

## FEDERAL COMMUNICATIONS COMMISSION

### Part 1—Practice and Procedure

(February 1958 Edition)

#### TITLE 47—TELECOMMUNICATION

#### Chapter I—Federal Communications Commission

[Docket No. 11846; FCC 57-1353]

#### PART 1—PRACTICE AND PROCEDURE

##### REVISION OF PART

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission, having under consideration the revision and recodification of Part 1 of its Rules and Regulations, Practice and Procedure; and

It appearing that revision and recodification of the present Part 1 of the Commission's rules and regulations appears to be desirable in order that practice before the Commission may be codified in accordance with current concepts of practice and procedure as determined by public interest, administrative expediency, recent legislation and court decisions; and

It further appearing that Part 1 at present does not contain specific rules to be followed in rule-making procedures; and

It further appearing that, in the interest of administrative expediency, many rules which are, under the present Part 1, applicable to all services should be made applicable to certain services only and that many other rules should apply for all services; and

It further appearing that the Commission issued, on October 16, 1956, a Notice of Proposed Rule Making to which a proposed revision of Part 1 of these rules and regulations was attached, and that, in said notice, interested parties were called upon to comment on said proposed revision; and

It further appearing that pursuant to said notice interested parties did file such comments, especially the Federal Communications Bar Association and individual members thereof; and

It further appearing that pursuant to said notice interested persons presented written data, views and arguments. Many conferences on these comments were held between the ad hoc Committee of the Commission on Rules consisting of representatives of all Bureaus and

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 (i) 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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**AUTHORITY:** §§ 1.10 to 1.581 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

**SUBPART A—GENERAL RULES OF PRACTICE AND PROCEDURE**

**GENERAL**

§ 1.10 *Proceedings before the Commission.* The Commission may on its own motion or petition of any interested party 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 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, will be acted upon by different Bureaus of Offices.

(b) A request for any stay which has not been filed in a separate pleading will not be considered by the Commission.

(c) Where pleadings are filed containing requests which should be acted upon under said Part O by different Bureaus or Offices, the petitioner 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 petitions, 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,

after release of a "Public Notice" announcing the action in question. (See also § 1.191 on reconsideration and rehearing on motion of parties and others.)

§ 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.

§ 1.18 *Computation of time.* (a) In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not to be included unless otherwise prescribed by statute. Wherever an action of the Commission is involved, the period of time is computed from the day of release of the "Public Notice" thereof unless such act is taken in a Decision, Order, or Memorandum in which event the day of Commission release of such document will govern.

(b) In computing any period of time, the last day of the period is to be included in the computation, unless it is a Saturday, Sunday or a legal holiday, or a day on which the Commission's office is closed prior to 5:00 p. m. in which event the period runs until the end of the 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 shall be excluded in the computation. A half holiday will be considered as a holiday.

(c) All petitions, pleadings, or other requests 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 as 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 responding will be allowed except the provision 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 every adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so 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 act in such 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 of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, 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 personal 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 at the Bar 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 its 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 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 this restriction shall not 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. 284.

§ 1.26 *Appearance.* Rules relating to appearances are set forth in §§ 1.62, 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 procedural 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 consented, the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner shall withhold consideration of any motion, petition, or other pleading until it has been on file, 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 on 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 affirmation of a prior denial in which reasons have been given.

§ 1.47 *Review of adverse ruling.* 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 dealing with the services.

(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 15 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 will 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 shall, unless otherwise specifically provided, be on paper either 8 by 10½ or 14 inches or 8½ by 11, 13 or 14 inches, with left-hand margin not less than 1½ 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, except that long 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 or printing. 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 multigraphed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5½ inches wide by 9 inches long, with inside margin not less than 1½ 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 required or permitted to be filed 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, pleading, 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 rule or statute, 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 filed. An attorney 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.* In all adjudicatory proceedings, 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 not later than 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 Commission. When any party is 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 means handing 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 with some person of suitable age and discretion then residing 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 person 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 service. 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 shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-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.

(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 transmitter, the name and 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 conduct 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 therewith or in cases of wilfulness 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 Commission 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 matter specified therein: Except, that where safety of life or property is involved, 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 person or by his attorney, shall, within 30 days of the receipt of the order or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. 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) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of this subpart and Subpart B of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order times less than those specified in §§ 1.153 and 1.154 within which the initial decision 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 allegations of fact contained in the order to show cause will be deemed as correct and the Hearing Examiner will issue an initial decision invoking the sanctions specified in the order to show cause.

(f) Where a hearing is waived, a written statement in mitigation or justification 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 Hearing Examiner may, if the statement contains, with particularity, factual allegations denying or, in the Hearing Examiner's opinion, justifying the facts 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 orders that further pleadings be filed, close the record and issue, on basis of the procedure delineated in this paragraph, an initial decision.

(g) Corrections or promise to correct the condition complained of in the order to show cause shall not preclude the issuance of an order to cease and desist.

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the licensee, permittee, or person.

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

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

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

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

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

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

(e) Where the right to request a hearing is waived and no written statement

has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission accordingly.

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

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

**§ 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 station if designated application or applications are subsequently granted, 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 with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

**§ 1.65 Operation pending action on renewal application.** (a) 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 continuing nature, in accordance with the provision of section 9 (b) of the Administrative 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 construed as a finding by the Commission that the operation will serve 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 proceeding. A licensee operating by virtue of this section shall, after 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 application for renewal of license which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the licensee 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 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 of such license pending determination of such application. 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, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the non-continuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

**§ 1.66 Grants of licenses without hearing.** (a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds 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, make the operation of such 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 applications for which it is responsible to ascertain whether or not 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 ap-

propriate 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 advised of this action.

(f) Upon receipt of a report from the airspace subcommittee approving a proposed antenna, the Antenna Survey Branch prescribes antenna tower painting and lighting specifications or other conditions in accordance with 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) Application for a new, renewed, replacement, or duplicate commercial radio 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 Part 13 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 doubts as to citizenship, 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 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 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, except that no examination is required unless the circumstances as set forth in § 13.28 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 operator license. No order 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 licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, 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., 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.* Rules governing applications for licensing 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 § 1.352.

§ 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, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under § 4.046 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 a proceeding, and will include:

(a) A statement as to the time, place and nature of the hearing. If the time and place are not specified, the initial notice will indicate that the time and place will be designated at a later date;

(b) A statement as to the legal authority and jurisdiction under which the hearing is to be held; and

(c) A statement of the matters of fact and law involved.

§ 1.104 *Petitions to intervene.* (a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed 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 upon a claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensee of permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures prescribed in this chapter for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed in this chapter, the extent of such interference. Where the person's status as a party in interest is estab-

lished, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 10 days prior to the date of hearing. The petition must set forth the interest of the petitioner in the proceedings and must show how such petitioner's participation will assist the Commission in the determination of the issues in question, and such petitions must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The Commission, in its discretion, may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Any person desiring to file a petition for leave to intervene later than 10 days prior to the date of hearing shall set forth the interest of the petitioner in the proceedings, show how such petitioner's participation will assist the Commission in the determination of the issues in question, and set forth reasons why it was not possible to file a petition within the time prescribed by paragraphs (a) and (b) of this section. Such petition shall be accompanied by the affidavit of a person with knowledge of the facts set forth in the petition, and where petitioner claims that a grant of the application would cause objectionable interference under applicable provisions of this chapter, the petition for leave to intervene must be accompanied by the affidavit of a qualified radio engineer showing the extent of such alleged interference according to the methods prescribed in paragraph (a) of this section. If in the opinion of the Commission good cause is shown for the delay in filing, the Commission may in its discretion grant such petition or may permit intervention limited to particular issues or to a particular stage of the proceeding.

§ 1.105 *Participation by non-parties; consideration of communications.* (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 the person first signing unless the communication clearly indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing 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 motion or upon its own 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) (1) In 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 that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing 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 which first designated for hearing the prior application or applications with which such application is in conflict.

(3) Any mutually exclusive application filed after the date prescribed in subparagraphs (1) or (2) of this paragraph will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

**CONTINUANCES AND PREHEARING  
CONFERENCES**

§ 1.111 *Prehearing conferences.* (a) The Commission or the presiding officer on its or his initiative, or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to 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 facts;

(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 broadcast applications:

(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;

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks proposed;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number; and

(xiv) The date for the formal hearing and such other matters as will be conducive to an expeditious conduct of the hearing.

(b) At the pre-hearing conferences prescribed by this section, the parties in any broadcast proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form. Where it appears that it will conduce significantly to the disposition 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.

(c) 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 scheduled 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 Continuances 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 presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

#### DEPOSITIONS

**§ 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, if known, and if 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 any of the United States; any notary public, 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 testimony is fully transcribed, 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 them. The deposition shall then 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 by the witness 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 reason, if any, given 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 was duly sworn by him, 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 either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here 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 it is shown that the witness is dead or seriously ill, that other exceptional circumstances exist, or that the testimony proffered is of such character that, in the interest of justice and with due regard to the importance of presenting the testimony of the witnesses orally, 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 or 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.

(c) Errors and irregularities occurring 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 errors 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.

(d) 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, and any other objection to the proceedings, 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 content; motion to quash.* A subpoena, other than one directed 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 specify with 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 a request for a subpoena. Any person against whom a subpoena is directed may file a motion to quash or limit the subpoena setting forth reasons why the subpoena should not be complied with or 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 subpoenas; 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, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpoena in accordance with the form thereon. 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 exhibited 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.* The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

#### HEARINGS AND DECISIONS

§ 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) Any 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 proceeding with 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 mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance 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 that 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 on 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 person or by attorney, a written appearance in triplicate, stating that he will appear and present evidence on the issues specified in the notice of hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

§ 1.141 *Motions to enlarge, change, or delete issues.* Motion to enlarge, change, or delete the issues may be filed by any party to a hearing. Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge, change, or delete the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

§ 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, 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 so. At hearings on orders to show cause, to cease and desist, to revoke or modify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(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. Intervenor 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 at what stage such intervenors shall be heard.

(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

parties which are approved by him, and any special rules which he may deem necessary to govern the course of the proceeding.

**§ 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 a 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 other 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 cases assigned to 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 disrupting 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 course of 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, as provided for in section 0.231 of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

(j) Take actions and make decisions or recommend decisions in conformity 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 discretion of the presiding officer, 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 transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

**§ 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 a motion requesting the correction of 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 a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the 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 and 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 separately stated. 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 docket of the case.

(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-

ommended 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 to be released with the 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 execution of its functions imperatively and unavoidably requires that no recommended decision be issued by the presiding officer.

(e) 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 exceptions, appeal, or review.

(f) The authority of the presiding officer over the proceedings shall cease when he has filed his initial or recommended decision, or, if it is a case in which he is to file no decision, when he has certified the case to the Commission for decision after specifying corrections to the transcript in accordance with § 1.148.

§ 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 conduce to the proper 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 shown.

(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 requests

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 or 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 until the Commission's review 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 30 days after 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 taken 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 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. The exceptions should be concise and they will not be accepted if they contain argumentative matters or discussions of law. Lengthy excerpts of testimony, when desired, shall not be contained in the exceptions but shall be set forth in an appendix.

(b) Within the period of time allowed in § 1.153 (a) for the filing of exceptions any party may file a statement in support of an initial decision in whole or

in part, which shall be similar in form to a statement of exceptions.

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof. Except by special permission, such brief or memorandum of law will not be accepted if it exceeds 50 double spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief to which the same limitation of length applies. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired; if no request for oral argument is filed within the time allowed, the parties will be deemed to have waived oral argument. In cases of adjudication the Commission will, by order, grant any party's request for oral argument; in any case of rule making or any case where an initial decision is omitted (see § 1.151 (b)), the Commission in its discretion shall, by order, grant or deny oral argument. Within 5 days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in the oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

(d) Each order scheduling a case for oral argument will contain the allotment of time for each party for oral argument before the Commission. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the Commissioner who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The Commissioner who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days' notice of the proposed corrections to all parties who participated in the oral argument.

§ 1.155 *Limitation of matters to be reviewed.* Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified

in the Commission's order of review issued pursuant to § 1.153 (b).

§ 1.156 *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, 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 exception filed; and

(3) The appropriate rule or order 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, shall constitute the exclusive record for decision. 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 call for 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 same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter, 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 is written together with 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 alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.52, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 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 by his deputy, 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 or within a 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 no record or entry of a specified tenor is 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.

#### REHEARINGS, 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 where a protest filed under § 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.

(b) Any person not a party to the proceeding desiring to file a petition for reconsideration or for rehearing shall state with particularity his interests in the proceeding and show good reason why it was not possible for him to participate in the proceeding.

(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 shall state the grounds therefor, including 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) reargument; (3) reopening of the proceeding; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed 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 become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding will be taken at any rehearing.

