broadcast station license which shall include a statement of each of the following:
(1) Number of hours operated.
(2) Full data on research and experimentation conducted including the type of transmitting and studio equipment used and their mode of operation.
(3) Data of research and operation during the period covered.
(4) Power employed, field intensity measurements and visual and aural observations and the types of instruments and the methods employed to determine the station service area and the efficiency of the respective types of transmissions.
(5) Estimated degree of public participation in reception and the results of observations as to the effectiveness of types of transmission.
(6) Conclusions, tentative and final.

§ 4.123 Power limitations. Experimental television broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to the determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.131 Licensing requirements, necessary showing. (a) An applicant for a new experimental television broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as the following:
(1) That the applicant has a definite program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contribution to the development of the television art.
(2) That upon the authorization of the proposed station the applicant can and will proceed immediately with its program of research and experimentation.
(3) That the transmission of signals by radio is essential to the proposed program of research and experimentation.
(4) That the program of research and experimentation will be conducted by qualified personnel.
(b) A license for an experimental television broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, the Commission shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.
(c) A license for an experimental television broadcast station will be issued only on the condition that no objectionable interference will result from the transmissions of the station, with the regular program transmissions of television broadcast stations. It shall at all times be the duty of the licensee of an experimental television broadcast station to ascertain that no interference will result from the transmissions of its station. With regard to interference with the transmissions of an experimental television broadcast station or the experimental or test transmissions of a television broadcast station, the licensees shall make arrangements for operations to avoid interference.

§ 4.132 Time of operation. (a) A licensee of an experimental television broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.
(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental television broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

§ 4.141 Frequency changes. The licensee of an experimental television broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:
(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;
(b) That the emissions are not permitted outside the authorized band;
(c) That the power output complies with the license and the regulations governing the same; and
(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.161 Frequency tolerance. The licensee of an experimental television broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency. The licensee of an experimental television broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.162 Frequency monitors and measurements. The licensee of an experimental television broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency measurement, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.163 Multiple ownership. No persons (including all persons under common control) shall control directly or indirectly, two or more experimental television broadcast stations (other than television relay broadcast stations) unless a showing is made that the character of the experimental television broadcast stations, including any plans for licensing of two or more separate stations.

§ 4.151 Equipment changes. The license of an experimental television broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:
(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;
(b) That the emissions are not permitted outside the authorized band;
(c) That the power output complies with the license and the regulations governing the same; and
(d) That the transmitter as a whole or output power rating of the transmitter is not changed.
§ 4.164 Station inspection. The licensees of each experimental television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.165 Station and operator licenses; posting of. (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or management and operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized Government representative.

(b) The original license of each station operator shall be posted at the place where the operator resides. Provided, however, if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing the operation of such station and is there available for inspection by an authorized Commission representative, or if the station operator is licensed for portable-mobile operation, a verification card shall be acceptable in lieu of the posting of such license.

§ 4.166 Operator requirements. One or more radio operators holding radiotelephone-first-class or radiotelephone-second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental television broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties in connection with the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.167 Antenna structure, marking and lighting. Where an antenna structure(a) is required to be painted or lighted see § 17.37, Inspection of tower lights and associated control equipment; § 17.39, Cleaning and repainting; § 17.40, Time when lights shall be exhibited; § 17.41, Spare lamps; and § 17.42, Lighting equipment; or Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.168 Additional orders. In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make suplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.181 Station records. (a) The licensees of each television broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Programs transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) In case of relay or pickup station, an entry giving points of program origination and receiver location shall be included.
(6) Research and experimentation conducted.

(b) Where an antenna structure is required to be illuminated see § 17.38, Recording of tower light inspections in the station record, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.182 Charges. No charges, either direct or indirect, shall be made by the licensee of an experimental television broadcast station for the production or transmission of either aural or visual programs transmitted by such station except that this section shall not apply to the transmission of commercial programs by an experimental television relay or pickup broadcast station for retransmission by a television broadcast station.

§ 4.183 Station identification. Each experimental television broadcast station shall make audible and visual announcements of its call letters and location at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.184 Rebroadcasts. (a) The term "rebroadcasts" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.

(b) No licensee of any experimental television broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

As used in this section the word "program" includes any complete program or part thereof.

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

Informal application may be employed.

§ 4.201 Definition. The term "facsimile broadcast station" means a station licensed to transmit images of still objects for record reception by the general public.

§ 4.202 Frequency assignment. (a) The band of frequencies between 470 and 480 megacycles is allocated for assignment to facsimile broadcast stations which will be licensed experimentally only.

(b) Other broadcast experimental frequencies may be assigned for the operation of an experimental facsimile broadcast station provided a sufficient need therefor is shown and no interference will be caused to established radio stations.

(c) One frequency only will be assigned to an experimental facsimile station from the band listed in paragraph (a) of this section if a frequency is not assigned to an experimental facsimile broadcast station confirming the applicant's understanding:

(1) That all operation upon the frequency requested is for experimental purposes only.
(2) That the frequency requested may not be the best suited to the particular experimental work involved.
(3) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation.
(4) That any frequency which may be assigned is subject to change without advance notice or hearing.
(5) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.211 Administrative procedure. See §§ 4.11 to 4.23, inclusive.

§ 4.212 Supplementary statements to be filed with application for construction permit. A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental facsimile broadcast station confirming the applicant's understanding:

(1) That all operation upon the frequency requested is for experimental purposes only.
(2) That the frequency requested may not be the best suited to the particular experimental work involved.
(3) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation.
(4) That any frequency which may be assigned is subject to change without advance notice or hearing.
(5) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.213 Supplemental report with renewal application. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) Number of hours operated for transmission of facsimile programs.
(b) Comprehensive report of research and experimentation conducted.
(c) Conclusions and program for further developments of the facsimile broadcast service.
(d) All developments and major changes in equipment.
(e) Any other pertinent developments.
RULES RELATING TO LICENSING POLICIES

§ 4.231 Licensing requirements, necessary showing. (a) An applicant for a license to operate for a new experimental facsimile broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to one or more radio operators holding radio-telephone first-class operator second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental facsimile broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.267 Antenna structure, marking and lighting. Where an antenna structure is required to be painted or lighted see § 17.37, Inspection of towers and associated control equipment; § 17.39, Cleaning and repainting; § 17.40, Time when lights shall be exhibited; § 17.41, Spare lamps; and § 17.42, Lighting equipment, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.268 Additional orders. In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.281 Station records. (a) The licensee of each experimental facsimile broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) Research and experimentation conducted.

Where an antenna structure is required to be illuminated see § 17.38, Recording of tower light inspections in the station record, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.282 Charges. (a) A licensee of an experimental facsimile broadcast station shall not make any charge, directly or indirectly, for the transmission of programs.

(b) No licensee of any standard or FM broadcast station shall make any charge, directly or indirectly, for the transmission of programs.

1 Tolerance may be plus or minus 0.05 percent on the carrier frequency.
the transmission of some phase of its programs by an associated experimental facsimile broadcast station.

§ 4.283 Station identification. Each experimental facsimile broadcast station shall transmit visual information which will permit it to be identified at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.284 Rebroadcasts. (a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.

(b) No licensee of any experimental facsimile broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART C—RULES GOVERNING DEVELOPMENTAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.301 Definition. The term "developmental broadcast station" means a station licensed experimentally to carry on development and research primarily in radiotelephony for the advancement of the broadcast services.

§ 4.302 Frequency assignment (a) The following frequencies are allocated for assignment to developmental broadcast stations: 1

Kilo-  
Mega-  
Mega-  
Mega-
cycles cycles cycles cycles 1614 30.60 35.40 72.18 2028 31.02 37.00 72.22 3422.5 31.14 37.14 156.528 4707.5 31.18 37.54 156.972 6425 31.50 39.14 167.048 9135 33.96 40.96 167.723 12525 35.22 41.52 158.712 17510 36.82 40.98 920 to 940 32100 35.04 42.36  Above 30,000

1 Subject to interference from radiations emitted by scientific, medical, and industrial stations.

(b) A license will be issued for more than one of these frequencies upon a satisfactory showing that there is need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the minimum degree or absence of interference to established stations shall be selected.

(d) In cases of important experimentation which cannot be conducted successfully on the frequencies allocated in paragraph (a) of this section, the Commission may authorize developmental broadcast stations to operate on any frequency allocated for broadcast stations or any frequencies allocated for other services under the jurisdiction of the Commission upon satisfactory showing that such frequencies can be used without causing interference to established services.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.311 Administrative procedure. See §§ 4.11 to 4.23, inclusive.

§ 4.312 Supplementary statements to be filed with application for construction permit. A supplementary statement shall be filed with and made a part of each application for construction permit for a developmental broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only,

(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(d) That any frequency which may be assigned is subject to change without advance notice or hearing,

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.313 Supplemental report with renewal application. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following, among others:

(a) The number of hours operated.

(b) Comprehensive report on research and experiments conducted.

(c) Conclusions and program for further development of the broadcast service.

(d) All development and major changes in equipment.

(e) Any other pertinent developments.

RULES RELATING TO LICENSING POLICIES

§ 4.331 Licensing requirements; necessary showing. (a) An applicant for a construction permit for a new developmental broadcast station, change of facilities or modification of an existing license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which can best be carried on under the license requested.

(2) That the program of research has reasonable promise of substantial contribution to the development of broadcast service.

(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for a developmental broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine any necessary time division.

§ 4.322 Power limitations. Developmental broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 8 percent above the maximum power specified in the rules, and such licenses will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency ranges assigned.

§ 4.323 Emission authorized. In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the need shall be made by informal application.

RULES RELATING TO JUDGMENT

§ 4.351 Equipment changes. The licensee of a developmental broadcast station may make any changes in the equipment that are deemed desirable or necessary: Provided,

(a) That the operating frequency is not permitted to deviate more than the allotted tolerance,

(b) That the emissions are not permitted outside the authorized band,

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed. This limitation shall not apply to developmental broadcast stations licensed to operate in connection with the development and testing of commercial broadcast equipment.

RULES RELATING TO TECHNICAL OPERATION

§ 4.361 Frequency tolerance. The license of a developmental broadcast station operating being subject to the condition of maintaining the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency. The license of a developmental broadcast station operating at frequencies above 450 megacycles shall maintain 3 tolerance of 0.05 percent.
tain the operating frequency of its station within plus or minus 0.6 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.362 Frequency monitors and measurements. The licensee of a developmental broadcast station shall provide the necessary means for determining the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed, shall be entered in the station log. Sufficient observations shall be made to be sure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.363 Time of operation. (a) A licensee of a developmental broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation. However, the Commission may to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.364 Station inspection. The licensee of each developmental broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.365 Station and operator licenses; posting of. (a) The station license and any other instrument of authorization or individual order concerning the construction of the broadcast station shall be posted where the operator on duty at the transmitter is located. Otherwise, the station is located.
(b) If the station is licensed for portable-mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized Government representative.