(f) Where a petition for reconsideration or for rehearing is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed by this chapter, that electrical interference will be caused to the station within its normally protected contour.

(g) Without special order of the Commission, the filing of a petition for reconsideration or rehearing shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration or rehearing.

§ 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 granted. 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 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 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. Each such reason shall be separately stated and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of subparagraph (2) of this paragraph.

(b) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(c) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (h) of this section, deemed appropriate to the Commission's resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(d) Protests, oppositions, and replies shall be filed with the Commission in original and 14 copies and shall be accompanied 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 a protest direct either the protestant or grantee or both to submit further 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) (1) and (2) 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 will 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 alleged were to be proven, the Commission may designate such issues for oral argument only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(g) The procedure in such protest hearing shall be governed by the provisions of §§ 1.102 to 1.181, except as otherwise provided in this section.

(h) Pending hearing and decision, the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct

of an existing service or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

#### SUBPART C—RULE MAKING PRACTICE AND PROCEDURE

##### PETITIONS AND RELATED PLEADINGS

§ 1.201 [Reserved.]

§ 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 facts, views, arguments and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

§ 1.203 *Notice and availability.* All petitions for rule making meeting the requirements of § 1.202 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 to the petitioner, file number, nature of the proposal and date of filing. Petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D. C.

§ 1.204 *Responses to petitions and replies.*

(a) Any interested person may file a statement 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 "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 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.

(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

notice 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 it desirable, a notice will not ordinarily be issued of the adoption, amendment or repeal of interpretative rules, general statements of policy, organization rules, procedures or practice; matters relating to military, naval or foreign affairs 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.* When rules are 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 provisions 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 §§ 1.52 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 parties of record and other 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 any 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 in the required 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 broadcast services listed 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 section 3 (dd) 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 of authorization requested, except as may otherwise be provided in this part.

(b) In cases of (1) emergency found by the Commission involving 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, and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission may grant 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) Official call letters of any valid station authorization already held by applicant and the station location;

(4) Type of service desired (not required for renewal, nor for modification unless class of station is to be modified);

(5) Frequency assignment, authorized transmitter power(s), and authorized class(es) of emission 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 Commis-

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 national defense 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 application.

**§ 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 to enable the Commission to determine whether the original application should be granted or denied or a license revoked shall, except in the cases enumerated in § 1.301 (b), be personally signed under oath or affirmation by the applicant, if an individual; a partner of the applicant, if a partnership; or an officer of the applicant, if a corporation or association: *Provided, however,* That subscription and verification may be made by the attorney for the party in 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 filed unless the information called for is inapplicable in which case this fact shall be indicated.

(b) The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary. The Commission may also, 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.

**§ 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 in Part 4 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 frequency as the Commission will assign frequencies from time to time 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 complete or substantially 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 of 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 subsequent dismissal of 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 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 waiver 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 services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the

original parties in interest, may be 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 facility allocated in the FM or television allocation table, may immediately re-apply for another available FM or television channel.

(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 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.

**§ 1.310 Multiple applications.** Where there is one 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, may be filed by the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest. Multiple applications may not be filed simultaneously.

**§ 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 theretofore in conflict with the amended application, 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 amendment. If such consideration has been promised 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 applicant, if a partnership; or
- (3) An officer of 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 served upon all parties of record and 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 applicant 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 the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

**§ 1.314 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.

**§ 1.315 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 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 modification 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 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request For Subsidiary Communications Authorizations." For use by existing FM broadcast licensees applying for permit to establish a SCA service, modification of SCA, renewal of SCA.

(5) FCC Form 340 "Application for Authority to Construct or Make Changes in a Noncommercial Educational FM Broadcast Station."

(6) [Reserved.]

(7) FCC Form 346 "Application for Authority to Construct or Make Changes in a Television Broadcast Translator Station."

(b) Applications for construction permit or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated construction.

**§ 1.323 Application for extension of construction permit or for construction permit to replace expired construction permit.** (a) Application for extension of time within which to construct a station shall be filed on FCC Form 701. The application shall 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, an 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 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.

(b) Application to replace an expired construction permit shall be made on FCC Form 321 "Application for Construction Permit to Replace Expired Permit." Such application must be filed within 30 days of the expiration date of the authorization sought to be replaced.

**§ 1.324 Application to operate by remote control.** Application by an existing licensee or permittee for a permit to operate a standard or FM broadcast station by remote control shall be made on FCC Form 301-A "Request for Modification—Broadcast Station Authorization (Remote Control)."

**§ 1.325 Application for license to cover construction permit.** (a) The application for station license shall be filed by permittee prior to service or program tests.

(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."

(3) FCC Form 313 "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 Television 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;

(5) Change of hours of operation of a standard broadcast station.

(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 broadcast 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 1.343, 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 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.

(d) The 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 Subsidiary 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 Translator 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 assignment or transfer of control.

(b) The following assignment or transfer applications 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 their 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 no substantial 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 assignor 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 an 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.

(b) 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 therefor. Any such request should 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 or hearing.

(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 necessitated by equipment damage or failure may be made without 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, 1958: *Provided, however,* Consideration will be given to renewal or modification of a special service authorization outstanding on February 3, 1958 providing a satisfactory showing has been made 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 § 3.32 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 § 3.32 of this chapter, to the licensee of 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 should be made on FCC Form 308 "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 radio station has 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 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, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of 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 licensee, if the licensee is an individual; by a partner, if the licensee 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 that will be employed as full-time operators at the station (this does not include part-time employees and persons only available on call in case of emergencies);

(4) A showing 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 for employment at the station;

(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 a station to which 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 informal application 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 report.** 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 on or 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, instru-

ments, and documents together with amendments, supplements, and cancellations, within 30 days of execution thereof. The substance of oral contracts shall be reported in writing.

(a) Contracts relating to network service: All network affiliation 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, rights, or interests therein, or relating to changes in such ownership or control. This paragraph is limited to the following:

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

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

(3) Any agreement, document, or 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 stock), such as: (i) Agreements for transfer of stock; (ii) Instruments for the issuance of new stock; or (iii) Agreements for the acquisition of licensee's or permittee's 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 licensee's 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 without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted; *Provided, however,* That when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1 percent or more of the corporation's voting stock; in cases where the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold 1 percent or more of the corporation's stock, the only information required to be filed is the name of any person voting 1 percent or more of the stock by proxy,

the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy;

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

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by § 1.343.

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

(d) Contracts relating to Subsidiary Communications Authorization Operation, except contracts granting licensees or permittees engaged in SCA the right to broadcast copyright music.

(e) Time sales contracts: Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events (broadcast pursuant to the contract is not under control of the station.

(f) 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 a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee station; management contracts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses; or any similar agreements.

(2) The following contracts, agreements, or understandings need not be filed: agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel; contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; 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 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:

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

(2) In the case of a partnership, the names of the partners and the interest of each partner;

**NOTE:** Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may 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 stock-holdings of officers, directors, stockholders, trustees, executors, administrators, receivers, and members of any association;

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

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

(iv) Full information on FCC Form 323 with respect to the interest and identity of any person having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock;

**For example:**

(a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25 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) The same information 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 X, 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:

(i) A list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract; and (ii) Any interest which the licensee may have in any other broadcast station.

(b) A permittee shall file 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 of the permittee shall give the information required by the applicable portions of paragraph (a) of this section.

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the informa-

tion 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:

(i) A transfer of stock;

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

(iii) Acquisition of licensee's or permittee's stock by the issuing corporation; or

(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, prior 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 privity, gains or loses affirmative or negative (50 percent) control. See instructions on FCC Form 323 "Ownership Report".

(d) Exceptions: Where information is required under paragraphs (a), (b), or (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. 8333.* 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, proposing:

(1) A change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

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

(c) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day

and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or in Alaska, Hawaii, Virgin Islands, and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(d) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or proposing unlimited Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different; and it is either

(1) Proposed to change daytime operation resulting in any increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(2) It is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally 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 NARBA, (2) the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D. F. 1957, referred to herein as the U. S./Mexican 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. 6741 and 8333.

(b) Whenever it appears with respect to an application not in hearing status that a grant thereof would be inconsistent with the NARBA or the U. S./Mexican Agreement, or that the operation 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 any 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 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 record has been closed it will be reopened 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 applicants concerned will, notwithstanding the status of proceeding and the provisions of § 1.311 (b), be afforded a reasonable opportunity to amend 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 an issue concerning 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 in the proceeding would serve the public interest. The presiding officer and the Commission will adhere to the policy outlined below in taking final or intermediate action upon the applications involved in such proceedings.

(i) Applications will be granted where such action would not be inconsistent with the NARBA or the U. S./Mexican Agreement, would not result in interference to a station in a non-signatory country, and would otherwise be in the public interest.

(ii) Applications will be denied (a) which are mutually exclusive with an application granted in accordance with subdivision (i) of this subparagraph and (b) where a denial is required for reasons independent of the question whether grant of application would be consistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country.

(iii) Applications will be placed in the pending file without removal from the hearing docket (a) where a grant would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in interference to a station in a non-signatory country but would otherwise be in the public interest; and (b) where a denial would be based upon comparative consideration with an application placed in the pending file in accordance with the immediately preceding subdivision (iii) (a).

(d) Whenever any application is placed in the pending file pursuant to paragraphs (b) or (c) of this section, the applicant concerned will be notified of the Commission's action in the matter. Any interested applicant who believes that an application has been erroneously placed in the pending file may petition the Commission for a review of its action. Petitions requesting that an application be placed in the pending file will also be entertained. All petitions filed pursuant to this paragraph must be filed in quintuplicate and be accompanied by an affidavit of a qualified radio engineer setting forth the engineering basis for the petition. Upon receipt of a petition filed in accordance with this paragraph, the Commission will review the action to which the petition is directed and provide opportunity for the submission by interested parties of any further data that may be required for full consideration of the matter.

(e) As a matter of general practice, except as provided in the procedure set forth in paragraphs (b) through (d) of this section, applications consistent with the NARBA and the U. S./Mexican Agreement which do not propose operations which would cause interference to stations in a non-signatory country will be considered and acted upon by the Commission in accordance with its established procedure, even though the NARBA or the U. S./Mexican Agreement may not yet have entered into force.

In particular cases involving applications consistent with both agreements but in which special considerations of an international nature require that a different procedure be followed, the applicant or applicants involved will be formally advised to that effect.

§ 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 recommendations and any 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 on by the Commission.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. The types of applications in the second group are listed in section 0.241 of the Statement of Organization, Delegations of Authority and Other Information and are acted upon by the Chief of the Broadcast Bureau under delegated authority.

(b) The Commission will not act on 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 such amendment. Where a later filed application or major amendment thereto is in conflict with another application, the 30-day limitation shall be applicable only to the earlier of the conflicting proposals.

(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. Thus, the file number determines 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 group together for processing 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 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 involving no change in transmitter site will be considered without reference to the processing line.

(f) 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 removed from the hearing docket, the application will be returned to its proper position (as determined by the file number) in the processing line. 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 request for a grant.

(h) An application will continue to be carried under the same file number unless a major amendment is made which involves the substitution of 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 changes in frequency, 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 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 amendment. Where a later filed application or major amendment thereto is in conflict with another application, the 30-day limitation shall

be applicable only to the earlier of the conflicting proposals.

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

(d) Regardless of the number of applications filed for 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 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 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 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station 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 accepted for filing at least one day before the lower file number application has been acted upon by the Commission.

(f) 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, the remaining 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 as changes in the class of station, significant increases in power and/or antenna height, and/or a change in station location.)

(2) The second group of applications consist 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) In 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 (b) (1) 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) (2) of this section will 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 238, 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 Organization, 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 application 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 agenda.

#### ACTION ON APPLICATIONS

**§ 1.361 Grants without hearing of authorizations other than licenses pursu-**

ant to construction permit; procedure for filing objections. (a) An application for an instrument of authorization, other than a license pursuant to a construction permit, will be granted without hearing where: (1) such application is in proper form; (2) there is not pending a mutually exclusive application filed in accordance with paragraph (b) of this section; and (3) it appears from an examination of the application and supporting data, and upon consideration of objections filed pursuant to paragraph (c) of this section, that: (i) The applicant is legally, technically, financially, and otherwise qualified; (ii) The application is not in violation of the provisions of law or 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 provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was substantially complete and was filed with the Commission not later than the close of business on the day preceding the day on which the Commission takes action with respect 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 on pleadings and time for filing pleadings provided for in § 1.13 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 § 1.361 (a), it will without delay notify the applicant 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. Following 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 then obtaining 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 for hearing. Such conditional grant will be made upon the express condition that such grant is subject to being withdrawn if, at the hearing, it is shown 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 establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest, and that a delay in making a grant to any applicant until after 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; or

(4) That a grant of one application would be in the public interest, and that it appears from an examination of the remaining applications that they 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 will be retained in hearing status upon the dismissal or amendment and removal from hearing of any other application or applications with which it has been consolidated for hearing.

(b) Where the applicants in a consolidated hearing for a broadcast facility 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's initial decision.

(c) In all cases arising under paragraphs (a) and (b) of this section, the hearing examiner will consider in the initial decision the issue of whether a grant of the remaining application or applications to be prosecuted would be in the public interest in the light of the arrangement whereunder 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 parties may 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 to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the 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, which pertain to the applicants or applications in question. The Commission may call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days of the service 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 -----  
Call letters -----  
Docket No. -----

The undersigned hereby requests the Commission to consider its application and grant or deny it 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 ----- are incorporated in this waiver.

SUBPART E — COMPLAINTS, APPLICATIONS,  
TARIFFS, AND REPORTS INVOLVING COMMON CARRIERS

#### GENERAL

§ 1.401 *Show cause orders.* (a) The Commission may commence any proceeding within its jurisdiction against any common carrier by serving upon the carrier an order to show cause. The order shall contain a statement of the particulars and matters concerning which the Commission is inquiring and the reasons for such action, and will call upon the carrier to appear before the Commission at a place and time 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. Such answer shall specifically 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 the 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 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 involving 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 when and how the complainant 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; formal complaints 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 complainant will be deemed to have abandoned the unsatisfied 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 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 complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) shows:

(1) That (here state occupation and post office address of each complainant).

(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 situation).

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

Dated at ----- this ----- day of ----- 19--

-----  
(Name of each  
complainant)

-----  
(Name and address of  
attorney, if any)

#### Form of Verification

-----  
being first duly sworn, on oath, deposes, and says: That he is the complainant (or one 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 and 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 § 1.423), 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 claimant 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 allegations of the complaint shall state 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 claimant;

(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 or by what authority complaint is made in their behalf; and

(10) That suit has not been filed in any court 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 upon the finding 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 *Joinder of complainants and causes of action.* (a) Two or more complainants may join in one complaint if their respective causes of action are against the same defendant and concern substantially the same alleged violation of the Communications Act and substantially 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 stated and numbered.

§ 1.426 *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 periods of limitations as to actions 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 or 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 serving complaints. For the purpose 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 notice shall call upon the carrier 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 filed in any formal complaint proceeding shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.56. Proof of such service shall also be made in accordance with the requirements of said section.

§ 1.430 *Answers to complaints, supplemental complaints, amended complaints, and cross complaints.* Any carrier upon whom a copy of a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall serve an answer within the time specified by the Commission in its 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 issues. 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.

§ 1.431 *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 appearing on the face of such complaint. (b) Within 10 days after service of a complaint by the Commission, a defendant may file a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. If such motion is granted by the Commission, it will order the complainant to file an amended complaint within such time as may be specified in the order.

§ 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, a complainant may serve 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 complainant 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 Commis-

sion, it will order the defendant to file an amended answer within such time as may be specified in the order.

§ 1.433 *Oppositions 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 formal complaint proceeding must be drawn 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 periods 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 corrected and that corrected pleadings be filed and 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.

#### APPLICATIONS

§ 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 correspondence radio stations pursuant to Parts 7, 8, 9, 14, and 21 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. 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 not of the types covered 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 an officer or duly authorized employee, 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 disability 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 subscribed and verified (or affirmed) 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 other 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 issued 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 of 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 or for the benefit of said applicant, his successor, or assignee, will be considered by the Commission.

§ 1.447 *Dismissal of applications—(a) Before designation for hearing.* Any application not 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 consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply or justify non-compliance 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 with prejudice after it has been designated for hearing when the applicant:

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

(2) Otherwise fails to prosecute his application; or

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

§ 1.448 *Action on applications under delegated authority.* Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in the Commission's Statement of Organization, Delegation of Authority and Other Information, may be acted upon by the Telegraph 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 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 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 for authority to consolidate or acquire telephone companies shall be made in the form and manner and with the number of copies required by Part 66 of this chapter.

§ 1.454 *Consolidation of domestic telegraph carriers.* (a) Applications under section 222 of the Communications Act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations 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. Reasonable notice in writing 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 Secretary of the Army, the Attorney

General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.455 *Cable landing licenses.* (a) Applications for cable landing licenses under 47 U. S. C. 34-39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of said Order. These applications should contain the name and address of the applicant, the 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 Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files 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 such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for 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 shall be constructed, 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 form and manner and with the number of copies required by Part 61 of this chapter.

§ 1.463 *Petitions for suspension of tariff schedules—(a) Content.* A pe-

tion for suspension of a new tariff schedule or any provision thereof shall indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof.

(b) *When filed.* A petition for suspension will not ordinarily be considered unless made in writing and filed with the Commission and served upon the publishing carrier at least 10 days before the effective date of the tariff schedule. In case of emergency and within the time limits herein provided, a telegraphic request for suspension may be sent to the Commission, a copy of which shall be sent to the publishing carrier and shall set forth succinctly the substance of the matters required by paragraph (a) of this section. Such telegraphic request must be forthwith confirmed by petition filed and served in accordance with this section.

(c) *Reply.* A publishing carrier may reply to a petition for suspension, but such reply should be filed with the Commission and served upon petitioner within 3 days after service of the petition for suspension.

(d) *Copies; service.* An original and 14 copies of each petition or reply must be filed with the Commission, and one copy must be simultaneously served upon the publishing carrier or each petitioner, as the case may be.

#### CONTRACTS, REPORTS, AND REQUESTS REQUIRED TO BE FILED BY CARRIERS

§ 1.468 *Requests for extension of filing time.* Requests for extension of time within which to file contracts, reports, and requests referred to in §§ 1.469 through 1.493 shall be made in writing and may be granted for good cause shown.

#### CONTRACTS

§ 1.469 *Filing.* Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed as required by Part 43 of this chapter.

#### FINANCIAL AND ACCOUNTING REPORTS AND REQUESTS

§ 1.471 *Annual financial reports.* (a) Annual financial reports shall be filed by carriers and affiliates as required by Part 43 of this chapter on the following forms:

(1) Form H (holding companies who do not report to the Commission in the manner prescribed in paragraph (b) of this section).

(2) Form L (licensees in the domestic public land mobile radio services who do not report to the Commission on Annual Report Form M).

(3) Form M (telephone companies, classes A and B).

(4) Form O (wire-telegraph and ocean-cable carriers, classes A and B).

(5) Form R (radiotelegraph carriers, classes A and B).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10-K, Form 1-MD, or such other form as may be prescribed by that Commission for filing

of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling 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 of revenues, expenses, 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—Radiotelegraph and Ocean-cable.

FCC Form 905—Wire-telegraph.

§ 1.473 *Reports of proposed changes in depreciation rates.* Carriers shall file reports regarding proposed changes in depreciation rates as required by 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 336 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. A complete description of these reports is 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 carriers shall file descriptions of their services as required by Part 43 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 63 of this chapter shall file quarterly or 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 in regard 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 relating to 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 the 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 Subpart E of this part. (For additional information relative to applications, see the rules in this chapter relating to each of the respective services.) In case of any conflict or 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 corporation holding 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 involving 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 where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, 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 shall 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 the provisions of 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 licensees 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. Forms may be obtained 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 au-

thority (except renewal of license) under Part 12 of this chapter, or, for class C stations only, under Part 19 of this chapter, shall be filed in the nearest Field Office of the Commission, the location of which may be found in local directories under the heading "United States Government".

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus (but not including renewal of station license), to authorize the use of telephony on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 of this chapter and presented in person by applicant or his agent at the nearest Field Office of the Commission, as shown in section 0.49 of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

(d) All other applications shall be filed with the Commission's offices in Washington as follows:

(1) By mail, addressed to:

Secretary, Federal Communications Commission, Washington 25, D. C. or,

(2) In person, Secretary's Office

New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C. or,

(3) In person, Application Control Reference Room

New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C.

§ 1.503 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified by the party filing such application or amendment, 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 applicant be an unincorporated association: *Provided, however,* That subscription and verification may be made by the attorney for the party in case of physical disability of the party, or his absence from the continental United States. If it be made by a person other than the party, 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 party. 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. Postmasters in Alaska are authorized to administer oaths.

§ 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 of a purely explanatory nature 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 such 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 such 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 signed by the applicant or his 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 be cause for dismissal. Such dismissal will be without prejudice where an application has not yet 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 for 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 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 number of required copies, 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 re-

quired 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 authorized station may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

§ 1.522 *Forms to be used.*

FCC Form	Title
400	Application for Radio Station Authorization in the Safety and Special Radio Services.
400-10	Instructions for completion of FCC Form 400.
400-A	Request for Amendment of Radio Station Authorization.
401	Application for New or Modified Radio Station Construction Permit (Other than Broadcasting).
401-A	Description of Proposed Antenna Structure(s) (Services other than Broadcast).
403	Application for Radio Station License or Modification Thereof (Other than Broadcasting, Amateur, Ship, and Aircraft).
404	Application for Aircraft Radio Station License.
405-A	Application for Renewal of Radio License (Short Form).
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
453-B	Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft.
480	Application for Civil Air Patrol Radio Station Authorization.
481	Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service.
482	Certification of Civil Defense Radio Officer.
501	Application for Ship Radio Station Licenses.
501-A	Application for Ship Radiotelephone Station License.
505	Application for Citizens Radio Station Construction Permit and License.
525	Application for Disaster Communications Radio Station Construction Permit and License.
602	Application for Amateur Station License at a Military Post.
610	Application for Amateur Operator and/or Station License.
701	Application for Additional Time to Construct Radio Station.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast).
703	Application for Consent to Transfer of Control of Corporation Holding Construction Permit for Station License (For Stations in Services Other Than Broadcast).
820	Application for Ship Exemption.
820-A	Application for Exemption (Great Lakes Agreement).

§ 1.523 *Construction permits.* No construction permit is required for any class of station in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Citizens Radio, Disaster Communications, and Amateur Services except as follows: A construction permit is required for:

- (a) All operational fixed stations;
- (b) Land radiopositioning stations in the industrial radiolocation service;
- (c) Public coast stations and limited Class I and Class II coast stations;

(d) Shore radiolocation, 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; 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 that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

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

§ 1.524 *Assignment or transfer of control, voluntary and involuntary.* (a)

(1) 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 as for example, 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.

(2) Licenses for stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services cannot 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.

(b) (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 contemplated effective date of assignment or transfer of control.

(2) The following application forms should be used:

(1) 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 governing the particular service involved.

(ii) FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Broadcast)."

(iii) FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Broadcast)."

(c) (1) In the event of the death or legal disability of a 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, the Commission shall be notified in writing promptly of the occurrence of such death or legal disability.

(2) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license, or for involuntary transfer of control of such corporation, to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in paragraph (b) of this section.

(3) In the case of stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

§ 1.525 *Application for special temporary authorization.* (a) Special temporary 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 the 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 accepted upon due showing of sufficient reasons.

(b) Requests for such temporary authorization 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 from 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 Special Temporary Authority evidenced by 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 with the formal application for station license.

§ 1.526 *Application for renewal of license.* (a) Application for renewal of station license shall be submitted on FCC

Form 405-A (except as noted in paragraph (b) of this section). Application for renewal of license in the Amateur Radio 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 activity of a continuing nature shall expire until such application shall have been finally determined.

(b) Application for renewal of authorization to operate an amateur station in the Radio Amateur Civil Emergency Service shall be filed on FCC Form 481-1 and shall be submitted concurrently with the application for renewal of the basic amateur radio station license. Application for renewal of Civil Air Patrol radio station authorization shall be submitted on FCC Form 480. Application for renewal of aircraft radio station license shall be submitted on FCC Form 404.

§ 1.527 *Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.* (a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 362 (b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I of the Safety Convention, 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 Organization, Delegations of Authority, and Other Information).

(b) Applications for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof, should be submitted on FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired place of survey (see section 0.29 of the Commission's Statement of Organization, Delegations of Authority, 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 amended, or the Great Lakes Agreement, on a Sunday or a national holiday or during other than the established working hours on any other day, should be submitted on FCC Form 808 entitled "Application for and Certificate of Overtime Service Involving Inspection of Ship Radio Equipment." 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 Organization, Delegations of Authority, and Other Information).

(d) Application for periodical inspection and certification of vessels subject

to Part III of Title III of the Communications Act pursuant to section 385 thereof should be submitted on FCC Form 812 entitled "Application for Periodical Inspection (Communications Act, Title III, Part III)". 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 Organization, Delegation of Authority, and Other Information).