§ 4.366 Operator requirements. One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any developmental broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.367 Antenna structure, marking and identification. (a) A structure (s) is required to be painted or lighted see § 17.37, Inspection of tower lights and associated control equipment; § 17.39, Cleaning and repainting; § 17.40, Time when lights shall be exhibited; § 17.41, Sparse lamps; and § 17.42, Lighting equipment; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.368 Additional orders. In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplementary or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.381 Station records. (a) The licensee of each developmental broadcast station shall maintain adequate records of the operation, including:
(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) In case of relay or remote pickup station, an entry giving points of program origination and receiver location shall be included.
(6) Research and experimentation conducted.
(b) Where an antenna structure(s) is required to be illuminated see § 17.38, Recording of tower lights inspections in the station record, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).
(c) Station records shall be retained for a period of two years.

§ 4.382 Program service; charges prohibited; announcements. (a) A licensee of a developmental broadcast station shall broadcast only when they are necessary to the experiments being conducted. No regular program service shall be broadcast unless specifically authorized. If the license authorizes the carrying of programs, the developmental broadcast station may transmit the programs of a standard, or FM broadcast station or networks, provided, that during the broadcast a statement is made identifying the station or network originating the program (by giving the call letters of the station or name of the network) and announcing that the program is being broadcast in connection with the experimental operation of a developmental broadcast station.
(b) No licensee of any standard, or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of programs by a developmental broadcast station.

§ 4.383 Station identification. Each developmental broadcast station shall announce its call sign at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.384 Rebroadcasts. (a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.
(b) No licensee of any developmental broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.
(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART D—RULES GOVERNING REMOTE PICKUP BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.401 Definitions—(a) Remote pickup broadcast mobile station. A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.
(b) Remote pickup broadcast base station. A base station licensed for the transmission of program material from remote points of origination to a broad-

* As used in this section the word "program" includes any complete program or part thereof.
* In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.
* Formal application may be employed.
casting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(c) Remote pickup broadcast station. The term "remote pickup broadcast station" as used herein includes the definitions in paragraphs (a) and (b) of this section.

§ 4.402 Frequency assignment. (a) The following frequencies are allocated for assignment to remote pickup broadcast base and mobile stations:

<table>
<thead>
<tr>
<th>Group A</th>
<th>Group B</th>
<th>Group C</th>
<th>Group D</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Mc)</td>
<td>(Mc)</td>
<td>(Mc)</td>
<td>(Mc)</td>
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<tr>
<td>166.06</td>
<td>163.00</td>
<td>164.00</td>
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<td>26.15</td>
<td>26.17</td>
<td>26.19</td>
<td>26.21</td>
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<tr>
<td>26.29</td>
<td>26.31</td>
<td>26.33</td>
<td>26.35</td>
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</table>

(b) A licensee is not limited with respect to the number of remote pickup broadcast stations which may be licensed for operation in a single area and each such station may be assigned for more frequencies: Provided, however, that such frequency assignments shall be limited to those within a single frequency Group or any subparagraph of paragraph (a) of this section. This limitation does not preclude the assignment of frequencies listed in different subparagraphs to the same licensee. Applicants shall request the assignment of only those frequencies on which operation is contemplated and the transmitter shall be tuned to operate on all assigned frequencies.

(c) Remote pickup broadcast stations will not be granted exclusive frequency assignments, and the same frequency or frequencies may be assigned to other licenses in the same area.

§ 4.403 Frequency selection to avoid interference. (a) Where two or more remote pickup broadcast stations are licensed for the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensee shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If a mutual agreement to the effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 4.402 (a) (3): (1) Transmissions for program material for broadcast, (2) the transmission of orders immediately necessary thereto, and (3) other transmissions permitted under § 4.431 (a). On frequencies listed in § 4.402 (a) (3) transmissions permitted under § 4.431 shall have priority over transmissions permitted under § 4.432 (e).

RULES GOVERNING ADMINISTRATIVE PROCEDURE


RULES RELATING TO LICENSING POLICIES

§ 4.431 Purpose of remote pickup broadcast stations. (a) The license of a remote pickup broadcast station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, to an associated broadcast station, to such other stations as are also broadcasting the same program material in the network with which the broadcast station is regularly affiliated. A license issued within the provisions of § 4.432 (e) authorizes the addition of communications therein provided. Remote pickup broadcast stations may be operated in conjunction with other broadcast stations not aforementioned: Provided, That the transmissions by the remote pickup broadcast station shall be under the control of the remote pickup broadcast station licensee, and that such operation shall not exceed a total of 10 hours in any 30-day period.

(b) In the event of any damage or impairment of the regular circuits of a broadcast station due to storms or other emergencies, remote pickup broadcast stations may be used to provide temporary emergency circuits for program transmission and cue purposes pending completion of repairs. However, remote pickup broadcast stations may not be used for such circuits on a regular basis.

The term "associated broadcast station" as used herein means a broadcast station with which the remote pickup station is licensed as an auxiliary facility.

(c) The license of a remote pickup broadcast station authorizes operation on only one of the assigned frequencies at any one time. A licensee may operate two or more remote pickup broadcast stations simultaneously. Remote pickup broadcast stations may be used to transmit orders and related communications from the program control point to the remote pickup point.

(d) Remote pickup broadcast stations licensed in Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States may be used for any auxiliary broadcast purpose including inter-city relay circuits which may be operated by the licensee for the purpose of maintaining studios at locations other than that of the broadcast stations, provided that such stations shall not be used for transmissions intended to be received by the public directly.

§ 4.432 Licensing requirements. (a) A license for a remote pickup broadcast station will be issued only to the licensee of a broadcast station. Remote pickup broadcast stations will be licensed to television broadcast stations upon an interim basis pending development of equipment capable of transmitting the aural and the visual portions of television programs within the bands of frequencies allocated for television broadcast stations. A separate renewal is required for each remote pickup broadcast station. Each application for construction permit for a new remote pickup broadcast station or for a change in the facilities of an existing station shall be specific with regard to the frequency or frequencies requested.

(b) In case a licensee has two or more remote pickup broadcast stations located in different cities, it shall, in applying for a new remote pickup broadcast station or for renewal of license of an existing station, designate the broadcast station, or stations under the provisions of paragraph (b) of this section, in conjunction with which the remote pickup broadcast station is to be operated.

(c) In case a licensee has two or more broadcast stations located in different cities, it shall, in applying for a new remote pickup station or for renewal of license of an existing station, designate the broadcast station, or stations under the provisions of paragraph (b) of this section, in conjunction with which the remote pickup station is to be operated.

(d) A remote pickup broadcast station may be licensed for portable or mobile operation in accordance with § 4.401 (a), or for operation at a fixed location in accordance with § 4.401 (b). An application for a new remote pickup broadcast station or for modification of license of an existing station requesting portable or mobile operation shall be considered in the light in which the proposed station is intended to be employed.

(e) Remote pickup broadcast base stations will be licensed for the purpose of providing communication between the studio and the transmitter of broadcast stations which utilize a broadcast STL station for program transmission, provided that such operation shall not be conducted on frequencies other than those listed in § 4.402 (a) (3). The term
“broadcast STL station” as used in this section includes “FM broadcast STL,” “standard broadcast STL,” and “television STL stations.”

§ 4.433 Temporary authorizations.
(a) Special temporary authority may be granted for operation, as a remote pickup broadcast station, of equipment already licensed, conditioned on means for station or equipment in use by a class of station which under the Communications Act of 1934 does not require a construction permit.

(b) An application for special temporary authority for the operation of a remote pickup broadcast station shall be filed with the Commission at least 10 days previous to the date of operation. Any application received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. The application shall set forth full particulars of the purpose for which the request is made and shall show the licensee, call letters, and type of equipment of the station proposing the operation and specify the frequency or frequencies, time and date, location, transmitter power, and type emission proposed and the purpose of the operation requested.

(c) An application for special temporary authority to operate another class of station as a remote pickup broadcast station shall specify a frequency or frequencies allocated in § 4.402. Provided, however, in case of events of national interest and importance which cannot be transmitted successfully on these frequencies, other frequencies under the jurisdiction of the Commission may be requested, if it is shown that the operation thereon will not cause interference to established stations: And provided further, That no remote pickup operation will be authorized on frequencies employed in the emergency service or otherwise employed for the safety of life and property.

(d) An application for special temporary authority to operate equipment as a remote pickup broadcast station filed by a person other than the licensee of such equipment shall contain a statement to show that temporary control of the transmissions therefrom has been secured for the duration of the special operation proposed. An application for special temporary authority to operate another class of station as a remote pickup broadcast station filed by a person other than the licensee of a standard or FM broadcast station shall contain a statement to show which broadcast station or stations contemplate broadcast of the program proposed to be transmitted.

§ 4.434 Remote control operation.
Remote-control operation of remote pickup broadcast stations will be permitted subject to the following conditions:

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.435 Power limitations. Remote pickup broadcast stations will be licensed with a power output not in excess of that necessary by reason of satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service in the event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmission, when employed, shall be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.436 Emission authorized. (a) The license of a remote pickup broadcast station operating on frequencies below 25 Mc will normally authorize A3 emission and may in addition authorize A1 and A2 emission where the need therefore is shown. A license for a remote pickup broadcast station operating on frequencies above 25 Mc. will authorize A3 or FM emission, depending upon the equipment employed. Station licensed to employ F3 emission shall limit the frequency swing so that the bandwidth of emission will conform to the requirements of the channel widths authorized as follows:

1. For stations operating on the frequencies 26.11 to 26.47 Mc., 20 kilocycles.
2. For stations operating on the frequencies 152.87 to 153.35, 166.25, and 170.15 Mc., 60 kilocycles.
3. For stations operating on the frequencies 450.95 to 451.95 Mc., 100 kilocycles.

(b) Any emission, outside the authorized channel shall be limited to such an extent as not to constitute a source of potential interference to other stations and in no event shall such emissions be in excess of minus 40 decibels as compared to the emissions within the authorized channel.

§ 4.451 Equipment changes. The license of a remote pickup broadcast station may make any changes in the equipment that are deemed desirable or necessary: Provided, (a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

RULES RELATING TO TECHNICAL OPERATION

§ 4.461 Frequency tolerance. The licenses of remote pickup broadcast stations shall maintain the operating frequency of its station in accordance with the following:

<table>
<thead>
<tr>
<th>Frequency range</th>
<th>Base station</th>
<th>Mobile station</th>
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<tbody>
<tr>
<td>100.0 to 285.0 Mc.</td>
<td>±0.02</td>
<td>±0.01</td>
</tr>
<tr>
<td>26.11 to 26.47 Mc.</td>
<td>±0.02</td>
<td>±0.01</td>
</tr>
<tr>
<td>1000 watts or less</td>
<td>±0.05</td>
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<tr>
<td>5 watts or less</td>
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</tr>
</tbody>
</table>

The listing of tolerance for power over 200 watts is in accordance with treaty values and shall not be construed as a finding that such power will be authorized.

§ 4.462 Frequency monitors and measurements.
(a) The licensee of a remote pickup broadcast station shall be required to maintain records demonstrating that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description of or verification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

(b) Each frequency for which the remote pickup broadcast station is licensed shall be measured at least once during each calendar year.

§ 4.463 Station inspection. The license of each remote pickup broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.464 Station and operator licenses; pending of. (a) The station licenses and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof in a conspicuous place in the room in which the transmitter is located: Provided:

1. If the transmitter operator is located at a distance from the transmitter pursuant to § 4.434 the station license shall be posted in the above-described manner at the operating position.

2. If the station is licensed for portable-mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the vicinity of the transmitter.

*Remote pickup broadcast stations now operating in the frequency range 30-40 Mc. and on frequencies above 154 Mc. will, during the period such operation continues pending frequency re-assignment of these stations pursuant to the proceedings in Docket No. 9651, retain the frequency tolerance requirements of their present licenses.