§ 1.528 *Application for exemption from compulsory ship radio requirements.* Applications for exemption, filed under the provisions of sections 352 (b) or (c) and 383 of the Communications Act, and Regulations 5 or 6, Chapter IV, of the Safety of Life at Sea Convention, London, 1948, shall be submitted on FCC Form 820 entitled "Application for Ship Exemption". Applications for exemption 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 applications for ship radio inspection or periodical survey.* After the following applications are accepted for filing, the Engineer in Charge of the radio district office in which the application is submitted makes the necessary examination and issues the appropriate certification:

(a) Application for ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act;

(b) Application for a Safety Convention 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 prescribed by Articles 12 and 13 thereof.

(d) Application for periodical inspection and certification 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 examination is conducted in accordance with § 12.44 of this chapter, the examination is graded by the office supervising the examination. The results of the examination are forwarded to Washington, 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 within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) 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 shall 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 applications 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 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.

§ 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 cancellation.

§ 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 Equipments 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, Airdrome Control, Aeronautical Enroute, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radionavigation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropolitan.

(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, Automobile 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.

(e) Public Safety and Amateur Division: Police, Fire, Forestry Conservation,

Highway Maintenance, Special Emergency, State Guard, Amateur, Disaster, RACES.

#### § 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 Radio Service, all classes of ship stations including radio-location, radionavigation and radar, the Disaster Communications Service, all classes of Aircraft, and Canadian Registrations (file numbers 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 was received 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—Aviation radionavigation land.  
AC—Civil Air Patrol.

#### INDUSTRIAL SERVICES

IF—Forest products.  
IR—Industrial radiolocation.  
IL—Low power industrial.  
IM—Motion picture.  
IP—Petroleum.  
IW—Power.  
IY—Relay press.  
IS—Special industrial.

#### LAND TRANSPORTATION SERVICES

LA—Automobile emergency.  
LC—Citizens.  
LI—Interurban passenger.  
LJ—Interurban property.  
LK—Highway truck.  
LR—Railroad.  
LX—Taxicab.  
LU—Urban passenger.  
LV—Urban property.

#### MARINE SERVICES

MK—Alaskan group.  
M—Coastal group.  
MA—Marine auxiliary group.  
MR—Marine radiolocation land.  
MS—Ship group.

#### PUBLIC SAFETY SERVICES

PF—Fire.  
PO—Forestry conservation.  
PH—Highway maintenance.  
PP—Police.  
P—Public safety (combined).  
PS—Special emergency.  
PG—State Guard.

(c) Types of applications or authorizations:

P—Construction Permit.  
MP—Modified CP.  
MP/L—Modified CP and License.  
MP/ML—Modified CP and Modified License,

AP—Assignment of Permit.

L—License.

ML—Modified License.

AL—Assignment of License.

P/L—Combination 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, exchanged comments with the Canadian Department of Transport regarding proposed assignments in certain frequency bands for stations north of "Line A". Line A is described 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 95° 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, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates.

(b) The frequency bands are as follows:

Mc	Mc
30.56-32.00	42.00-50.00
33.00-34.00	72.00-74.80
35.00-36.00	75.40-76.00
37.00-38.00	152.00-162.00
39.00-40.00	450.00-460.00

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

Mc	Mc
35.10	156.8
35.14	156.9
35.18	157.0
156.3	157.1
156.4	157.2
156.5	157.3
156.8	157.4
156.7	

§ 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 with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character 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) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. 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 or information not included 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 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 Statement of Organization, Delegations 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) The 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 Commission is still unable to make a determination that the public interest, convenience, or necessity will be served by a grant of such application, the applicant will be advised by letter 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. Following such notice, 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 such action. Parties in interest, if any, who are not notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding therein by filing a petition for intervention showing the basis of their interest at any time not less than ten days prior to the date of hearing. Any 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 proceeding with 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.

**§ 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 (45 days outside continental United States) from 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 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 of services 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 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. The Commission may, for good cause shown, waive the requirements of this section.

#### REPORTS TO BE FILED WITH THE COMMISSION

**§ 1.561 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.

#### FORFEITURES AGAINST SHIPS AND SHIP MASTERS

**§ 1.561 Forfeitures against ships and ship masters.** (a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by sections 364, 386, and 507 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places, and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within 30 days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within 30 days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within 30 days from the date of receipt of the notification for review by the Commission as provided in section 5 (d) (2) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a

statement of any material facts that may have been omitted from the original application for relief. On review the Commission may affirm, modify, or set 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 in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission 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 MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

#### PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Sec. 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from 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 conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations 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 to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings 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 believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from 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, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any

given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed 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 any proceeding 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 that, 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 said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making 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 desirable, shall so 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 hereinafter 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 before 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 indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

#### PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from 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 on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses 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 the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect of the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

#### PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, 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 for the 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 involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) 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.

(d) 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 advise the president of the association that 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 determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If 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 proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commissioner considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, 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 cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been 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 exercise his best judgment 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 an extent 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.

**TENURE OF COOPERATORS**

(a) No State commissioner shall sit in a cooperative 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, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without 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 reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right 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 involv-

ing 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 inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

**COOPERATING COMMITTEE TO DETERMINE RESPECTING 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 will 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 hereinbefore 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**

<i>New section</i>	
<i>derived from old section</i>	
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.....	1.728 (c).
1.17.....	1.728.
1.18.....	1.703.
1.21.....	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.....	1.748.
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.....	1.751.
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.....	1.402, 1.509.
1.63.....	1.403.
1.64.....	1.383.
1.65.....	1.384.
1.66.....	New.
1.67.....	1.377.

<i>New section</i>	
<i>derived from old section</i>	
1.70.....	1.329.
1.71.....	1.375.
1.72.....	1.404.
1.73.....	1.333 (c).
1.74.....	New.
1.75.....	New.

**SUBPART B**

1.101.....	New.
1.102.....	1.802.
1.103.....	1.803.
1.104.....	1.388, 1.722.
1.105.....	1.723.
1.106.....	1.724.
1.111.....	1.813.
1.112.....	1.812.
1.113.....	1.811.
1.121.....	New.
1.122.....	1.821 (a).
1.123.....	1.821 (b).
1.124.....	1.822 (a).
1.125.....	1.822 (b).
1.126.....	1.823.
1.127.....	1.824.
1.128.....	1.825 (a), 1.826.
1.129.....	1.822, 1.825.
1.131.....	1.831.
1.132.....	1.832.
1.133.....	1.833.
1.134.....	1.834.
1.135.....	New.
1.140.....	1.387, 1.716.
1.141.....	1.389, 1.725.
1.142.....	1.842.
1.143.....	1.843.
1.144.....	1.844.
1.146.....	1.846.
1.147.....	1.847.
1.148.....	1.848.
1.149.....	1.849.
1.150.....	1.850.
1.151.....	1.851.
1.152.....	1.852.
1.153.....	1.853.
1.154.....	1.854.
1.155.....	1.855.
1.156.....	1.856.
1.157.....	1.857.
1.158.....	1.859.
1.171.....	1.871.
1.172.....	1.872.
1.173.....	1.873.
1.174.....	1.874.
1.175.....	1.875.
1.176.....	1.876.
1.177.....	1.877.
1.178.....	1.878.
1.179.....	1.879.
1.180.....	1.880.
1.181.....	1.881.
1.191.....	1.390, 1.892, 1.893, 1.894, 1.895.
1.192.....	1.886.
1.193.....	New.

**SUBPART C**

1.202.....	1.702.
1.203-1.205..	New.
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.....	1.304.
1.306.....	1.361 (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.....	1.314 (a).
1.314.....	New (but see § 3.94).
1.315.....	New (but see § 3.34 (b)).
1.321.....	1.332.
1.322.....	1.309 (b), 1.311, 1.313.

**New section  
derived from old section**

1.323	1.314.
1.324	1.309 (a).
1.325	1.317.
1.326	1.318.
1.327	1.319.
1.328	1.320.
1.329	1.321.
1.330	1.323.
1.331	1.324.
1.332	1.325.
1.333	1.326.
1.334	1.327.
1.335	1.328.
1.336	1.334.
1.337	1.332 (d).
1.341	1.341.
1.342	1.342.
1.343	1.343.
1.351	Footnote 10b.
1.352	1.300.
1.353	1.372.
1.354	1.373.
1.355	1.378.
1.356	1.379.
1.357	1.374.
1.361	1.382.
1.362	1.385.
1.363	1.367.
1.364	1.391.

**SUBPART E**

1.401	1.591.
1.402	New.
1.411	1.571.
1.412	New.
1.416	1.572.
1.417	1.573.
1.418	1.574.
1.421	1.575.
1.422	1.576.
1.423	1.580.
1.424	1.578.
1.425	1.576 (partially).
1.426	1.582, 1.583.
1.427	1.584, 1.586.
1.428	1.587.
1.429	1.577 (partially).
1.430	1.588, 1.589.
1.431	New.
1.432	New.
1.433	New.
1.434	New.
1.435	New.
1.440	New.
1.441	1.521.
1.442	1.501.
1.443	1.504, 1.505, 1.507 (partially).
1.444	1.503.
1.445	1.506.
1.446	1.510.
1.447	1.507, 1.508.
1.448	Partially from 1.524, 1.525, 1.526.
1.449	New.
1.457	1.524.
1.451	1.525.
1.452	1.526.
1.453	1.527.
1.454	1.528.
1.455	Appendix 1.
1.461	1.541.
1.462	1.523.
1.463	1.590.
1.468	1.522 (partially).
1.469	1.543.
1.471	1.544.
1.472	1.545.
1.473	1.551.
1.474	1.553.
1.475	1.554.
1.476	1.557 (partially).
1.477	1.547.
1.478	1.548.
1.479	1.549.
1.480	1.550.
1.483	1.347, 1.555.
1.484	1.559 (partially).
1.485	New.
1.486	1.560.

**New section  
derived from old section**

1.487	1.346, 1.557 (partially).
1.490	New.
1.491	1.552.
1.492	1.556.
1.493	New.

**SUBPART F**

1.501	1.301.
1.502	New.
1.503	1.303 and 1.307.
1.504	1.305.
1.505	1.306, 1.307, 1.308, 1.365.
1.506	1.366, 1.381.
1.521	1.312, 1.315, 1.317.
1.522	1.310, 1.312, 1.317, 1.318, 1.319.
1.523	1.333.
1.524	1.322, 1.323.
1.525	1.324.
1.526	1.320.
1.527	1.330.
1.528	1.331.
1.529	1.376.
1.530	1.375.
1.531	1.314.
1.532	New.
1.533	1.313.
1.541	New.
1.542	New.
1.543	New.
1.544	New.
1.545	1.361
1.546	New.
1.547	1.382.
1.548	1.385.
1.549	New.
1.550	1.363
1.561	New.
1.581	1.410.

**APPENDIX**

Appendix Appendix 2.  
**CROSS REFERENCE, OLD TO NEW**

**Old provisions  
included in new**

1.300	1.352.
1.301	1.301, 1.501.
1.302	1.302.
1.303	1.303, 1.503.
1.304	1.304, 1.305.
1.305	1.304, 1.504.
1.306	1.304, 1.505.
1.307	1.303, 1.503, 1.505.
1.308	1.304, 1.505.
1.309 (a)	1.324.
(b)	1.322.
1.310	1.522.
1.311	1.322.
1.312	1.521, 1.522.
1.313	1.322, 1.533.
1.314 (a)	1.313.
(a) and (b)	1.531.
(b) and (c)	1.323.
1.315	1.521.
No 1.316	- - -
1.317	1.325, 1.521, 1.522.
1.318	1.326, 1.522.
1.319	1.327, 1.522.
1.320	1.328, 1.526.
1.321	1.329.
1.322	1.524.
1.323	1.330, 1.524.
1.324	1.331, 1.525.
1.325	1.332.
1.326	1.333.
1.327	1.334.
1.328	1.335.
1.329	1.70.
1.330	1.527.
1.331	1.528.
1.332 (c)	1.73.
1.332 (d)	1.337.
1.332	1.321.
1.333	1.523.
1.334	1.336.
1.335	Deleted.
1.341	1.341.
1.342	1.342.
1.343	1.343.