The term portable-mobile as here used is intended to include any type of portable or mobile operation.
possibility of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized Government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: Provided, however, If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile operation, a verification card is acceptable in lieu of the posting of such license: Provided further, however, that if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 4.405 Operator requirements. One or more operators holding any class of commercial radio operating license or permit shall be on duty at the place where the transmitting apparatus of any remote pickup broadcast station is located as provided in § 4.434, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The operator on duty is in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation is licensed to operate stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall be in no wise interfere with the operation of the broadcast transmitter.

§ 4.406 Antenna structure, marking and lighting. Where an antenna structure(s) is required to be painted or lighted see § 17.31, Inspection of tower lights and associated control equipment. § 17.39, Cleaning and repainting. § 17.40, Time when lights shall be exhibited; § 17.41, Spare lamps; and § 17.42, Lighting to be provided and Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.477 Additional orders. In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.481 Station records. (a) The licensee of each remote pickup broadcast station shall maintain adequate records of the operation, including: (1) Hours of operation. (2) Program transmitted. (3) Frequency check. (4) Permanent remarks concerning transmission.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, Recording of tower light inspections in the station record, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures). (c) Station records shall be retained for a period of two years.

§ 4.482 Station identification. Each remote pickup broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it shall either announce its call letters or make an announcement which will permit it to be identified.

SUBPART E—BROADCAST STL AND FM INTER-CITY RELAY STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

§ 4.501 Definitions (a) FM Broadcast STL station: A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station. (b) Standard broadcast STL station: A fixed station utilizing telephony to transmit from a studio of a standard broadcast station to the transmitter of that broadcasting station, programs to be broadcast by that station. (c) FM intercity relay station: A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees. (d) The term "FM broadcasting station" as used in this part of the rules includes non-commercial educational FM broadcasting stations. (e) The abbreviation "STL" is derived from "studio-transmitter link."

§ 4.502 Frequency assignment. (a) An FM broadcast STL station may be licensed on one of the following frequencies:

940.5 Mc 940.5 Mc 940.5 Mc 940.5 Mc 940.5 Mc
941.5 Mc 941.5 Mc 941.5 Mc 941.5 Mc 941.5 Mc
942.0 Mc 942.0 Mc 942.0 Mc 942.0 Mc 942.0 Mc
943.0 Mc 943.0 Mc 943.0 Mc 943.0 Mc 943.0 Mc
943.5 Mc 943.5 Mc 943.5 Mc 943.5 Mc 943.5 Mc
944.0 Mc 944.0 Mc 944.0 Mc 944.0 Mc 944.0 Mc
945.0 Mc 945.0 Mc 945.0 Mc 945.0 Mc 945.0 Mc
945.5 Mc 945.5 Mc 945.5 Mc 945.5 Mc 945.5 Mc
946.0 Mc 946.0 Mc 946.0 Mc 946.0 Mc 946.0 Mc
949.0 Mc 949.0 Mc 949.0 Mc 949.0 Mc 949.0 Mc

(b) A standard broadcast STL station may be licensed on one of the following frequencies:

925.5 Mc 925.5 Mc 925.5 Mc 925.5 Mc 925.5 Mc
926.5 Mc 926.5 Mc 926.5 Mc 926.5 Mc 926.5 Mc
927.0 Mc 927.0 Mc 927.0 Mc 927.0 Mc 927.0 Mc
927.5 Mc 927.5 Mc 927.5 Mc 927.5 Mc 927.5 Mc
928.0 Mc 928.0 Mc 928.0 Mc 928.0 Mc 928.0 Mc
928.5 Mc 928.5 Mc 928.5 Mc 928.5 Mc 928.5 Mc
930.0 Mc 930.0 Mc 930.0 Mc 930.0 Mc 930.0 Mc

§ 4.481 Station records. (a) The licensee of each remote pickup broadcast station shall maintain adequate records of the operation, including: (1) Hours of operation. (2) Program transmitted. (3) Frequency check. (4) Permanent remarks concerning transmission.

The term portable-mobile as here used is intended to include any type of portable or mobile operation.

Form 758-F.

(c) The frequencies listed in paragraph (b) of this section may be assigned to FM broadcast STL stations in any area where insufficiency of facilities in that area is available in the band 940–955 Mc.

(d) FM intercity relay stations may be licensed on any of the frequencies listed in paragraphs (a) and (b) of this section subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations contained in § 2.104 of this chapter.

§ 4.503 Frequency selection. All applications for a new station or change in an existing station shall be specific with regard to frequency. In general, the lowest suitable frequency will be assigned which, on an engineering basis, will not cause harmful interference to other stations operating in accordance with existing frequency allocations.

(b) Where it appears that interference may result from the operation of a new station or change in the facilities of an existing station, the Commission may require a showing that harmful interference will not be caused to existing stations or that if interference will be caused such new station or change in the facilities is not outweighed by the loss of service due to the interference.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.511 Administrative procedure. See §§ 4.11 to 4.31, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.531 Licensing requirements. (a) An FM broadcast STL station will be licensed only to the licensee of an FM broadcasting station as an auxiliary to a particular FM broadcasting station of that licensee.

(b) A standard broadcast STL station will be licensed only to the licensee of a standard broadcast station as a auxiliary to a particular standard broadcast station of that licensee.

(c) An FM intercity relay station will be licensed only to the licensee of a FM broadcasting station and only upon a satisfactory showing that suitable common carrier facilities are not available. An application for construction permit for a new FM intercity relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the requested facilities indicating the reasons why common carrier facilities cannot be utilized; and,

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier services, and that common carrier services are not available. The general area involved to furnish the intercity FM transmission service required by the applicant, including in such showing a copy of the request or requests and a reply or replies received from such common carriers.

(d) More than one broadcast STL station or FM intercity relay stations will be licensed for use with single broadcast
station only upon a showing that, (1) more than one transmitter is required for the effective operation of a single STL or intercity relay circuit due to distance, terrain and terrain anomalies, or similar circumstances; or, (2) more than one STL circuit is needed to connect additional studios or more than one FM intercity relay circuit is needed to connect additional FM broadcast stations in the network; and it is shown that the normal and extended use of such additional circuits is such as to justify their authorization.

(e) Each station shall be licensed at a fixed location and the direction of radiation of the antenna shall be fixed.

§ 4.532 Service. (a) The license of an FM broadcast STL station or a standard broadcast STL station authorizes the relaying of programs from a studio to the transmitter of the broadcast station at the place licensed, for instantaneous or delayed broadcast: Provided, however, That where the licensee of an FM broadcast STL station or a standard broadcast STL station is the licensee of an FM broadcast station in the same city or metropolitan district, the license of each such STL station authorizes the relaying to both the studio or both such broadcast stations.

(b) The license of an FM intercity relay station authorizes the relaying of FM broadcast programs and communications extending thereto between FM broadcasting stations located in different cities in order to provide network FM broadcasting. The operation of FM intercity relay stations is subject to the condition that no harmful interference is caused to other radio stations, present or future, operating in accordance with the Table of Frequency Allocations set forth in § 2.104 (a) of this chapter.

(c) Each FM broadcast STL station, standard broadcast STL station, or FM intercity relay station will be licensed for a maximum power of 5,000 watts.

(d) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the training of personnel or for demonstrations which pertain to the broadcast operations. Superfluous transmissions are not permitted.

§ 4.533 Remote control and unattended operation. (a) Broadcast STL or FM intercity relay stations may be operated by remote control: Provided, That such operation is conducted in accordance with the conditions listed in this section: And provided further, That the Commission shall be notified at least 10 days prior to such operation and that such notification is accompanied by a detailed description of the proposed remote control installation showing the manner of compliance with the following conditions:

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which the operation of the transmitter is controlled. The licensees shall comply with the requirements of § 4.565 and responsible for the operation of the transmitter is stationed;

(2) A carrier operated device shall be provided at the operating position which shall give a continuous visual indication when the transmitter is radiating; and, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation;

(3) Facilities shall be provided at the operating position which will permit the operator to turn the transmitter carry on and off at will; and

(4) The transmitter and all of its operating controls shall be so installed and protected that they are not accessible to other than authorized personnel.

(b) FM intercity relay stations, broadcast STL stations where the circuit requires the use of mobile units, and one SSL transmission which is unattended: Provided, That such operation is conducted in accordance with the conditions listed below: And provided further, That the Commission is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description of the proposed installation showing the manner of compliance with the following conditions:

(1) The transmitter is capable of retransmitting by self-actuating means a radio signal received from another radio station or stations;

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment;

(3) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized personnel;

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operations, at the receiving end of the circuit by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

(5) The station licensee shall remain responsible for the proper operation of the station, and all adjustments or tests done during installation, servicing, or maintenance of the station which may affect its proper operation, shall be performed by or under the immediate supervision and responsibility of a person holding a valid first or second class radiotelephone operator license.

(c) The Commission may notify the licensee not to commence remote control or unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience and necessity.

§ 4.534 Power limitations. Broadcast STL and FM intercity relay stations will be licensed to with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering stations will be licensed to with a power output not in excess of 300 kilocycles.

§ 4.535 Emission authorized. (a) Broadcast STL and FM intercity relay stations normally will be authorized to employ frequency modulation only.

(b) The maximum "frequency swing" employed shall not be in excess of 300 kilocycles.

§ 4.536 Directional antenna required. Each broadcast STL or FM intercity relay station is required to employ a directional antenna. The maximum allowable power swing of radiated power as a standard for comparative purposes, such antenna shall provide a free space field intensity at one mile of not less than 455 mv/m in the main lobe of radiation toward the receiver; and not more than 20 percent of the maximum value in any azimuth 30 degrees or more off the line to the desired receiver; and the first antenna is authorized for use with a single station, the radiation pattern of each shall be in accordance with the following requirement.

RULES RELATING TO EQUIPMENT

§ 4.551 Equipment changes. The licensee of an STL or FM intercity relay station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not changed to facilitate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.561 Frequency tolerance. The licensees of STL or FM intercity relay stations shall maintain the operating frequency of the station within plus or minus 0.005 percent of the assigned frequency.

§ 4.562 Frequency monitors and maximum authorized licensees of a broadcast STL or FM intercity relay station shall provide the necessary means for determining that the frequency

*The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.
quency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency and the results of the frequency check and the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the station has not been licensed to operate on a carrier frequency except as provided in §4.67.

§ 4.563 Station inspection. The licensee of each broadcast STL or FM intercity relay station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.564 Station and operator license; posting of. (a) The station license and any other instrument of authorization or individual order concerning the construction of such station shall be posted in an conspicuous place in the room in which the transmitter is located: Provided, That if the transmitter operator is located at a distance from the transmitter pursuant to §4.533 the station license shall be posted in an above-described manner at the operating position. (b) The original license of each station operator shall be posted at the place where he is on duty: Provided, however, If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing the case of station and is there available for inspection by an authorized Commission representative, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: Provided further, However, That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) and his license is deemed adequate to permit but shall keep it in his personal possession.

§ 4.565 Operator requirements. One or more radio operators holding any class of commercial radio operator license shall be on duty at all times at the place where the transmitting apparatus is located, except as provided in §4.533, and in actual charge of its operation. Further provisions and restrictions concerning the operator’s authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator’s license which he holds and the rules and regulations governing such stations. However, such duties shall be in no wise interfere with the operation of the broadcast transmitter.

§ 4.566 Antenna structure, marking and lighting. Where an antenna structure(s) is required to be painted or lighted see §17.37, Inspection of tower lights and associated control equipment; §17.39, Cleaning and repainting; §17.40, Time when lights shall be exhibited; §17.41, Spare lamps; and §17.42, Lighting equipment; of Part 17 of this chapter for assignment to television pickup, television STL and television intercity relay stations:

<table>
<thead>
<tr>
<th>Band A (Mc)</th>
<th>Band B (Mc)</th>
<th>Band C (Mc)</th>
<th>Band D (Mc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900-2000</td>
<td>1270-1275</td>
<td>12720-12725</td>
<td>12600-12605</td>
</tr>
<tr>
<td>2200-2300</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12605-12610</td>
</tr>
<tr>
<td>2400-2500</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12610-12615</td>
</tr>
<tr>
<td>2600-2700</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12615-12620</td>
</tr>
<tr>
<td>2800-2900</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12620-12625</td>
</tr>
<tr>
<td>3100-3150</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12625-12630</td>
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<tr>
<td>3300-3400</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12630-12635</td>
</tr>
<tr>
<td>3600-3700</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12635-12640</td>
</tr>
<tr>
<td>3900-4000</td>
<td>12720-12725</td>
<td>12600-12605</td>
<td>12640-12645</td>
</tr>
</tbody>
</table>

1 Pending further order by the Commission, frequencies between 7100 Mc and 7125 Mc will be reserved for use by communications common carriers to provide television pickup and television STL service to broadcast television stations.

Frequencies shown above between 2450 and 2500 Mc in Band A and between 10,500 and 10,700 Mc in Band C are allocated to accommodate the incidental radiations of industrial, scientific and medical (ISM) equipment, and stations operating therein must accept any interference that may be caused by the operation of such equipment. ISM frequencies are also shared with other communication services and exclusive channel assignments will not be made, nor is the channeling shown above necessarily that which will be employed by such other services.

(b) Except as provided above each television broadcast station licensee in an area may request the assignment of one channel in Band A or Band B and one channel in Band D on an exclusive basis. In making such exclusive assignments, priority will be based on the filing date of an appropriate application (PCC Form 313) completed in accordance with the instructions thereon. Frequency assignments will normally be made as requested if the requested frequency is not assigned to another licensee on an exclusive basis. However, the Commission reserves the right to assign frequencies other than those requested, in its opinion, such action is warranted.

(c) Where the relative locations of the studio and transmitter are such as to permit co-channel assignment of the same frequency in STL stations by two or more licensees in the same area such licensees may, by mutual agreement, request the assignment of a common channel for STL use on an exclusive basis. In the event that such a shared assignment is made each participating licensee may request the assignment of an individual exclusive channel in Band A, Band B, or Band D in addition to the shared STL channel.

(d) A television broadcast station licensee will normally be limited to the assignment of no more than two additional channels in Bands A and B combined, only one of which will be assigned on an exclusive basis: Provided, however, That additional channels in Bands A and B may be assigned on a non-exclusive basis upon a satisfactory showing that additional channels are necessary and that such additional channels, if assigned will not be needed. In the event that such exclusive channel to some other licensee in the same area within the foreseeable future. The number of channels in
Bands C and D that may be assigned to a licensee in a single area is not restricted.

(c) Non-exclusive channel assignments are subject to withdrawal without advance notice to provide an exclusive channel assignment to a licensee pursuant to the provisions of paragraph (b) of this section. The Commission reserves the right to select the non-exclusive channel assignment to be withdrawn; however, withdrawals will normally be made in the following order: the most recent channel assignment to the licensee having the greatest number of assignments in Band A, B, or D. Determination as to whether the withdrawal shall be made in Band A, Band B, or Band D, will be based on the design of the equipment proposed to be used by the applicant for whom the exclusive channel is required.

(2) Where two or more licensees are assigned individually an equal number of non-exclusive channels in the same band and a greater number of channels in that band than any one of the other licensees, the assignment of most recent date.

(3) In all other cases the assignment of most recent date of a non-exclusive channel.

(f) The use of frequencies in the bands 1900–2110 Mc, 6875–7125 Mc, and 12,700–13,200 Mc, by television inter-city relay stations shall be on a secondary basis and is subject to the condition that no harmful interference is caused to stations operating in accordance with the table of frequency allocations in §2104 of this subchapter.

(g) In the event that a television broadcast station licensee engages in a communications common carrier to provide television pickup or television STL service, the frequencies available to that licensee may be assigned to the communications common carrier for the purpose of providing such service to that licensee. For the purpose of applying the provisions with respect to exclusive channel assignments and the withdrawal of assignments, a communications common carrier to provide television pickup or television STL service to an individual television broadcast station, will be considered to be assigned to that television broadcast licensee.

§4.603 Sound channels. (a) The frequencies listed in §4.602 (a) may be used for the simultaneous transmission of the picture and sound portions of television broadcast programs and for auxiliary means of multiplexing or by the use of a separate transmitter within the same channel. When multiplexing of a television STL station is contemplated consideration should be given to the requirements of §3.687 of the rules governing television broadcast stations the overall system performance requirements. Applications for new television pickup, television STL, and television inter-city relay stations shall clearly indicate the nature of any multiplexing proposed. Multiplexing equipment may be installed on licensed equipment without further authority of the Commission: Provided, That the Commission in Washington, D.C., and the Commission's engineer-in-charge of the radio district in which the station is located shall be promptly notified of the installation of such apparatus: And provided further, That the installation of such apparatus on a television STL station shall not result in decline of the sound program or performance of the television broadcast station below that permitted by §3.687 of this subchapter.

(b) The following additional frequencies are allocated for assignment to television STL stations and television inter-city relay stations for the transmission of the sound portion only of television stations or any combination of communications relating thereto:

<table>
<thead>
<tr>
<th>Channel</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mo</td>
<td>890.5 Mc</td>
</tr>
<tr>
<td>Mo</td>
<td>891.0 Mc</td>
</tr>
</tbody>
</table>

Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment in the 890–940 Mc band.

(c) Remote pickup broadcast stations may be used in conjunction with television pickup stations for the transmission of television programs or events that occur outside a television studio and for the transmission of such events, orders, and other related communications necessary thereto. The rules governing remote pickup broadcast stations are contained in Subpart D of this part.

§4.604 Frequency selection to avoid interference. (a) Applicants for new television pickup, television STL, and television inter-city relay stations shall endeavor to select frequency assignments which will be less likely to result in mutual interference with other licensees in the same area. Consideration should be given to the local situations of receiving points, normal transmission path, and nature of the contemplated operation of other stations.

(b) Because of the more or less continuous nature of the operation of television STL stations, frequency assignments to such stations will normally be designated as the exclusive channel of the licensee pursuant to §4.602 (b).

(c) Where two or more licensees are assigned a common channel for television pickup, television STL, or television inter-city relay purposes in the same area and simultaneous operation is contemplated, they shall take such steps as may be necessary to avoid mutual interference. If a mutual agreement to this effect cannot be reached, the Commission shall be empowered to effect such action as may be necessary, including time-sharing arrangements, to assure an equitable distribution of available facilities.


§4.631 Purpose of television auxiliary stations. (a) The license of a television pickup station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmission, to its associated television broadcast station, to such other stations as are also broadcasting the same program material, or to the network or networks with which the television broadcast station is affiliated. Television pickup stations may be operated in conjunction with other television broadcast stations not affiliated. That the transmissions by the television pickup station shall be under the control of the television pickup station licensee and that such transmission may not be used in lieu of common carrier fixed inter-city video transmission facilities for network operation of two or more television broadcast stations where adequate common carrier fixed inter-city video transmission facilities are available.

(b) The license of a television STL station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmission, from the studio or studios of the associated television broadcast station to the transmitter of that station. A television STL station may be authorized to operate in the direction from the transmitter to the studio upon showing that such operation is necessary and that it may be made without interference with other frequencies in addition to those available for assignment to the applicant under the rules in this part.

(c) Television inter-city relay stations provide a means on an interim basis whereby television broadcast station licensees may provide their own inter-city television transmission services in conjunction with the operation of their television broadcast stations. The provision for this service is a purely temporary measure designed to assist the television industry until such time as adequate common carrier facilities are available, and broadcasters who venture into the business of relaying television programs by means of television inter-city relay stations should plan to amortize their investments at the earliest possible date.

1 As used in this subpart, "associated television broadcast station" means a television broadcast station licensed to the licensee of the television auxiliary broadcast station and with which the television auxiliary station is licensed as an auxiliary facility.
§ 4.632 Licensing requirements. (a) A license for a television pickup, television STL, or television inter-city relay station will be issued only to the licensee of a television broadcast station which will own or operate a separate application is required for each transmitter and the application shall be specific with regard to the frequency requested. Except as provided in § 4.604 (b), the first channel assigned in Band A will be considered to be the exclusive assignment provided in § 4.602 (b). Exclusive channel assignments in Band D will be designated upon request. A licensee may request a change in its exclusive channel assignment only where there are unsanctioned channels available. In making such changes, the priority set forth in § 4.602 (b) will be observed.

(b) An application for construction permit for a new television inter-city relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) Full statement as to why the applicant requires the requested facilities including reasons why common carrier facilities cannot be utilized, and, as the case may be, whether the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the inter-city television transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies received thereon.

(c) An application for construction permit for a new television pickup station or for renewal of license of an existing station shall designate the television broadcast station with which it is to be operated and specify the area in which the proposed operation is intended.

In case a licensee has two or more television broadcast stations located in different cities, it shall, in applying for a new television pickup station or for renewal of license of an existing station, designate the inter-city television broadcast station in conjunction with which it is to be operated principally, and it shall not thereafter operate the television pickup station in conjunction with another of its television broadcast stations located in a different city for a total of more than 10 days in any 30-day period.

§ 4.633 Temporary authorizations. (a) Special temporary authority may be granted for the operation, as a television auxiliary broadcast station, of equipment licensed to another television broadcast station, or other class of station, or equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operation of a temporary nature.

(b) A request for special temporary authority for the operation of a television auxiliary broadcast station may be made by informal application, which shall be filed with the Commission at least 10 days prior to the date of the proposed operation. That an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An application for special temporary authority shall set forth full particulars of the purpose for which the request is made, and shall show the type of equipment, power output, emission, and frequency or frequencies proposed to be used, as well as the time, date and location of the proposed operation. In the event that the proposed antenna installation will increase the height of any natural formation, or existing man-made structure, by more than 20 feet, a vertical plan sketch showing the height of the structure proposed to be erected, the height above ground of any existing structure, the elevation of the site above sea-level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority on a channel or channels consistent with the provisions of § 4.602: Provided, That in the case of events of wide-spread interest and importance, it shall not be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: And provided further, That in no case will a television auxiliary broadcast operation be authorized on frequencies employed for the safety of life and property.

§ 4.634 Remote control operation. (a) A television auxiliary station may be operated by remote control provided that such operation is conducted in accordance with the conditions listed below, and provided further that the Commission shall be notified of any change in the operation of the station in which prior to such operation and that such notification is accompanied by a detailed description of the proposed remote control installation showing the manner of compliance with the following conditions:

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which a licensed operator, meeting the requirements of § 4.685 and responsible for the operation of the transmitter, is stationed.