**Old provisions  
included in new**

1.344	Deleted.
No 1.345	- - -
1.346	1.487.
1.347	1.483.
1.361	1.307, 1.545.
(d)	1.306.
1.362	1.308.
1.363	1.309, 1.550.
1.364	1.310.
1.365	1.311, 1.505.
1.366	1.312, 1.506.
1.367	1.363.
1.371	1.306, 1.351.
1.372	1.353.
1.373	1.354.
1.374	1.357.
1.375	1.71, 1.530.
1.376	1.529.
1.377	1.67.
1.378	1.355.
1.379	1.356.
1.381	1.312, 1.506.
1.382	1.361, 1.547.
1.363	1.64.
1.384	1.65.
1.385	1.362, 1.548.
1.386	1.192.
1.387	1.140.
1.388	1.104.
1.389	1.141.
1.390	1.191.
1.391	1.364.
1.401	1.61.
1.402	1.62.
1.403	1.63.
1.404	1.72.
1.410	1.681.
1.501	1.442.
1.502	Deleted.
1.503	1.444.
1.504	1.443.
1.505	1.443.
1.506	1.445.
1.507	1.443, 1.447.
1.508	1.447.
1.509	1.62.
1.510	1.446.
1.521	1.441.
1.522	1.468.
1.523	1.462.
1.524	1.448, 1.450.
1.525	1.448, 1.451.
1.526	1.448, 1.452.
1.527 (deleted)	- - -
but see	1.453.
1.528	1.454.
1.529	Deleted.
1.541	1.461.
No 1.542	- - -
1.543	1.469.
1.544	1.471.
1.545	1.472.
1.547	1.477.
1.548	1.478.
1.549	1.479.
1.550	1.480.
1.551	1.473.
1.552	1.491.
1.553	1.474.
1.554	1.475.
1.555	1.483.
1.556	1.492.
1.557	1.476, 1.487.
1.558	Deleted.
1.559	1.484.
1.560	1.486.
1.571	1.411.
1.572	1.418.
1.573	1.417.
1.574	1.418.
1.575	1.421.
1.576	1.422, 1.425.
1.577	1.429.
1.578	1.424.
1.579	Deleted.
1.580	1.423.
1.581	Deleted.
1.582	1.426.
1.583	1.426.

*Old provisions included in new*

1.584	1.427.
1.585	Deleted.
1.586	1.427.
1.587	1.428.
1.588	1.430.
1.589	1.430.
1.590	1.463.
1.591	1.463.
1.592	Deleted.
1.701	1.15.
1.702	Deleted.
1.703	1.18.
1.711	1.21.
1.712	1.22.
1.713	1.23.
1.714	1.24.
1.715	1.25.
1.716	1.140.
1.721	1.11.
1.722	1.104.
1.723	1.105.
1.724	1.106.
1.725	1.141.
1.726 (c)	1.16.
1.727	1.10, 1.11.
(a)	1.41.
1.728	1.17.
1.729	Deleted.
1.730	1.13.
1.741	1.41.
1.742	1.41.
1.743 (a)	1.41.
1.744	1.41.
1.745	1.43.
1.746	1.44.
1.747	1.45.

*Old provisions included in new*

1.748	1.42.
1.749	1.46.
1.750	1.47.
1.751	1.51.
1.761	1.50.
1.762	1.52.
1.763	1.53.
1.764	1.54.
1.765	1.55.
1.766	Deleted.
1.767	1.56.
1.768	1.14.
1.801	1.10.
1.802	1.102.
1.803	1.103.
1.811	1.113.
1.812	1.112.
1.813	1.111.
1.821 (a)	1.122.
(b)	1.123.
1.822	1.129.
(a)	1.124.
(b)	1.125.
1.823	1.126.
1.824	1.127.
1.825	1.128, 1.129.
1.826	1.128.
1.831	1.131.
1.832	1.132.
1.833	1.133.
1.834	1.134.
1.840	Deleted.
1.841	Deleted.
1.842	1.142.
1.843	1.143.
1.844	1.144.

*Old provisions included in new*

1.845	Deleted.
1.846	1.146.
1.847	1.147.
1.848	1.148.
1.849	1.149.
1.850	1.150.
1.851	1.151.
1.852	1.152.
1.853	1.153.
1.854	1.154.
1.855	1.155.
1.856	1.156.
1.857	1.157.
1.858	Deleted.
1.859	1.158.
1.871	1.171.
1.872	1.172.
1.873	1.173.
1.874	1.174.
1.875	1.175.
1.876	1.176.
1.877	1.177.
1.878	1.178.
1.879	1.179.
1.880	1.180.
1.881	1.181.
1.891	Deleted.
1.892	1.191.
1.893	1.191.
1.894	1.191.
1.895	1.191.
1.896	Deleted.
Appendix 1	1.456.
Appendix 2	Appendix.

## NOTICE TO PURCHASER

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(February 1958 Edition)

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## FEDERAL COMMUNICATIONS COMMISSION

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

(Revised; effective July 1, 1955)

#### TITLE 47—TELECOMMUNICATION

##### Chapter I—Federal Communications Commission

##### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

The Commission, by order dated June 20, 1955, editorially revised Part 2 of its Rules and Regulations, effective July 1, 1955, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

**Basis and purpose.** These rules are issued pursuant to Final Acts of the International Telecommunication and Radio Conferences, Atlantic City, 1947, ratified by the United States on June 18, 1948, and Title III of the Communications Act of 1934, as amended. In order to effectuate the purposes of that act and in particular to make available a rapid, efficient, nationwide, and worldwide wire and radio communication service the rules provide for allocations and terms of assignment and use of frequencies and call letters, and distress, disaster, and emergency radio communication common to all radio stations.

##### Subpart A—Definitions

Sec. 2.1 Definitions.

##### Subpart B—Allocation Assignment and Use of Radio Frequencies

- 2.101 Station symbols.
- 2.102 Nomenclature of frequencier
- 2.103 Assignment of frequencies
- 2.104 Frequency allocations.

##### Subpart C—Emissions

- 2.201 Emission, modulation and transmission characteristics
- 2.202 Bandwidths.

##### Subpart D—Identification of Radio Communication, and Allocation and Use of Call Signs

- 2.301 Identification of transmissions.
- 2.302 Table of allocation of call signs.
- 2.303 Table of geographic assignment of call signs.

##### Subpart E—Distress, Disaster and Emergency Communications

- 2.401 Distress messages.
- 2.402 Control of distress traffic.
- 2.403 Retransmission of distress message.
- 2.404 Resumption of operation after distress.

- Sec. 2.405 Operation during emergency.
- 2.406 National defense; free service.
- 2.407 National defense; emergency authorization.

##### Subpart F—Equipment Type Approval and Type Acceptance

- 2.501 Program defined.
- 2.510 Type approval.
- 2.511 Limitations on type approval.
- 2.512 Withdrawal or refusal of type approval.
- 2.520 Type acceptance.
- 2.521 Limitation on type acceptance.
- 2.522 Withdrawal or refusal of type acceptance.
- 2.523 General information required for type acceptance.
- 2.524 Measurement data required for type acceptance.
- 2.525 Measurement procedure for type acceptance.
- 2.530 Submission of technical information for application reference.
- 2.540 Identification and changes in equipment.
- 2.541 Radio equipment lists.
- 2.542 Limitation on availability of equipment files for public reference.
- 2.543 Making available type approved or type accepted equipment for testing or inspection.

##### Subpart G—Laws and International Treaties and Other Agreements

- 2.601 Appendix A—Laws, Treaties Agreements and Arrangements Relating to Radio.
- 2.602 Appendix B—Date and method of entry into force of ITU Radio Regulations (Atlantic City, 1947) listed in Article 47 thereof as not entering into force on 1 January 1949, based on provisions of the Geneva Agreement (Agreement of the Extraordinary Administrative Radio Conference, Geneva, 1951).

**AUTHORITY:** §§ 2.1 to 2.602 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

##### SUBPART A—DEFINITIONS

§ 2.1 **Definitions.** The following definitions are issued:

**Aeronautical advisory station (FAA).** An aeronautical station used for advisory and civil defense communications with private aircraft stations.

**Aeronautical fixed service.** A fixed service intended for the transmission of information relating to air navigation preparation for, and safety of flight.

**Aeronautical fixed station (FXA).** A station in the aeronautical fixed service.

**Aeronautical marker beacon station (RLA).** A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

**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 (FA).** 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 airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

**Aeronautical utility mobile station (MOU).** A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

**Aircarrier aircraft station (MAA).** An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

**Aircraft station (MA).** A mobile station installed on board any type of aircraft and continuously subject to human control.

**Airdrome control station (FAC).** An aeronautical station providing communication between an airdrome 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, expeditious

(1)

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 mobile service 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 side bands in a suitable detector produces the modulating wave.

**Carrier frequency.** The frequency of the carrier.

**Citizens 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 (including radio signaling, control of objects by radio, and other purposes).

**Civil Air Patrol Land Station (FLV).** 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.

**Common carrier fixed station (FXC).** A fixed station open to public correspondence.

**Contract developmental station (EXG).** 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 (FLA).** 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 or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

**Distance measuring equipment.** A radionavigation aid in the aeronautical radionavigation 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 service.** A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) 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 Hertzian waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

**Export developmental station (EXE).** 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 under the jurisdiction of a foreign government.

**Facsimile.** A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

**Facsimile broadcasting station (BCM).** A broadcasting station utilizing facsimile primarily.

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

**Fixed service.** A 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 (FXF).** 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.

**FM broadcasting station (BCF).** A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 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.

**Glide path station (RLG).** (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.

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

**Industrial radio services.** Any service of radio communication 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 function efficiently, the radio transmitting facilities of which are defined as fixed, land or mobile stations.

**Industrial, scientific, and medical equipment.** Devices which use Hertzian waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

**Instrument landing system.** A system of radionavigation, 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 (BCI).** 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 foreign or overseas points.

**Interzone station (FXY).** A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone 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 surface movement within the geographical limits of a country or continent.

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

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

**Land transportation radio services.** Any 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 (RLL).** A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

**Loran station (RLN).** A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

**Marine radio beacon station (RLM).** A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction 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 radionavigation service.** A radionavigation 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 radar, not intended for operation while in motion.

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

**Mobile radiopositioning station (PO).** A station in the radiolocation service, other than a radionavigation 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 (RLO).** A radionavigation land station in the aeronautical radionavigation service pro-

viding direct indication of the bearing (omni bearing) of that station from an aircraft.

**Operational fixed station (FXO).** 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, Marine, or Aviation Service.

**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, by reason of 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, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

**Racon.** A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

**Racon station (RLC).** A radionavigation land station which employs a racon.

**Radar.** Radiolocation system where transmission and reception are carried out at the same location, and 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.

**Radiobeacon station.** A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon 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 (RG).** A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

**Radiolocation.** Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

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

**Radiolocation station.** A station in the radiolocation service.

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

**Radionavigation land station (RL).** A station in the radionavigation service not intended for operation while in motion.

**Radionavigation mobile station (RO).** A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

**Radionavigation service.** A radiolocation service involving the use of radionavigation.

**Radionavigation station.** A station in the radionavigation service.

**Radio range station (RLR).** A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

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

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

**Remote 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.

**Remote 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 broadcast station (BCS).** A broadcasting station operated on a frequency in the band 535-1605 kilocycles.

**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.

**Surveillance radar station (RLS).** A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

**Telecommunication.** Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

**Telegraphy.** A system of telecommunication 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 (FLE).** A land station, the emissions of which are used for telemetering.

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

**Telephony.** A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

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

**Television broadcasting station (BCT).** A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

**Television inter-city relay station (FXN).** A fixed station used for inter-city transmission of television program material and related communications for use by television broadcast stations.

**Television pickup station (MLT).** A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

**Television STL station (studio-transmitter link) (FXT).** A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

**Zone station (FXZ).** A fixed 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:

Symbol	Class of station
AR.....	Amateur station.
BC.....	Broadcasting station.
BCF.....	FM broadcasting station.
BCI.....	International broadcasting station.
BCM.....	Facsimile broadcasting station.
BCS.....	Standard broadcast station.
BCT.....	Television broadcasting station.
EX.....	Experimental station.
EKE.....	Export developmental station.
EKG.....	Contract developmental station.
FA.....	Aeronautical station.
FAA.....	Aeronautical advisory station.

Symbol	Class of station
FAC.....	Airdrome control station.
FAS.....	Flying school station.
FAT.....	Flight test station.
FB.....	Base station.
FBR.....	Remote pickup broadcast base station.
FC.....	Coast station.
FD.....	Land station.
FLA.....	Developmental land station.
FLE.....	Telemetering land station.
FLU.....	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.
FXI.....	International control station.
FXJ.....	Developmental fixed station.
FXM.....	FM inter-city relay station.
FXN.....	Television inter-city relay station.
FXO.....	Operational fixed station.
FXY.....	Interzone station.
FXZ.....	Zone station.
FXT.....	Television STL station.
MA.....	Aircraft station.
MAA.....	Air carrier aircraft station.
MAP.....	Private aircraft station.
ML.....	Land mobile station.
MLR.....	Remote pickup broadcast mobile station.
MLT.....	Television pickup station.
MO.....	Mobile station.
MOA.....	Developmental mobile station.
MOE.....	Telemetering mobile station.
MOU.....	Aeronautical utility mobile station.
MOV.....	Civil air patrol mobile station.
MOZ.....	Mobile (except television pickup) station.
MS.....	Ship station.
PL.....	Land radiopositioning station.
PO.....	Mobile radiopositioning station.
RG.....	Radio direction-finding station.
RL.....	Radionavigation land station.
RLA.....	Aeronautical marker beacon station.
RLC.....	Racon station.
RLG.....	Glide Path (slope) station.
RLL.....	Localizer station.
RLM.....	Marine radio beacon station.
RLN.....	Loran station.
RLO.....	Omnidirectional range station.
RLR.....	Radio range station.
RLS.....	Surveillance radar station.
RO.....	Radionavigation mobile station.
ROA.....	Altimeter station.
SS.....	Standard frequency station.
WXD.....	Meteorological radar 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	Frequency range
VLF (very low frequency).....	Below 30 kc.
LF (low frequency).....	30 to 300 kc.
MF (medium frequency).....	300 to 3,000 kc.
HF (high frequency).....	3,000 to 30,000 kc.
VHF (very high frequency).....	30,000 kc. to 300 Mc.
UHF (ultra high frequency).....	300 Mc. to 3,000 Mc.
SHF (super high frequency).....	3,000 Mc. to 30,000 Mc.
EHF (extremely high frequency).....	30,000 Mc. to 300,000 Mc.