(2) A carrier operated device shall be provided at the operating position which shall give a continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation;

(3) Facilities shall be provided at the operating position which will permit the operator to disconnect the transmitter carrier on and off at will; and

(4) The transmitter and all of its operating controls shall be so installed and protected that they are not accessible to other than duly authorized persons.

(b) The Commission may notify the licensee not to commence remote control operation, or to cancel, suspend, or change the date of beginning of such operation as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.635 Unattended operation. (a) Television inter-city relay stations and television STL stations, where the circuit requires the use of more than one STL transmitter, may be operated unattended: Provided, That such operation is conducted in accordance with the conditions listed below: And provided further, That the Commission is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description of the proposed installation showing the manner of compliance with the following conditions:

(1) The transmitter is capable of re-transmitting by self-actuating means a radio signal received from another radio station or transmitting antenna.

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment;

(3) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons;

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operation, at the receiving end of the circuit by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

(5) The station licensee shall remain responsible for the proper operation of the station, and all adjustments or tests for the purpose of coincidence of the installation, servicing, or maintenance of the station which may affect its proper operation, shall be performed by or under the immediate supervision and responsibility of a licensed operator as provided in § 4.685.

(b) The Commission may notify the licensee not to commence unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.636 Power limitations. Television auxiliary broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 10 percent above the maximum power specified. Engineering standards have not been established for
these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.637 Emission and bandwidth. (a) Television auxiliary broadcast stations operating on frequencies above 1500 Mc may be authorized to employ any type of emission suitable for the transmission of the visual and accompanying aural signals. The emission of such stations shall be confined to the assigned channel.

(b) Television auxiliary broadcast stations operating on frequencies below 1500 Mc may be authorized to employ either frequency modulation or amplitude modulation, or both, depending upon the equipment employed. The emissions of such stations shall be confined to the assigned channel.

RULES RELATING TO EQUIPMENT

§ 4.651 Equipment changes. (a) Commission authority upon appropriate formal application (FCC Form 313) therefore may be granted to make any of the following equipment changes:

1. A change of the transmitter as a whole (except replacement with an identical transmitter), or a change in the power output.

2. A change of frequency assignment.

3. A change in the location of a television STL or television intercity relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.

4. Any change in the antenna system of a television STL or television intercity relay station which will result in a change of more than 20 feet in the height above ground of the antenna and supporting structure, or that will result in a change of the direction of the main radiation lobe.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee provided that the engineer-in-charge of the radio district in which the station is located, and the Commission at its Washington office, are notified in writing upon the completion of such changes, and provided that the changes are appropriately reflected in the next application for renewal of license of the television auxiliary broadcast station filed by the licensee.

RULES RELATING TO TECHNICAL OPERATION

§ 4.661 Frequency tolerance. (a) The license of a television auxiliary broadcast station shall maintain the operating frequency of its station so that the normal sideband energy shall fall within the assigned channel. If transmission is by asymmetrical sideband operation, suitable filters or other devices shall be employed to insure a minimum of radiated energy outside the assigned channel.

(b) Television STL stations operating on frequencies shown in Section 4.603 shall maintain their operating frequency within 0.005 percent of the assigned frequency.

§ 4.662 Frequency monitors and measurement. (a) If a television auxiliary broadcast station shall provide means for measuring the operating frequency in order to insure that the emissions are confined to the authorized channel. The date and time of each frequency check, the frequency as measured and a description or identification of the method employed shall be entered in the station logs.

§ 4.663 Station inspection. The licensee of each television auxiliary broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.664 Station and operator licenses; posting of. (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located:

Provided, (1) If the transmitter, operator is located at a distance from the transmitter pursuant to § 4.634 the station license shall be posted in the above-described manner at the operating position.

Provided, (2) If the station is licensed for mobile operation, the station license or a photo copy thereof shall be affixed to the equipment at the location of the operators on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative there.

(b) The original license of each station operator shall be posted at the place where he is on duty: Provided, however, That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a similar license copy shall be posted at the television auxiliary broadcast station in lieu of such original license: And provided further, That if the television auxiliary broadcast station is licensed for mobile operation, a duly issued verification card attesting to the existence of such original license may be carried on the person of the operator in lieu of the posting of such license or verified statement.

§ 4.665 Operator requirements. (a) One or more radio operators holding valid radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the station, and the operator of the transmitting apparatus of any television auxiliary broadcast station is located and in actual charge of its operation: Provided, however, That if a station is operated by remote control as provided in § 4.634, such operator or operators must be on duty at the control point in lieu of the transmitting location: And provided further, That in case a station is operated without an operator license in § 4.635 such an operator shall be on duty at the receiving end of the circuit and shall be responsible for the required observations and the proper operation of the station within the terms of its license.

(b) The licensed operator on duty and in charge of a television auxiliary broadcast station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operators license which he holds and the regulations governing such stations; however, such duties shall in nowise interfere with the operation of the television auxiliary broadcast station.

§ 4.666 Antenna structure, marking and lighting. Where an antenna structure(s) is required to be painted or lighted see § 17.37, Inspection of tower lights and associated control equipment; § 17.38, Cleaning and repainting; § 17.40, Time when lights shall be exhibited. § 17.41, Spare lamps; and § 17.43, Lighting equipment; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.667 Additional orders. In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 4.681 Station logs. (a) The licensee of each television auxiliary broadcast station shall maintain adequate records of the operation including:

1. Hours of operation.

2. Call letters of broadcast to which program transmitted.

3. Frequency check.

4. Pertinent remarks concerning transmission.

Where an antenna structure(s) is required to be illuminated see § 17.38, Recording of tower light inspections in the station record, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.682 Station identification. (a) Each television auxiliary broadcast station shall identify itself by transmitting its call sign at the beginning and end of each period of operation; and during operation, shall identify itself on the hour by transmitting its own call sign or the call sign of the television broadcast station with which it is associated.

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

(c) Where more than one television auxiliary broadcast station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all the stations in the relay system.

(d) The transmission of the call sign shall normally employ the type of emission for which the station is authorized, i.e., a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification: Provided, however, When the transmitter is used for visual transmission only, the identifying call sign may be transmitted in international Morse code by keying the radio frequency carrier or a modulating signal impressed on the carrier. The Commission may, at its discretion, specify other methods of identification.
NOTICE

This form should be completed and forwarded to the Federal Communications Commission, Washington, D. C., and upon receipt of same, any amendment to this Part of the Rules and Regulations adopted after the date of this publication will be mailed to the addressee indicated, except as noted below.¹

Part No. 4—Experimental and Auxiliary Broadcast Services.

Revised date June 1, 1955.

Name

Address

City State

All new rules and amendments to the Rules and Regulations adopted by the Federal Communications Commission are also printed in the Federal Register and are available in this form for reference or use by interested parties.

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Part 15—INCIDENTAL AND RESTRICTED RADIO DEVICES

(August 1957 Edition)

Sec. 15.208 Operation in the frequency band 26.97 to 27.27 Mc.
15.209 Operation above 70 Mc.
15.207 Class B emission prohibited.
15.208 Certification requirements.
15.209 Location of certificate.
15.310 Operation from low power communication devices.

AUTHORITY: §§ 15.1 to 15.245 as amended under section 301 of the Communications Act of 1934, as amended, and to the extent, if any, that such section is applicable to commerce in interstate and foreign commerce as such commissions to the extent to which such section is applicable to commerce in interstate and foreign commerce as such.
radio frequency energy is conducted along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials which are regulated under the provisions of Part 18 of this chapter.

(e) Community antenna television system. A restricted radiation device designed and used for the purpose of distributing authorized signals by means of conducted or guided radio frequency currents to a multiplicity of receivers outside the confines of a single building.

Notes: The television signals that are distributed are modulated radio frequency signals and may be:

(a) Broadcast signals that have been received and amplified.

(b) Broadcast signals that have been received and converted to another frequency, or any other modulated radio frequency signals fed into the system.

(f) Low power communication device. A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and radio controlled models.

§ 15.5 Equipment available for inspection. Any equipment or device subject to the provisions of this part, together with any license, certificate, notice of registration or any technical data required to be kept on file by the operator of the device shall be made available for inspection by Commission representatives upon reasonable request.

§ 15.6 Information required by the Commission. The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device including a copy of any field strength measurements made by or for the operator of the device.

§ 15.7 General requirement for restricted radiation devices. Unless regulated under some other subpart of this part, any apparatus which generates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than 25 feet (equivalent to ) need not be licensed:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of feet (equivalent to ) from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(e) That in the event harmful interference is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

SUBPART E—INCIDENTAL RADIATION DEVICES

§ 15.31 Operating requirements. An incidental radiation device shall be operated so that the radio frequency energy that it radiates does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

SUBPART C—RADIO RECEIVERS

§ 15.61 Scope of this subpart. Radio receivers come within the scope of this subpart only as they are restricted radiation devices and generate and radiate radio frequency energy. Typically, these rules apply to superheterodyne receivers in which the oscillator may produce harmful interference. As another example, these rules also regulate television broadcast receivers with respect to the radio frequency energy which is generated by the horizontal sweep circuits and which may cause interference.

§ 15.62 Radiation interference limits. (a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc, and frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.68 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Field strength (kV/m) Frequency of radiation (Mc)

<table>
<thead>
<tr>
<th>Frequency (Mc)</th>
<th>Field strength (kV/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 up to 90</td>
<td>5</td>
</tr>
<tr>
<td>90 to 174</td>
<td>10</td>
</tr>
<tr>
<td>174 to 290</td>
<td>20</td>
</tr>
<tr>
<td>290 to 650</td>
<td>50</td>
</tr>
<tr>
<td>650 to 1000</td>
<td>100</td>
</tr>
</tbody>
</table>

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 Mc, the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. This requirement applies only to radio receivers intended to be connected to power lines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 volts at any frequency between 450 kc and 25 Mc inclusive. For all other receivers the voltage shall not exceed 100 volts at any frequency between 450 kc and 9 Mc and 25 and 100 volts at frequencies between 10 Mc and 25 Mc and linear increase from 100 volts to 1000 volts for frequencies between 9 Mc and 10 Mc.

§ 15.63 Measurement procedure. (a) Any measurements procedure acceptable to the Commission may be used to show compliance with the requirements of this subpart. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed procedure.

(b) The following methods of measurement are considered acceptable procedures for certification of receivers pursuant to § 15.64:

(1) Institute of Radio Engineers Standard 51 IRE 1751 for radiation measurements.

(2) Institute of Radio Engineers Standard 54 IRE 17.51 for powerline interference measurements for television broadcast receivers, when the standard is modified by substituting a line stabilization network having the electrical constants described in MIL-I-16910A, "Military Specification For Interference Measurement" available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York.

(c) In the case of measurements in the field, radiation in excess of 15 μV/m at these frequencies shall be limited to 450 kc and 25 Mc at the border of the property and more than 15 feet from any power line crossing this border under the control and management of the person operating or authorizing the operation of the receiver will be considered an indication of non-compliance with the radiation requirements of this subpart.

§ 15.64 Certification of radio receivers. (a) A radio receiver manufactured after the effective dates of this subpart that operates in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, shall not be operated without a station license unless it has been certified to demonstrate compliance with the radiation interference limits in this subpart.

(b) The owner or operator need not certificate his own receiver, if it has been certified by the manufacturer or the distributor.

(c) Certification made by a manufacturer or the distributor shall be based on tests made on receivers actually produced for sale. Tests shall be performed on a sufficient number of production units to assure that all production units comply with the radiation limitations of this subpart.

(d) The certificate may be executed by an engineer skilled in making and interpreting field strength measurements.

(e) The certificate shall contain the following information:
§ 15.65 Information to be filed with Commission. (a) Each manufacturer, distributor or other certifying agency that issues certifications pursuant to this subpart shall file with the Commission a description of its measurement facilities used for certification.
(b) A copy of each certificate prepared by a manufacturer, distributor or certifying agency shall be filed with the Commission at the time the certificate is prepared.
§ 15.66 Identification of certified receivers. Each certified receiver shall be identified by a distinctive seal or label, which may be a part of the name plate and which shall state that the receiver has been certified for compliance with the requirements of this subpart. The seal or label shall be permanently affixed to the receiver and shall be readily visible for inspection by prospective purchasers.
§ 15.67 Operation of radio receivers aboard a ship. In addition to meeting the requirements of this part, a radio receiver operated aboard a ship shall also meet the requirements of Part 8 of this chapter.
§ 15.68 Effective date of this subpart. VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements of this subpart, except that compliance with the power line interference limits for frequencies between 3 Mc and 25 Mc is required for such receivers manufactured after December 31, 1957. All other radio receivers that operate (tune) in the range 30 to 890 Mc manufactured after October 1, 1956, shall comply with the certification requirements of this subpart, except as follows:
(a) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 Mc. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.
(b) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements of this subpart; Provided, however, that the limit 500 uv/m appearing in the table contained in § 15.62 of this part is temporarily increased to 1,000 uv/m for all UHF television receivers until December 31, 1958. (c) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 6 of this chapter which are manufactured after December 31, 1956.
§ 15.69 Interference from a radio receiver. The operator of a radio receiver, regardless of tuning range, date of manufacture, or of certification, which causes harmful interference shall promptly take steps to eliminate the harmful interference.
SUBPART D—COMMUNITY ANTENNA TELEVISION SYSTEMS
§ 15.161 Radiation from a community antenna television system. Radiation from a community antenna television system shall be limited as follows:

<table>
<thead>
<tr>
<th>Frequencies (Mc)</th>
<th>Distance (ft.)</th>
<th>Radiation limits (uv/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>General inhabited areas</td>
</tr>
<tr>
<td>Up to and including 31</td>
<td>100</td>
<td>15</td>
</tr>
<tr>
<td>Over 31 and up to and including 100</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>Over 100 and up to and including 315</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Over 315</td>
<td>15</td>
<td>15</td>
</tr>
</tbody>
</table>

For the purpose of this section, a sparsely inhabited area is an area where television broadcast signals are not, in fact, being received within 1,000 feet of any part of the community antenna television system.
§ 15.162 Demonstration of compliance. The operator of each CATV system shall be responsible for insuring that each such system is designed, installed and operated in a manner which fully complies with the provisions of this subpart. Each system operator shall be prepared to show, upon reasonable demand by an authorized representative of the Commission, that the system does, in fact, comply with the rules.
§ 15.163 Interference from a community antenna television system. In the event that the operation of a community antenna television system causes harmful interference to reception of authorized radio stations the operator of the system shall immediately take whatever steps are necessary to remedy the interference.
§ 15.164 Responsibility for receiver generated interference. Interference originating in a radio receiver shall be the responsibility of the receiver operator in accordance with the provisions of Subpart C of this part: Provided, however, that the operator of the community antenna television system to which the receiver is connected shall be responsible for the suppression of receiver generated interference that is distributed by the system when this interference is conducted into the system at the receiver.
§ 15.165 Measurement of field strength. Measurements to determine the field strength of radio frequency energy generated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made above 25 megacycles shall include the following:
(a) A field strength meter using a horizontal dipole antenna shall be employed.
(b) Field strength shall be expressed in terms of the RMS value of synchronizing peak.
(c) The dipole antenna shall be placed 12 feet above the ground and positioned below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.
(d) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.
(e) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.
§ 15.166 Effective date of radiation limits in this subpart. (a) The radiation limits for community antenna television systems shall be met by all new systems whose construction begins on or after October 1, 1956, and by all new sections added to existing systems whose construction begins on or after October 1, 1956.
(b) Community antenna television systems in existence on September 30, 1956, shall comply with the radiation limits below the CATV system. This subpart not later than December 31, 1958. Provided, however, that where harmful interference to the reception of authorized radio stations caused by such systems shall be promptly remedied during this period by the operator of the CATV system.

SUBPART E—LOW POWER COMMUNICATION DEVICES
§ 15.201 Frequencies of operation. (a) A low power communication device may be operated on any frequency in the bands 10-490 kc, 510-1600 kc and 26.97-27.27 Mc.
(b) Other frequencies above 70 Mc may be used for operations of short duration in accordance with the requirements set forth in § 15.206.
§ 15.202 Radiation limitation below 1600 kc. A low power communication device which operates on any frequency between 10 and 490 kc or between 510 and 1600 kc shall limit the radiation so
that the field strength does not exceed the value specified in the following table:

<table>
<thead>
<tr>
<th>Frequency (kc)</th>
<th>Distance (feet)</th>
<th>Field strength (μv/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-490</td>
<td>1.00</td>
<td>2400 F(kc)</td>
</tr>
<tr>
<td>510-1600</td>
<td>100</td>
<td>2400 F(kc)</td>
</tr>
</tbody>
</table>

§ 15.203 Alternative requirement for operation on frequencies between 160 kc and 190 kc. In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 160 and 190 kc need only meet the following requirements:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kc or above 190 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

§ 15.204 Alternative requirement for operation on frequencies between 510 and 1600 kc. In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 510 and 1600 kc inclusive need only meet the following requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kc or above 1600 kc are suppressed 30 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kc to 1600 kc. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

Notes: One method of determining radio frequency emissions, as described in "Military Specification for Interference Measurement" MIL-1-18910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, N. Y. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rule call for measurements both with the equipment grounded and with the equipment ungrounded.

§ 15.205 Operation within the frequency band 26.97-27.27 Mc. A low power communication device may operate within the band 26.97-27.27 Mc (27.12 Mc ± 150 kc) provided it complies with all of the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97-27.27 Mc.

(b) All emissions, including modulation products, below 26.97 Mc or above 27.27 Mc shall be suppressed 20 db or more below the unmodulated carrier.

(c) The power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

§ 15.206 Operation above 70 Mc. A low power communication device may be operated on any frequency above 70 Mc, provided it complies with all of the following conditions:

(a) Operation is limited to one second duration and to occur not more than once in 30 seconds.

(b) The radiated field on any frequency from 70 Mc to 1000 Mc does not exceed the limits specified for receivers in § 15.62.

(c) The radiated field on any frequency above 1000 Mc does not exceed 500 microvolts per meter at a distance of 100 feet.

(d) The device is provided with means for automatically limiting operation within the time restrictions specified in this section.

§ 15.207 Class B emission prohibited. Operation of low power communication devices that produce Class B emissions (damped waves) is prohibited.

§ 15.208 Certification requirements. (a) No low power communication device manufactured after January 1, 1958 shall be operated without a station license unless it has been certified to demonstrate compliance with the requirements in this part.

(b) The owner or operator need not certificate his own low power communication device, if it has been certified by the manufacturer or distributor.

(c) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(d) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(e) The certificate shall contain the following information:

1. The operating conditions under which the device is intended to be used.

2. The antenna to be used with the device.

3. A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

4. The month and year in which the device was manufactured.

§ 15.209 Location of certificate. The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§ 15.210 Interference from low power communication devices. Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

[F. R. Doc. 57-7729; Filed, Sept. 19, 1957; 8:50 a.m.]
NOTICE

This form should be completed and forwarded to the Federal Communications Commission, Washington, D. C., and upon receipt of same, any amendment to this Part of the Rules and Regulations adopted after the date of this publication will be mailed to the addressee indicated, except as noted below.¹

Part 15—Incidental and Restricted Radiation Devices
August 1957 Edition

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Name

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Address

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City       State

All new rules and amendments to the Rules and Regulations adopted by the Federal Communications Commission are also printed in the Federal Register and are available in this form for reference or use by interested parties.

¹Purchasers of this part will be advised where a particular amendment may be obtained including the cost if not available from the F. C. C.
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FEDERAL COMMUNICATIONS COMMISSION

Part 18—Industrial, Scientific, and Medical Service

(November 1957 edition)

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SUBPART A—GENERAL

§ 18.1 Statement of basis and purpose. (a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. The operation in the industrial, scientific and medical service of medical diathermy equipment, industrial heating equipment and miscellaneous equipment of a type which emits radio frequency energy upon frequencies within the radio spectrum constitutes a serious source of interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of the equipment in question is not regarded as a cause of interference to the authorized radio communication services and is therefore not required to be operated pursuant to license under the Communications Act.

(2) They provide a procedure for the licensing of medical diathermy, industrial heating and miscellaneous equipment which in operation constitute a source of interference to authorized communication services, directly affect the control of the Federal Government over the channels of interstate and foreign radio communication, and are therefore required to be licensed.

§ 18.2 Definitions. For purposes of the provisions of this part the following definitions in the industrial, scientific, and medical service shall be applicable:
(a) "Radio frequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kilocycles and 30,000 megacycles.
(b) "Medical diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with low power) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.
(c) "Industrial heating equipment" shall include any apparatus which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for or in connection with industrial heating operations utilized in a manufacturing or production process.
(d) Miscellaneous equipment shall include apparatus other than that defined in paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, chemical, or biological effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.
(e) Ultrasonic equipment is a special type of miscellaneous equipment which includes any apparatus which generates radio frequency energy on frequencies above 20 kc and utilizes that energy to excite or drive an electro-mechanical transducer for the production and transmission of ultrasonic energy for industrial, scientific, medical or other purposes.
(f) "Industrial, scientific and medical equipment" (ISM Equipment). Devices which use Hertzian waves for industrial, scientific, medical or other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radio communications.
(g) "Harmful interference." Any radiation or induction which endangers
the functioning of a radio-navigation service or of a safety service, or obstructs, or is likely to obstruct, a radio-navigation service or a radio service of a similar character operating in accordance with the regulations in Part 2 of this chapter.

(h) "ISM frequency". A frequency allocated to ISM equipment for the use of such equipment. A specified tolerance is associated with each ISM frequency. (See § 18.5.)

§ 18.3 When license is required. Any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment which complies with the provisions of this part may be operated without a station license. A license is required for any such equipment operated otherwise.

§ 18.4 Full information; inspection by Commission representatives. Upon request by the Commission the owner or operator of any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment and any license or certification required, and may be available for inspection by representatives of the Commission at all reasonable hours.

§ 18.5 Radio frequency stabilized arc welders. (a) The requirements of this part with respect to electric arc welding devices using radio frequency energy is suspended until action is completed in the Docket No. 11467 proceeding with respect to these devices: Provided, That, in the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the intermediate frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply), and such interference as to cause harm to the equipment or program operation shall be eliminated. However, that equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.101 to 18.108, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.102: And further provided, That radio frequency stabilized electric arc welders intended for use on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.31 (c) and further provided, that broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination.