§ 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 herein, 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 below for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided*, That no such authorization will be granted where harmful interference would 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 such service in the table of frequency allocations.<sup>1</sup>

(b) Experimental stations, for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of 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 to the services or stations to which these frequencies are regularly assigned.

(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 in accordance with § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency 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 these 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

<sup>1</sup> From time to time when the Commission moves a service from one band to another it provides that existing stations may continue on the old band for a certain length of time, usually in order to provide for the amortization of equipment. Nothing in this section shall be construed as inconsistent with such authorizations.

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.

(kc)	(kc)
2495-2850	5550-5680
3025-3400	7300-8195
4238-4700	8476-8745
4750-5450	11400-11700
5480-5500	

(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 indi-

cated 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:

Frequency band (kc):	Effective date
14-55.....	Aug. 15, 1952
55-150.....	Aug. 15, 1952
150-200.....	Dec. 1, 1952
200-535.....	Nov. 1, 1952
535-1605.....	Dec. 1, 1952
1605-2000.....	Jan. 1, 1952
2000-25,000.....	( <sup>1</sup> )

<sup>1</sup> Date to be determined.

(5) The following is the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
10-14	Radionavigation.					10-14	Radionavigation.	a. Radionavigation land. b. Radionavigation mobile.		RADIONAVIGATION.
14-70	a. Fixed. b. Maritime mobile-(110)					14-70 (NG1)	Fixed.	Fixed.		INTERNATIONAL FIXED PUBLIC
70-90		70-90	a. Fixed. b. Maritime mobile. (110)			70-90 (NG1)	Fixed.	Fixed.		INTERNATIONAL FIXED PUBLIC.
90-110	a. Fixed. b. Maritime mobile. (110) c. Radionavigation (112)					90-110	a. Fixed. b. Maritime mobile. c. Radionavigation.	a. Coast. b. Fixed. c. Radionavigation land. d. Radionavigation mobile.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy). d. RADIONAVIGATION
110-130		110-130	a. Fixed. b. Maritime mobile.			110-130 (NG1)	a. Fixed. b. Maritime mobile.	a. Coast b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
130-150		130-150	a. Fixed. (116) b. Maritime mobile.			130-150 (NG1)	a. Fixed. b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
150-160		150-160	a. Fixed. b. Maritime mobile.			150-160 (NG1)	a. Fixed. b. Maritime mobile.	a. Coast. b. Fixed c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
160-200		160-200	Fixed. (124)			160-200 (NG1)	Fixed	Fixed.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC.
200-285		200-285	a. Aeronautical mobile. b. Aeronautical radionavigation. (125)			200-285 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31) (NG 36)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
285-290		285-290	Maritime radionavigation (Radlobacons). (127)			285-290	Maritime radionavigation. (US31)	Radionavigation land.		MARITIME RADIO- NAVIGATION.
290-325		290-325	Maritime radionavigation (Radlobacons). (127)			290-325	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIO- NAVIGATION.
325-380	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)					325-380 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
380-405	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)					380-405	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
405-415		405-415	a. Aeronautical. b. Aeronautical radionavigation. c. Maritime radionavigation (radio direction finding). (133) (137)			405-415	a. Aeronautical mobile. b. Aeronautical radionavigation (US31) c. Maritime radionavigation (radio direction finding). (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land. d. Radionavigation mobile.	110	Radio direction finding.
415-490	Maritime mobile. (139)					415-490 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
490-510	Mobile (distress and calling). (140)					490-510	Mobile.	a. Coast. b. Mobile.	500	Distress and Calling.
510-535		510-535	Mobile.			510-53. (US26)				
535-1005	Broadcasting.					535-1005 (US27) (N 324) (NG1)	Broadcasting	Broadcasting.		Standard Broadcast.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
1605-1715		1605-1715	a. Aeronautical radionavigation. b. Fixed. c. Mobile.			1605-1715 (NG1)	a. Aeronautical radionavigation. (NG25) b. Fixed. c. Land mobile. d. Maritime mobile.	a. Base. b. Mobile c. Fixed. d. Land mobile. e. Radionavigation land.	1638 1708	a. AERONAUTICAL FIXED b. AERONAUTICAL. RADIONAVIGATION. c. INDUSTRIAL. d. FIXED (in Alaska). e. INTERNATIONAL FIXED PUBLIC. f. MARITIME MOBILE. g. PUBLIC SAFETY h. Remote pickup broadcast base. i. Remote pickup broadcast mobile.
1715-1750		1715-1750	a. Aeronautical radionavigation. b. Fixed. c. Mobile.			1715-1750 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
1750-1800		1750-1800	a. Aeronautical radionavigation. b. Fixed. c. Mobile.			1750-1800 (NG1)	a. Fixed. b. Mobile. c. Radiolocation.	a. Fixed b. Land. c. Mobile		a. DISASTER. b. RADIOLOCATION
1800-2000		1800-2000	a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. d. Radionavigation. (147)			1800-2000 (NG25)	a. Amateur. b. Radionavigation.	a. Amateur b. Loran.		a. AMATEUR. b. Loran.
2000-2035		2000-2035	a. Fixed. b. Mobile.			2000-2035 (NG1)	Maritime mobile. (NG 26)	a. Coast b. Ship.		MARITIME MOBILE.
2035-2065		2035-2065	a. Fixed. b. Mobile.			2035-2065 (NG1)	Maritime mobile	Coast.		Coast (telegraphy)
2065-2105		2065-2105	Maritime mobile. (115, 269)			2065-2105 (NG30)	Maritime mobile.	Ship		Ship (telegraphy)
2105-2107		2105-2107	a. Fixed. b. Mobile (161)			2105-2107 (NG1)	Maritime mobile	Ship		Ship (telegraphy).
2107-2170		2107-2170	a. Fixed. b. Mobile (161)			2107-2170 (NG1)	a. Fixed. (NG26) b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
2170-2194		2170-2194	a. Fixed. b. Mobile (148, 161)			2170-2194 (NG1)	Maritime mobile. (NG29)	a. Coast b. Ship	2182	MARITIME MOBILE (telephony - Distress and Calling frequency).
2194-2300		2194-2300	a. Fixed. b. Mobile (151)			2194-2300 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG26)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
2300-2495		2300-2495	a. Broadcasting (150) b. Fixed. c. Mobile. (151)			2300-2495 (NG1)	a. Fixed (NG26) b. Land mobile. c. Maritime mobile.	a. Base b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
2495-2505		2495-2505	Standard frequency. (162)			2495-2505 (NG1)	Standard frequency.	Standard frequency	2500	Standard frequency

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature (OF SERVICES) (of stations)
1	2	3	4	5	6	7	8	9	10	11
2505-2850		2505-2850	a. Fixed. b. Mobile			2505-2850 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG27)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.	2638 2738 2904 2908 2912	a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. Inter-ship (telephony). Do. f. PUBLIC SAFETY Zone and interzone police. Do. Do.
2850-3025	Aeronautical mobile (R) (149)					2850-3025 (NG1)	Aeronautical mobile (R)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MO- BILE.
3025-3155	Aeronautical mobile (OR) (149)					3025-3155 (NG1)	Aeronautical mobile (OR)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MO- BILE.
3155-3200	a. Fixed. b. Mobile except aeronautical mobile (R) (149)					3155-3200 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska and Puerto Rico). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3200-3230	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile (R) (149)					3200-3230 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG27)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3230-3240	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile					3230-3240 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3240-3400	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile.					3240-3400 (NG1)	a. Fixed b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3400-3500	Aeronautical mobile. (R) (149)					3400-3500 (NG1)	Aeronautical mobile.	a. Aeronautical b. Aircraft.		AERONAUTICAL MO- BILE.
3500-4000		3500-4000	a. Amateur. b. Fixed. c. Mobile ex- cept aero- nautical mobile. (R) (149)			3500-4000	Amateur	Amateur.		AMATEUR.
4000-4063	Fixed.					4000-4063 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4063-4438	Maritime mobile. (155) (230)					4063-4133 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						4133-4177 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4177-4187 (NG1)	Maritime mobile.	Ship.		Ship Calling (telegraphy).
						4187-4238 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4238-4368 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						4368-4438 (NG1) (NG41)	Maritime mobile.	Coast.		Coast (telephony).
4438-4650		4438-4650	a. Fixed. b. Mobile ex- cept aero- nautical mobile. (R) (149)			4438-4650 (NG1)	a. Fixed. b. Mobile.	a. Base. b. Fixed. c. Mobile.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc) 1	Service 2	Band (kc) 3	Service 4	Band (kc) 5	Allocation 6	Band (kc) 7	Service 8	Class of station 9	Fre quency (kc) 10	Nature (OF SERVICES of stations) 11
4650-4700	Aeronautical mobile. (R) (149)					4650-4700 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
4700-4750	Aeronautical mobile. (O R) (149)					4700-4750 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
4750-4770		4750-4770	a. Broadcasting. (150) b. Fixed.			4750-4770 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4770-4850		4770-4850	a. Broadcasting. (160) b. Fixed.			4770-4850 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4850-4965		4850-4965	a. Broadcasting. (160) b. Fixed. c. Land mobile.			4850-4965 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4965-4995		4965-4995	a. Broadcasting. (180) b. Fixed. c. Land mobile.			4965-4995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4995-5005	Standard frequency. (156)					4995-5005	Standard frequency.	Standard frequency.	5000	Standard frequency.
5005-5060	a. Broadcasting. (180) b. Fixed.					5005-5060 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5060-5250	Fixed.					5060-5250 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police
5250-5450		5250-5450	a. Fixed. b. Land mobile.			5250-5450 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5450-5480		5450-5480	Aeronautical mobile. (R) (149)			5450-5480 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5480-5680	Aeronautical mobile. (R) (149)					5480-5680	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5680-5730	Aeronautical mobile (O R) (149)					5680-5730 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft		AERONAUTICAL MOBILE.
5730-5950	Fixed.					5730-5950 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5950-6200	Broadcasting.					5950-6200 (NG1)	Broadcasting.	International broadcasting.		International Broadcasting.
6200-6525	Maritime mobile. (157, 239).					6200.0-6265.5 (NG1) (NG34)	Maritime mobile.	Ship.		Ship (telegraphy).
						6265.5-6280.5 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						6280.5-6357.0 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						6357-6525 (NG1) (NG38)	Maritime mobile.	Coast.		Coast (telegraphy)
6525-6685	Aeronautical mobile (R) (149)					6525-6685 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
6685-6765	Aeronautical mobile (O R) (149)					6685-6765	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
6765-7000	Fixed.					6765-7000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.

See footnotes at end of table.

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World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
7000-7100	Amateur.					7000-7100	Amateur	Amateur.		AMATEUR.
7100-7300		7100-7300	Amateur.			7100-7300	Amateur.	Amateur.		AMATEUR.
7300-8195	Fixed.					7300-8195 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police.
8195-8815	Maritime mobile. (239, 277).					8195-8265 (NG1) (NG41)	Maritime mobile.	Ship.		Ship (telephony).
						8265-8354 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						8354-8374 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						8374-8476 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						8476-8745 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						8745-8815 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
8815-8965	Aeronautical mobile (R). (149)					8815-8965 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
8965-9040	Aeronautical mobile (O R). (149)					8965-9040 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
9040-9500	Fixed					9040-9500 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
9500-9775	Broadcasting.					9500-9775 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
9775-9995	Fixed					9775-9995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
9995-10005	Standard frequency. (161)					9995-10005	Standard frequency.	Standard frequency.	10000	Standard frequency.
10005-10100	Aeronautical mobile (R) (149)					10005-10100 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
10100-11175	Fixed.					10100-11175 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC
11175-11275	Aeronautical mobile. (O R) (149)					11175-11275 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11275-11400	Aeronautical mobile (R). (149)					11275-11400 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11400-11700	Fixed.					11400-11700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC
11700-11975	Broadcasting.					11700-11975 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
11975-12330	Fixed					11975-12330 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
12330-13200	Maritime mobile. (163) (239)					12330-12400 (NG1)	Maritime mobile.	Ship.		Ship (telephony)
						12400-12531 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12531-12561 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						12561-12714 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12714-13130 (NG1)	Maritime mobile.	Coast		Coast (telegraphy).
						13130-13200 (NG1)	Maritime mobile.	Coast.		Coast (telephony).

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
13200-13280	Aeronautical mobile (OR). (149)					13200-13280 (NG1)	Aeronautical mobile	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13280-13360	Aeronautical mobile (R). (149)					13280-13360 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13360-14000	Fixed. (164)					13360-14000 (NG1)	Fixed.	Fixed.	13500	a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC. c. Industrial, scientific and medical equipment.
14000-14350	Amateur.					14000-14350	Amateur.	Amateur.		AMATEUR.
14350-14990	Fixed.					14350-14990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
14990-15010	Standard frequency. (168)					14990-15010	Standard frequency	Standard frequency	15000	Standard frequency
15010-15100	Aeronautical mobile (OR). (149)					15010-15100 (NG1)	Aeronautical mobile	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
15100-15450	Broadcasting.					15100-15450 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
15450-16460	Fixed.					15450-16460 (NG1)	Fixed	Fixed		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC
16460-17360	Maritime mobile. (167, 229)					16460-16530 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						16530-16708 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						16708-16748 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						16748-16952 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						16952-17290 (NG1)	Maritime mobile.	Coast		Coast (telegraphy).
						17290-17360 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
						17360-17700	Fixed.			
17700-17900	Broadcasting.					17700-17900 (NG1)	Broadcasting.	International broadcasting.		International broadcasting
17900-17970	Aeronautical mobile (R) (149)					17900-17970 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft		AERONAUTICAL MOBILE.
17970-18030	Aeronautical mobile (OR) (149)					17970-18030 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
18030-19990	Fixed.					18030-19990 (NG1)	Fixed	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
19990-20010	Standard frequency. (168)					19990-20010	Standard frequency.	Standard frequency		Standard frequency.
20010-21000	Fixed.					20010-21000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21000-21450	Amateur.					21000-21450	Amateur.	Amateur.		AMATEUR.
21450-21750	Broadcasting.					21450-21750 (NG1)	Broadcasting.	International broadcasting.		International broadcasting
21750-21850	Fixed.					21750-21850 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21850-22000	a. Aeronautical fixed. b. Aeronautical mobile.					21850-22000 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequen- quency (kc)	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
22000-22720	Maritime mobile. (239)					22000-22070 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						22070-22220 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						22220-22270 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						22270-22400 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						22400-22650 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						22650-22720 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
22720-23200	Fixed.					22720-23200 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
23200-23350	a. Aeronautical fixed. b. Aeronautical mobile. (OR) (149)					23200-23350 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.
23350-24990	a. Fixed. b. Land mobile. (169)					23350-24990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequen- cy Mc	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
24.99-25.01 (170)	Standard frequency.			24.99-25.01 (US17)	G.					
25.01-25.60	a. Fixed. b. Mobile except aeronautical mobile.			25.01-25.33	NG.	25.01-25.33 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	25.02-25.32 (NG45)	INDUSTRIAL.
25.6-26.1	Broadcasting.			25.33-26.85 (US17)	G.					
26.1-27.5 (172)	a. Fixed. b. Mobile except aeronautical mobile.			25.85-26.48	NG.	26.85-26.10 (NG1, 22, 32)	Broadcasting.	International broadcasting.		International broadcasting.
				26.10-26.48 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	26.11-26.47 (NG45)	Remote pickup broadcast base; remote pickup broadcast mobile.		
				26.48-26.95 (US17)	G.					
				26.95-27.54	NG.	26.95-26.96 (NG1)	Fixed.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
(171)		27.5-28.0	a. Fixed. b. Mobile.			26.96-27.23 (NG2)	Amateur. (US1)		27.12	Industrial, scientific, and medical equipment.
						27.23-27.28 (NG1, 2)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		
						27.28-27.54 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	27.29-27.53 (NG45)	INDUSTRIAL.
27.5-28.0				27.54-28.00 (US17)	G.					

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc 1	Service 2	Band Mc 3	Service 4	Band Mc 5	Allocation 6	Band Mc 7	Service 8	Class of station 9	Frequency Mc 10	Nature (OF SERVICES of stations) 11
28.0-29.7	Amateur.			28.0-29.7	Amateur (US1)	28.0-29.7	Amateur.	Amateur.		AMATEUR.
29.7-88.0		29.7-44.0	a. Fixed. b. Mobile.	29.70-29.89	NG.	29.70-29.80 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	29.71-29.79 (NG45)	INDUSTRIAL.
						29.80-29.89 (NG1)	Fixed.	Fixed.	29.81-29.88 (NG44)	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				29.89-29.91 (US17)	G.					
				29.91-30.00	NG.	29.91-30.00 (NG1)	Fixed.	Fixed.	29.92-29.98 (NG44)	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				30.00-30.56 (US17)	G.					
				30.56-32.00	NG.	30.56-32.00 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	30.58-30.62	INDUSTRIAL.
									30.66-30.82 (NG46)	INDUSTRIAL; LAND TRANSPORTATION.
									30.85-31.14 (NG46)	LAND TRANSPORTATION; PUBLIC SAFETY.
									31.18-31.98 (NG46)	PUBLIC SAFETY.
				32-33 (US17)	G.					
				33-34	NG	33-34 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	33.02-33.06 33.10	PUBLIC SAFETY. Do. Do.
									33.14-33.38 (NG46)	INDUSTRIAL.
									33.42-33.98 (NG46)	PUBLIC SAFETY.
				34-35 (US17)	G.					
				35-36	NG.	35.00-35.04 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.02	INDUSTRIAL.
						35.04-35.20 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	35.06 35.10 35.14 35.18	INDUSTRIAL; MARITIME MOBILE Do. Do. Do.
						35.2-36.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.22-35.66 (NG46)	DOMESTIC PUBLIC.
									35.70-35.98 (NG46)	LAND TRANSPORTATION.
				36-37 (US17)	G.					
				37-38	NG.	37-38 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	37.02-37.42 (NG46)	PUBLIC SAFETY.
									37.45-37.86 (NG46)	INDUSTRIAL.
									37.90-37.94 37.98	PUBLIC SAFETY. Do. Do.
				38-39 (US17)	G.					
				39-40	NG.	39-40 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	39.02-39.98 (NG46)	PUBLIC SAFETY.
				40-42 (US2) (US17) (US29)	G				40.68	Industrial, scientific and medical equipment.
				42-44	NG.	42-43 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	42.02-42.94 (NG46)	PUBLIC SAFETY.
									42.98	INDUSTRIAL.

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See footnotes at end of table.



World wide		Region 2		United States		Federal Communications Commission						
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations		
1	2	3	4	5	6	7	8	9	10	11		
118-132  (195)	Aeronautical mobile (R). (149) (265)			108-123 (US6)	G. NG.	118-132 (US6)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.1-121.3 (NG49)	Airdrome control.		
		121.5	AERONAUTICAL MOBILE.									
		121.7	Aeronautical utility land; Aeronautical utility mobile.									
		121.9	Do.									
		122.1	Private aircraft.									
		122.3	Do.									
		122.5	Do.									
		122.7	Aeronautical Advisory Station.									
		122.8	Private aircraft.									
		122.9	Do.									
								123.1	Flight test; Flying school.			
								123.3	Do.			
								123.5	Do.			
								123.7-131.9 (NG50)	AERONAUTICAL MOBILE.			
132-144		132-144	a. Fixed. b. Mobile.	132-144 (US17)	G.							
144-146	Amateur.			144-148	Amateur. (US1)	144-148	Amateur.	Amateur.		AMATEUR.		
146-235  (196)		146-148	Amateur.									
		148-174	a. Fixed. b. Mobile.	148-182 (US17, 21)	G.				148.14	Civil Air Patrol land. Civil Air Patrol mobile.		
						182-182	NG.	182.00-186.25 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	182.03 182.09 182.15 182.21	DOMESTIC PUBLIC.
											182.27	LAND TRANSPORTATION.
											182.23 182.29 182.45	Do. Do. Do.
											182.51-182.81 (NG48)	DOMESTIC PUBLIC.
											182.87-183.71 (NG48)	INDUSTRIAL (NG6)
											183.77-184.43 (NG48)	PUBLIC SAFETY.
											184.49 184.57	INDUSTRIAL. Do.
											184.65-186.21 (NG48)	PUBLIC SAFETY.
								186.25-187.45 (NG1)	Maritime mobile.	a. Coast. b. Ship.	186.3 186.4 186.5 186.6 186.7 186.8 186.9 187.0	MARITIME MOBILE. (NG7, 8) Do. (NG7, 31) Do. (NG7, 31) Do. (NG7, 9) Do. (NG7) Do. (NG10) Do. (NG7) Do. (NG7, 31)
							(US20)				187.1 187.2	GOVERNMENT. Do.
											187.3	MARITIME MOBILE. (NG7)
											187.4	Do. (NG7)
								187.46-181.85 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	187.53 187.59 187.65 187.71	LAND TRANSPORTATION. Do. Do. Do.
											187.77-188.07 (NG48)	DOMESTIC PUBLIC.
											188.12-188.43 (NG48)	INDUSTRIAL.
											188.49 188.55 188.61 188.67	DOMESTIC PUBLIC. Do. Do. Do.
											188.73-189.45 (NG48)	PUBLIC SAFETY.
											189.51-181.79 (NG48)	LAND TRANSPORTATION. (NG11)

See footnotes at end of table.

World wide		Region :		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
				(US24)		161.85-162.00 (NG1)	Maritime mobile.	Coast.	161.00 162.00	Coast. (NG7, 10, 37) Do. (NG7)
				162-174 (US17) (US19) (US22) (US25)	G.				166.25 170.15	PUBLIC SAFETY: Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY Do. Do. Do. Do. Do. Do. Do. Do.
				(US20)		173.2-173.4 (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.	173.225 173.275 173.325 173.375	INDUSTRIAL Do. Do. Do.
		174-216	a. Broadcasting. b. Fixed. c. Mobile.	174-216	NG.	174-216 (NG1)	Broadcasting.	Television broadcasting.	175.25 179.75 181.25 185.75 187.25 191.75 193.25 197.75 199.25 203.75 205.25 209.75 211.25 215.75	Video } Channel 7. Sound } Video } Channel 8. Sound } Video } Channel 9. Sound } Video } Channel 10. Sound } Video } Channel 11. Sound } Video } Channel 12. Sound } Video } Channel 13. Sound }
		216-220	a. Fixed. b. Mobile.	216-220 (US 8, 17)	G.				217.425 217.475 217.525 217.560 217.575 217.625 217.675	Telemetering land; Telemetering mobile Do. Do. Do. Do. Do.
									219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do. Do.
		220-225	Amateur.	220-225	Amateur. (US1)	220-225 (NG20)	Amateur.	Amateur.		AMATEUR.
		225-235	a. Fixed. b. Mobile.	225.0-328.6 (US10, 17)	G.					
235.0-328.6	a. Fixed. b. Mobile.									
328.6-335.4 (260)	Aeronautical radionavigation.			328.6-335.4	G, NG.	328.6-335.4	Aeronautical radionavigation.	Radionavigation land.		Glide path.
335.4-420.0	a. Fixed. b. Mobile (208)			335.4-400.0 (US10, 17)	G.					
				400-406	G, NG.	400-406	Meteorological aids.	Radiosonde.		
				406-420 (US17, 25)	G.					
420-450	a. Aeronautical radionavigation. b. Amateur. (210) (211)			420-450 (US11)	Amateur. (US1) (US18)	420-450	Amateur.	Amateur.		AMATEUR.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission					
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of SERVICES of stations	
1	2	3	4	5	6	7	8	9	10	11	
450-460		450-460	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211)	450-960 (US11)	NG.	450-460 (NG1, 22)	Land mobile	a. Base. b. Land mobile.	450.05-450.95 (NG49)	Remote pickup broadcast base. Remote pickup broadcast mobile.	
									451.05-451.95 (NG49)	INDUSTRIAL.	
									452.05-452.95 (NG49)	LAND TRANSPORTATION	
									453.05-453.95 (NG49)	PUBLIC SAFETY	
									454.05-454.95 (NG49)	DOMESTIC PUBLIC.	
									455.05-455.95 (NG49)	Remote pickup broadcast base. Remote pickup broadcast mobile.	
									456.05-456.95 (NG49)	INDUSTRIAL.	
									457.05-457.95 (NG49)	LAND TRANSPORTATION	
									458.05-458.95 (NG49)	PUBLIC SAFETY.	
									459.05-459.95 (NG49)	DOMESTIC PUBLIC.	
460-470	a. Fixed. b. Mobile.					460-470 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS RADIO	
470-685	Broadcasting.					470-600 (NG 1)	Broadcasting.	Television. Broadcasting.			
685-610		685-610	Broadcasting.			600-690 (NG1) (NG42)	Broadcasting.	Television broadcasting.			
610-940 (212)	Broadcasting. (214)					890-940 (NG1)	a. Broadcasting. b. Fixed.		915	Industrial, scientific and medical equipment.	
940-960		940-960	Fixed.			940-952 (NG1, 13)	Fixed.	FM broadcast STL. (NG14)			
						952-960 (NG1, 15)	Fixed.	a. International control. b. Operational fixed.			
960-1215	Aeronautical radionavigation			960-1215 (US12)	G, NG.	960-1215	Aeronautical radionavigation.				
1215-1300	Amateur.			1215-1300	Amateur. (J81)	1215-1300	Amateur	Amateur.		AMATEUR.	
1300-1700	(216)	1300-1660	Aeronautical radionavigation. (218)	1300-1700 (US14)	G, NG.	1300-1365	Aeronautical radionavigation.	Surveillance radar. (Pulsed emission only.)			
		1660-1700	Meteorological aids (radiosonde).			1365-1660	Aeronautical radionavigation.	Radionavigation (including altimeter).			
						1660-1700	Meteorological aids (radiosonde).		1680	Radiosonde	
1700-2300	a. Fixed. b. Mobile.					1700-1850 (US17)	G.				
						1850-2200	NG.	1850-1990 (NG1, 13)	Fixed.	a. International control. b. Operational fixed	
								1990-2110 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG 16)	
								2110-2300 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.	
				2200-2300 (US17)	G.						