§ 18.6 ISM frequencies and frequency tolerance limits. The frequencies for ISM purposes are allocated for use by ISM equipment with the tolerance limits specified:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>±75 kc</th>
<th>±150 kc</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,560 Mc</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27,120 Mc</td>
<td>±75 kc</td>
<td>±150 kc</td>
</tr>
<tr>
<td>40,880 Mc</td>
<td>±75 kc</td>
<td>±150 kc</td>
</tr>
<tr>
<td>915 Mc</td>
<td>±75 kc</td>
<td>±150 kc</td>
</tr>
<tr>
<td>2450 Mc</td>
<td>±75 kc</td>
<td>±150 kc</td>
</tr>
<tr>
<td>5850 Mc</td>
<td>±75 kc</td>
<td>±150 kc</td>
</tr>
<tr>
<td>18,000 Mc</td>
<td>±75 kc</td>
<td>±150 kc</td>
</tr>
</tbody>
</table>

By public notice and order dated December 28, 1946, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in that order which conditions are stated in § 18.7.

§ 18.7 Operation on microwave frequencies. Except for industrial heating equipment which is regulated by §§ 18.101 to 18.108, inclusive, no ISM equipment may be operated on the microwave ISM frequencies (915 Mc, 2450 Mc, 5850 Mc and 18,000 Mc) subject to the following conditions:

(a) The emission of radio frequency energy resulting from such operation shall be on the particular frequency and must not exceed tolerance limits associated with such frequency as set forth in § 18.6.

(b) The energy radiated and the bandwidth of emissions shall be reduced to the greatest extent practicable.

(c) No harmful interference shall be caused to authorized communication services from spurious or harmonic emissions. In the event of such harmful interference, operation of the ISM equipment causing such harmful interference shall cease and shall not be resumed until steps necessary to eliminate such interference are taken.

§ 18.8 Interference from ISM equipment. (a) Subject to the exceptions in paragraphs (b) and (c) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take steps as may be necessary to eliminate the harmful interference.

(b) The provisions of paragraph (a) of this section shall not apply in the case of interference to an authorized radio station operating on an ISM frequency (including tolerance).

(c) The provisions of paragraph (a) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating on an ISM frequency (including tolerance) and otherwise complying with the requirements of this part.

SUBPART B—MEDICAL DIATHERMY EQUIPMENT

§ 18.11 Operation on assigned frequencies. A station license is not required for the operation of medical diathermy equipment on assigned frequencies provided such operation meets the following conditions:

(a) Such operation must conform to the general conditions of operation set out in the general regulations or other regulations required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies hereafter set forth:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>18,560 Mc</td>
<td>±75 kc</td>
</tr>
<tr>
<td>27,120 Mc</td>
<td>±150 kc</td>
</tr>
<tr>
<td>40,880 Mc</td>
<td>±200 kc</td>
</tr>
<tr>
<td>915 Mc</td>
<td>±20 Mc</td>
</tr>
<tr>
<td>2450 Mc</td>
<td>±30 Mc</td>
</tr>
<tr>
<td>5850 Mc</td>
<td>±75 Mc</td>
</tr>
<tr>
<td>18,000 Mc</td>
<td>±150 Mc</td>
</tr>
</tbody>
</table>

By public notice and order dated December 28, 1946, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in that order which conditions are stated in § 18.7.

By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, which conditions are stated in § 18.7.

(b) Such operation may be without regard to the type or power of emissions being radiated. Spurious and harmonic radiations on frequencies other than those specified above shall not be suppressed so that such radiations do not exceed a strength of 25 microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment causing such radiations.

(c) With respect to equipment for which type approval has been received it shall be subject to the provisions of §§ 18.14 to 18.18, inclusive, there shall be affixed to each unit of equipment operated in accordance with paragraphs (a) and (b) of this section, or posted in the room in which such operation occurs, a dated certificate of a competent engineer, or a dated certificate or name
plate of the manufacturer of the equipment, setting forth the F. C. C. type approval number for such equipment, the general conditions under which such equipment shall be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section and the described conditions of operation for a period of at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of §18.13.

d) The owners or operators of equipment which has not received type approval certification and which is manufactured for operation without a license and certified to meet the technical requirements set forth under paragraphs (a) and (b) of this section shall have posted in the room in which such equipment is operated a dated certificate of a competent operation, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment shall be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section and the described conditions of operation for a period of at least three years. The certification required by this section shall describe with certainty the equipment covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of §18.13.

e) No regular renewal of certification is required for equipment covered in paragraph (c) of this section. The certification required in paragraph (d) of this section shall be renewed at intervals of three years. Notwithstanding the above provisions with respect to renewal of certification, such certification shall be renewed by the manufacturer at any date prior to the expiration date of said three-year period, and shall be renewed for particular equipment by such date as the Commission may designate. Any such certification which has been renewed may be inconsistent with provisions of this part or a source of interference to radio communication.

§ 18.13 Measurement of field intensity. A station license is not required for the operation of medical diathermy equipment on frequencies other than those specified in §18.11 (a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be provided with an rectified and filtered plate power supply, power line filters and shall be provided with sufficient shielding so that the emission of radio frequency energy generated thereby is not substantial and may be operate, and any such equipment used for medical diathermy equipment on frequencies other than those specified in §18.11 (a) under any conditions of operation.

(b) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certification of a competent operation or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment shall be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section for a period of at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of §18.13.

c) The certification required in paragraph (b) of this section shall be renewed every three years. Provided, That such certification shall be renewed for particular equipment by such earlier date as the Commission may specify if the Commission has reason to believe that the equipment is not operating in accordance with the described conditions of operation. The certification may be inconsistent with the provisions of this part or a source of interference to radio communication.

§18.14 Submission of equipment for type approval tests. (a) Manufacturers of medical diathermy equipment designed to operate on the frequencies specified in §18.11 (a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request will not be granted unless at least 5 units of the model or models are submitted for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of said units to be submitted to the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

(b) Any such equipment which is submitted will be tested and a certificate of type approval will be issued to the manufacturer for each type of equipment which meets the following tests:

(1) The frequency at all times during the tests below shall be maintained within ±% of the tolerance specified in §18.11 (a).

(2) From a cold start the machine will be operated continuously at full load for 6 hours, except that machines classified as portable will be subject to a 2 hour test.

(3) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined by a no load continuous treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test (1): Provided, however, That equipment designed to operate on the frequencies set forth in §18.11 (a) and submitted for type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains proper cut-off means and that is effective in rendering the machine inoperative when the deviation from the assigned frequency exceeds 70 percent of that tolerance provided for.

(2) The equipment must be designed to prevent the emission of spurious and harmonic radiations to the extent required in §18.11 (b).

(3) The electrical and mechanical components of the machine and their
installation must be such as to give reasonable assurance of compliance with the requirements of permissible frequency tolerance for at least 5 years.

(4) In the case of withdrawal of a certificate of type approval as hereinafter provided for the manufacturer shall make no further sale of equipment under such certificate.

Notes: Medical diathermy equipment operated on 915 Mc, 2450 Mc, 5800 Mc or 18,000 Mc, will be eligible for type approval upon a demonstration to the Secretary of Commerce of compliance with the requirements of the Commission's public notice and order of December 26, 1944, which requirements are set forth in § 18.7.

§ 18.15 Effect of certificate of type approval. A certificate of type approval constitutes a recognition that on the basis of the test made the equipment appears to have the capability of functioning in accordance with the provisions of § 18.11 (a) and (b) provided such equipment is properly constructed, maintained, and operated, and no change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission unless the approval is rescinded by the Commission to any changes made.

§ 18.16 Withdrawal of certificate of type approval. (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued is reclassified, modified, changed in service and under usual conditions of maintenance and operation such equipment cannot be reclassified on or its conditions set forth in the certificate, the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of a certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the event withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

§ 18.31 Miscellaneous equipment. (a) The operation without a license of miscellaneous equipment, as defined in § 18.3 (d) generating radio frequency power of 500 watts or less, shall be in compliance with the provisions of this part for medical diathermy apparatus.

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: Provided, That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: And provided further. That equipment used in predominantly residential areas and operating on frequencies below 1,000 Mc, shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in the paragraph for diathermy equipment.

(c) Miscellaneous equipment, as defined in § 18.2 (d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field intensity measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as being at the location of which will be the center of the smallest enclosing circle: Provided, however. That if the certification includes more than one unit, the distance of 1,000 feet at which the permissible radiation is determined shall be decreased by an amount equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

SUBPART D—OPERATION FOR WHICH A LICENSE IS REQUIRED

§ 18.41 When a license is required. (a) No medical diathermy equipment, industrial heating equipment or miscellaneous equipment not complying with this part shall be operated except pursuant to a station license issued by the Commission authorizing such operation.

(b) Whenever the Commission on complaint or on its own motion determines that medical diathermy equipment, industrial heating equipment or miscellaneous equipment is not in fact operating in compliance with the provisions of this part and so advises the operator of such equipment, further operation of such equipment without a station license shall be unlawful unless within 10 days of the receipt of such notice, or within such further time as the Commission may for good cause allow, the operator of such equipment shall file with the Commission a certificate of a competent engineer stating that the equipment is now capable of complying with the requirements of the rules.

§ 18.42 Showing required. A station license for apparatus below 1,000 Mc or medical diathermy equipment, industrial heating equipment or miscellaneous equipment will be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant: (a) The purpose for which the equipment sought to be licensed will be used; (b) the reasons why the equipment involved may not be operated in compliance with the provisions of this part for the operation of such equipment without a license; and (c) the nature and extent of interference that may be caused to authorized communication services by the operation of such equipment.

§ 18.43 Applications for station licenses. Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D. C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Only the original copy of such an application for a license shall be made up on the appropriate form prescribed by the Commission, and separate applications should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

§ 18.44 Full information. Each application for a license authorizing the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall contain full and complete information concerning all matters and things required to be disclosed by the application form.

§ 18.45 License period. Each station license authorizing the operation of medical diathermy, industrial heating equipment or miscellaneous equipment will expire at the end of 3 years or of 5 years, as a normal license period of five years or such other period as the Commission may specify upon consideration of the facts, or a part of such period during which such license shall be nontransferable.

§ 18.46 Renewal of license. Unless otherwise directed or permitted by the Commission, applications for renewal of a station license for the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall be filed with the Commission upon prescribed forms at least 60 days prior to the expiration date of the license.

§ 18.47 Station license, posting of. The original of each station license shall be posted in the room in which the equipment is operated. Licenses covering equipment not used in a fixed place shall be attached to the equipment itself.

§ 18.48 Operator requirements. Equipment for which a station license is issued pursuant to the provisions of this part may be operated by persons who do not hold an operator license or permit issued by this agency.

§ 18.49 Cessation of operation pursuant to license. If any equipment for
which a license has been issued hereunder shall cease to be operated pursuant to such license, or is transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the licensee, the licensee shall within five days of such occurrence notify the Commission thereof and, where possible, include in such notification the name and address of the recipient of such equipment.

§ 18.51 Existing equipment. The provisions of this part shall not be applicable to such equipment manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953: Provided, That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the time the rule becomes effective as shown in this section.

SUBPART E—ULTRASONIC EQUIPMENT

§ 18.70 Operation without a license. Ultrasonic equipment may be operated without a license: Provided, The design and operation complies with the technical limitations for such equipment: And provided further, That the equipment has been type approved by the Commission or has been certified pursuant to the requirements of §§ 18.70 to 18.84 and the until June 30, 1954 to such equipment, which uses radio frequency energy, manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953: Provided, That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the time the rule becomes effective as shown in this section.

(d) The operation of ultrasonic equipment on frequencies below 400 kc using radio frequency power in excess of 500 watts shall be in compliance with the requirements of this section except that the maximum radiated field permitted may be increased as the square root of the ratio of the generated radio frequency power to 500 watts, provided, That the radiated field shall in no case exceed the field permitted industrial heating equipment: And provided further, That the area predominately residential areas shall not be permitted the increase in field with power as indicated in this paragraph.

(e) On any frequency above 490 kc, the radio frequency voltage appearing on each power line shall not exceed 200 microvolts. On any frequency below 490 kc, the radio frequency voltage appearing on each power line shall not exceed 1000 microvolts. Measurement shall be made from each power line to ground with the equipment itself both grounded and ungrounded.

NOTES: One method of making conducted interference measurements is described in "Military Specification for Interference Measurements at 80 MHz" dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, N. Y. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements with the equipment both grounded and ungrounded.

§ 18.72 Type approval. (a) Manufacturers of ultrasonic equipment desiring to obtain type approval for their equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in part 2 of this chapter. The request shall include a statement that at least 5 units of the model to be submitted are scheduled for manufacture.

(b) To be acceptable for type approval, ultrasonic equipment must meet the following requirements:

1. The equipment must comply with the technical limitations for ultrasonic equipment.

2. The design and construction of the equipment must give reasonable assurance of compliance with the rules in this part for at least 5 years under normal operation and with average maintenance.

(c) Additional rules relative to type approval will be found in part 3 of this chapter.

§ 18.73 Identification of type approved equipment. (a) Equipment for which a certificate of type approval has been issued shall be identified by the insertion of the FCC Type Approval Number on the nameplate of the equipment.

(b) In addition to the nameplate of the equipment, the manufacturer shall furnish each user of type approved equipment a certificate setting forth the conditions under which such equipment may be operated.

§ 18.74 Effect of certificate of type approval. A certificate of type approval issued by the Commission constitutes a recognition that, on the basis of the tests made, the equipment appears to be capable of complying with the technical limitations in the rules in this part, provided such equipment is properly installed, maintained and operated, and no change whatever in the equipment is made without the approval of the Commission, and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved. In no case whatever is made in the construction of equipment sold under the certificate of type approval issued by the Commission without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

§ 18.77 Measurement of field intensity. Measurements to determine the field intensity of radio frequency energy including both harmonic and spurious (including harmonic) emissions, generated by the ultrasonic equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A field intensity meter using loop pickup shall be used for measurements on frequencies up to and including 18 Mc, and such a meter with a double antenna shall be used for measurements on frequencies above 18 Mc.

(b) The radiation shall be determined along at least 5 radials approximately 72° apart. A smooth curve shall be drawn through the measurements when plotted and the value of field intensity determined from these curves.

§ 18.78 Location of equipment. For the purpose of measurements required in order to execute a certification of compliance, the location of the ultrasonic equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 200 feet radius or less, the several units may at

Table: Frequency, Distance, Field

<table>
<thead>
<tr>
<th>Frequency Range</th>
<th>Distance</th>
<th>Field</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 kc up to 1000 kc</td>
<td>1,000 m</td>
<td>24000</td>
</tr>
<tr>
<td>Over 1000 kc</td>
<td>15</td>
<td>24000</td>
</tr>
</tbody>
</table>

Note: Frequency in kc, Distance in feet.
the election of the certifying engineer be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units, then the distances between the units, distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by the radius of the smallest circle that encloses the several units.

§ 18.79 (Reserved)

§ 18.80 Certification attesting compliance with rules. (a) A certification attesting compliance with the rules in this part may be affixed or posted for an unlimited identification of the ultrasonic equipment being certificated.

(b) The certification shall be based on an inspection of the equipment and measurements taken at the place of use after the ultrasonic equipment has been assembled and is ready for operation: Provided, however, that the certifying engineer may, in lieu of measuring the radio frequency voltage on the power line, base the certification on specifications for the power line filter and test data regarding the radio frequency voltage on the power lines furnished by the manufacturer of the ultrasonic equipment.

(c) The certification may be executed by the engineer skilled in making and interpreting field intensity measurements. The Commission may require such engineer to present proof of his qualifications to make such measurements.

(d) The certification shall contain the following information:
   (1) Type and serial number, or other positive identification of the ultrasonic equipment being certificated.
   (2) Conditions under which the certificated equipment shall be operated.
   (3) Brief description of the engineering tests and a summary of the measured data upon which the certification is based.

   If the radio frequency voltage on the power line is not measured, a statement that, based on an inspection of the equipment and study of such test data as may be furnished by the manufacturer, the equipment can reasonably be expected to meet the requirements for radio frequency voltage on the power lines.

   (5) A statement certifying that under the described condition of operation, the certificated equipment may reasonably be expected to meet the requirements of the rules in this part. This statement shall include the period of time over which the equipment may reasonably be expected to comply with the rules in this part.

   (6) Date the measurements were made.

   (7) Date of certification.

   (8) Signature of certifying engineer.

   Name and address of employer of certifying engineer, if any.

§§ 18.70 to 18.84, it may require a new certification based on a new set of measurements.

§ 18.82 Certification after maintenance work. It shall be the responsibility of the operator of the ultrasonic equipment to have such equipment re-certificated when changes have been made that might increase the radiated or conducted interference beyond the limits specified in §§ 18.70 to 18.84.

§ 18.84 Effective date. (a) All ultrasonic equipment manufactured on or after July 1, 1955 must comply with the rules in §§ 18.70 to 18.84.

(b) Ultrasonic equipment manufactured prior to July 1, 1955, may be utilized until July 1, 1965, providing it complies either with the rules in §§ 18.70 to 18.84 or with the rules for miscellaneous equipment in § 18.71. After July 1, 1965, all such equipment must comply with the rules in §§ 18.70 to 18.84.

SUBPART F—INDUSTRIAL HEATING EQUIPMENT

§ 18.101 Operation without a license. Industrial heating equipment may be operated without a license: Provided, that the design and operation of the equipment complies with the technical limitations in this part for such equipment: And provided further, that the equipment has been certificated pursuant to the requirements of this part.

§ 18.102 Technical limitations. (a) Industrial heating equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to meet the requirements of this part.

(b) Industrial heating equipment may be operated on any frequency except frequencies in the bands 460–510 kc, 2170–2194 kc, and 6354–6374 kc. Equipment operation on any other frequency may be operated with unlimited radiation on that frequency. Operation on other frequencies must suppress any ISM frequency by the following carrier frequency as well as other frequencies as required by this part.

(c) Industrial heating equipment designed for use with an ISM frequency shall be adjusted to operate as close to that ISM frequency as practicable.

(d) Radiation of radio frequency energy from any industrial heating equipment on any frequency below 5775 Mc, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of one mile or more from the equipment.

(e) Radiation of radio frequency energy from any industrial heating equipment on any frequency above 5775 Mc, except ISM frequencies, shall be reduced to the greatest extent practicable.

Note: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment operating on these frequencies becomes available.

(f) Filtering between the industrial heating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than ISM frequencies with a field strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment and at a distance of 50 feet from the power line.

§ 18.103 Certification of industrial heating equipment. (a) The certificate required by this part shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to provide proof of his qualifications.

(b) The certificate may be issued on the basis of field strength measurements made at the point of use or on the basis of field strength measurements made on a prototype.

(c) The certificate for equipment measured at the location where the equipment is in use shall contain the following information:

   (1) The equipment identification number, or other positive identification, of the industrial heating equipment being certificated.

   (2) Conditions under which the certificated equipment shall be operated and maintained.

   (3) Brief description of the engineering tests and a summary of the measured data upon which the certificate is based.

   (4) Date the measurements were made.

   (5) A statement certifying that the subject equipment does meet and may reasonably be expected to continue to meet the requirements of this part.

   (6) Date of certification.

   (7) Signature of certifying engineer.

   (8) Name and address of employer of certifying engineer, if any.

   (9) Date of certification.

   (10) Signature of certifying engineer.

   Name and address of employer of certifying engineer, if any.

§ 18.104 Location of certificate. In general the certificate shall be attached to the equipment. Alternatively the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notecard stating where the certificate is located.

§ 18.105 Inspection of industrial heating equipment. (a) Industrial heating equipment shall be periodically inspected in order to reaffirm the validity of the certificate required by this part.

   (b) Inspection shall be made at sufficiently frequent intervals to insure that each industrial heating equipment is installed, maintained, and operated correctly.
in a manner that provides compliance with the provisions of this part.

(c) A log shall be maintained of the inspections made. The inspector shall enter a brief note of his findings and shall date and sign each entry.

(d) The log shall be maintained at the same location as the certificate.

(e) The inspector shall require the equipment to be recertificated pursuant to the requirements of this part if he determines, as a result of his inspection, that such action is necessary in order to assure compliance with this part.

§ 18.106 Renewal of certificate. (a) The certificate required to be exhibited by this part shall be renewed:

(1) When changes have been made that might increase the radiated interference beyond the limits specified in this part.

(2) When the inspector has determined that such action is necessary to assure compliance with the requirements of this part.

(3) When required by the Commission because it has reason to believe that operation of the equipment concerned may be inconsistent with the requirements of this part.

(b) The renewal of the certificate shall be based on measurements made at the point of installation.

§ 18.107 Measurement of field strength. Measurements to determine the field strength of radio frequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A loop antenna shall be used for measurements on frequencies below 18 Mc, and a doublet antenna shall be used for measurements on frequencies above 30 Mc. Either a loop or doublet antenna shall be used on frequencies between 18 Mc and 30 Mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) Prior to the determination of the maximum field strength at one mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to equivalent field strength at 1,000 feet.

(c) The field strength measurements for the maximum field strength at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field strength is in fact the maximum lobe. If two or more lobes of radiation of approximately the same strength are present, measurements to determine field strength shall be made along the several radials for such lobes. Where possible, field strength measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field strength in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field strength at one mile. In these cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field strength measurements shall be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field strength measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the others beyond. At each of these points at least three measurements of field strength shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet measured horizontally along the ground from a point directly below the outermost conductor.

(e) The field strengths specified herein refer to the maximum field strengths, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strengths may exceed that at 12 feet. Measurements made at frequencies below 18 Mc may be made at any convenient height.

§ 18.108 Location of equipment. For the purpose of measurements required in order to execute a certification of compliance, the location of the industrial heating equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 500 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of one mile at which the maximum permissible radiation is determined shall be reduced by the radius of the smallest circle that encloses the several units.
NOTICE TO PURCHASER

This form should be completed and forwarded to the Federal Communications Commission, Washington 25, D. C., and upon receipt of same, any amendment to this Part of the Rules and Regulations adopted after the date of this publication will be mailed to the addressee indicated, except as noted below.¹

Part 18—Industrial, Scientific, and Medical Service
(November 1957 Edition)

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All new rules and amendments to the Rules and Regulations adopted by the Federal Communications Commission are also printed in the Federal Register and are available in this form for reference or use by interested parties.

¹Purchasers of this part will be advised where a particular amendment may be obtained including the cost if not available from the F. C. C.

SPECIAL MAILING INSTRUCTION
Complete this form and forward to: Federal Communications Commission
Washington 25, D. C.