See footnotes at end of table.

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World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
2300-2450 (220)	Amateur.			2300-2450	Amateur.	2300-2450	Amateur.	Amateur.	2450	Industrial, scientific and medical equipment.
2450-2700 (220)	a. Fixed. b. Mobile			2450-2700	NG.	2450-2500 (NG1) 2500-2700 (NG1, 13)	a. Fixed. b. Mobile. (NG17) Fixed	a. International control. b. Operational fixed.		
2700-2900	Aeronautical radionavigation. (222)			2700-3300	G, NG.	2700-2900	a. Aeronautical radionavigation. b. Meteorological aids.			
2900-3300	Radionavigation. (223, 224)					2900-3246 (NG18) (NG39) 3246-3266 3266-3300 (NG18)	Radionavigation. Radionavigation. Radionavigation.	Racon.	3266	Racon.
3300-3900		3300-3500 3500-3600	A amateur. a. Fixed. b. Mobile.	3300-3500 3500-4200	Amateur. NG.	3300-3500 3500-3700 (NG1)	Amateur. Mobile.	Amateur.		AMATEUR.
3900-4200	a. Fixed. b. Mobile.					3700-4200 (NG1)	Fixed.	Common carrier fixed.		
4200-4400 (260)	Aeronautical radionavigation.			4200-4400	G, NG.	4200-4400	Aeronautical radionavigation.	Altimeter.		
4400-5000	a. Fixed. b. Mobile.			4400-5000 (US17)	G.					
5000-5250 (261)	Aeronautical radionavigation.			5000-5650	G, NG.	5000-5250	Aeronautical radionavigation.			
5250-5650	Radionavigation. (226, 227)					5250-5440 (NG18) 5440-5460 5460-5650 (NG18)	Radionavigation. Radionavigation. Radionavigation.	Racon.	5450	Racon
5650-5850 (228)	Amateur			5650-5925	Amateur.	5650-5925	Amateur	Amateur.	5850	Industrial, scientific, and medical equipment.
5850-5925 (228)		5850-5925	Amateur.							
5925-8500	a. Fixed. b. Mobile.			5925-7125	NG.	5925-6425 (NG1) 6425-6575 (NG1) 6575-6875 (NG1, 13) 6875-7125 (NG1)	Fixed. Mobile Fixed. a. Fixed. b. Mobile	Common carrier fixed. a. Land. (NG12) b. Mobile (except television pickup). a. International control. b. Operational fixed. a. Television pickup. b. Television STL. (NG16)		
8500-9800	Radionavigation. (230, 231)			7125-8500 (US17) 8500-9800	G. G, NG					
						8500-9000 9000-9300 (NG18) 9300-9320 9320-9500 (NG18) 9500-9800	Radionavigation. Radionavigation. Radionavigation. Radionavigation. Radionavigation.	Racon.	9310	Racon.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
9800-10000	a. Fixed. b. Radionavigation.			9800-9900	NG.	9800-9900 (NG1)	Fixed.	Fixed.		
				9900-10000 (US17)	G.					
10000-10500	Amateur.			10000-10500	Amateur.	10000-10500	Amateur.	Amateur.		AMATEUR.
Above 10500 not allocated.				10500-10700 (US15)	G, NG.				10600	Industrial, scientific and medical equipment.
				10700-12200	NG.	10700-11700 (NG1)	Fixed.	Common carrier fixed.		
						11700-12200 (NG1)	Mobile.	a. Land (NG12) b. Mobile (except television pickup).		
						12200-12700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						12700-13200 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL (NG16)		
				13200-16000 (US17)	G.					
				16000-18000 (US16)	NG.	16000-18000 (NG1)	a. Fixed. b. Mobile.		18000	Industrial, scientific and medical equipment.
				18000-21000 (US16) (US17)	G.					
				21000-23000	Amateur.	21000-23000	Amateur.	Amateur.		AMATEUR.
				23000-26000 (US17)	G.					
				26000-30000	NG.	26000-30000 (NG1)	a. Fixed. b. Mobile.			
				Above 30000	G, NG.			a. Amateur. b. Experimental.		

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.

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

(116) 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.

(133) 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 133, the aeronautical radionavigation service has priority over the aeronautical mobile service.

(139) Limited to telegraphy.

(140) The frequency 500 kc is the international distress and calling frequency. The conditions for its use are prescribed in article 33 of the Radio Regulations (Atlantic City, 1947).

(147) In any particular area the Loran system of radionavigation operates either on 1850 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.

(148) The frequency 2182 kc is the distress and calling frequency for the maritime mobile service (telephony). The interested 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).

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

(150) For the conditions of use of this band by the broadcasting service see 243, 244 and 250-254 (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 4063-4438 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.

(156) The standard frequency is 5000 kc.

(157) The band 6200-6525 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.

(161) The standard frequency is 10,000 kc.

(163) Between 12,925 and 13,200 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 with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.), with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(164) The frequency 13,560 kc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 0.05\%$  of this frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

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

(167) Between 17,160 and 17,360 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 with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(168) The standard frequency is 20,000 kc.

(169) Inter-ship telegraphy in the maritime mobile service is permitted in the band 23,350-24,000 kc.

(170) The standard frequency is 25 Mc.

(171) The frequency 27.12 Mc is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of  $\pm 0.6$  percent 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.

(172) In Region 2, Australia, New Zealand, the Union of South Africa, and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96-27.23 Mc.

(176) The frequency 40.68 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 0.05\%$  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.

(184) The frequency 75 Mc is designated for aeronautical marker beacons. In Region 1, the guard band is  $\pm 0.2$  Mc; in Regions 2 and 3,  $\pm 0.4$  Mc.

(195) The frequency 121.5 Mc is the aeronautical emergency frequency in this band.

(198) The frequency 156.80 Mc is designated for world-wide use for safety, calling

and Intership and harbor control communications in the maritime mobile service (simplex telephony). Any other use of this frequency should be avoided in areas where such other use is liable to cause harmful interference to the maritime mobile service. The interested administrations will ensure, by special arrangements where necessary, that an adequate guard band is provided. In Region 2, its use for this purpose will be restricted to the frequency modulated type of transmission (F3) and it is strongly recommended that the same type of transmission be adopted for this purpose in Regions 1 and 3.

(208) The meteorological aids service (radiosonde) may be operated in the band 400-420 Mc.

(210) In the band 420-460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420-460 Mc is temporary and is exclusively for altimeters.

(212) In Region 2, the frequency 915 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 25$  Mc 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.

(214) In Region 2, the fixed service may operate in the band 890-940 Mc.

(216) In Region 2, the band 1300-1660 Mc is intended for an integrated system of electronic aids to air navigation and traffic control. Administrations of the other Regions should envisage the possibility of the future application of such a system on a world-wide basis.

(218) In Region 2 and the United Kingdom, the use of the band 1300-1365 Mc is restricted to surveillance radar.

(220) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 2450 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 50$  Mc 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.

(222) The meteorological aids service may be operated in the band 2700-2900 Mc.

(223) The band 3246-3266 Mc is designated for racons.

(224) In the band 2900-3300 Mc shipborne radar in merchant ships is confined within the band 3000-3246 Mc.

(226) The band 5440-5460 Mc is designated for racons.

(227) In the band 5250-5650 Mc shipborne radar in merchant ships is confined within the band 5460-5650 Mc.

(228) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom the frequency 5850 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 75$  Mc 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.

(230) The band 9300-9320 Mc is designated for racons.

(231) In the band 8500-9800 Mc shipborne

radar in merchant ships is confined within the band 9320-9500 Mc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.

(259) The band 328.6-335.4 Mc is for the use of the Instrument Landing System (glide path).

(260) The band 4200-4400 Mc is for the use of radio altimeters.

(261) The band 5000-5250 Mc is for the use of instrument landing systems.

(269) In Region 2, the frequency band 2088.5-2099.5 kc is reserved exclusively for calling (telegraphy only).

(277) The frequency 8364 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 23,000 kc and wishing to establish, with stations of the maritime mobile service, communications relating to search and rescue.

#### NG FOOTNOTES

NG1 On the condition that harmful interference will not be caused to services operating in accordance with 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 nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG2 Emissions from industrial, scientific, and medical equipment using the frequency 27.12 Mc must be confined to the band 26.96-27.28 Mc.

NG3 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, on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5. In any area in the continental United States, the Aviation service and Marine service may each be authorized to use four of the frequencies in the band 72-76 Mc listed in column 10 for operational fixed stations in these services.

NG4 Facsimile broadcasting stations may be authorized in the band 88-108 Mc.

NG5 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.

NG6 The use of the frequencies in the block 152.87-153.35 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 Radio services.

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.29, 157.35, 157.41, 157.47, 161.85, 161.91, and 161.97 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the Maritime Mobile Service except that on the frequencies 157.05 and 157.11 Mc this authority may be extended only to those sta-

tions authorized prior to April 28, 1952, Public Safety Service operations at points within 150 statute miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

NG8 The international intership service has priority on this frequency.

NG9 The international port operational service, on a simplex basis, has priority on this frequency.

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

NG11 The use of the frequencies in the block 159.51-161.79 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 lowest 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 be caused to stations operating in accordance with the table of frequency allocations.

NG15 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.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG17 Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450-2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

NG18 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 radionavigation service.

NG19 In the Chicago area only, the frequency 161.85 Mc may be authorized to base and land mobile stations only for train communications in the Railroad Radio Service.

NG20 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53' N., on the east by longitude 105°40' W., on the north by parallel 33°24' N., and on the west by longitude 106°40' W., the frequency band 220-225 Mc is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire 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 emer-

gencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG21 For radiolocation activities of 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 Disaster Communications Service between the times at New Orleans of sunset and sunrise or at any time during an actual or imminent disaster in any area.

Stations in the Disaster Communications Service shall not cause harmful interference to radiopositioning stations between the times at New Orleans of sunrise and sunset except during an actual or imminent disaster in any area.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG23 (a) The amateur service may use, in any area, whichever bands, 1800-1825, 1875-1900, 1900-1925 or 1975-2000 kc, are not required for Loran 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 radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

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

(4) Amateur operation shall be limited to:

Area	Bands (kilocycles)	Direct current plate input power in watts	
		Day	Night
Minnesota, Iowa, Missouri, Arkansas, Louisiana, and States to the east of these States, including District of Columbia, North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States, except State of Washington.....	1800-1825, 1875-1900	500	200
	1900-1925, 1975-2000	500	200
State of Washington.....	1900-1925, 1975-2000	200	50
Texas, Oklahoma, and Kansas.....	1800-1825, 1875-1900	200	75
Hawaiian Islands.....	1900-1925, 1975-2000	500	200
Puerto Rico and Virgin Islands.....	1800-1825, 1875-1900	500	200
Alaska, Guam, and other Territories and possessions of the United States not listed above.....	None	No operation	No operation

(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 radionavigation.

NG24 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG25 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc and 1708 kc only.

NG26 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.

NG27 Fixed stations in the Public Safety Radio Service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 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 common carrier fixed stations for inter-island communications only.

NG29 The frequency 2182 kc may be authorized to fixed stations associated with the maritime mobile service for the sole 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 (not open to public correspondence) and associated land mobile 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 assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall, at all times, have priority.

NG32 The use of frequencies in the band 25.85-26.1 Mc may be authorized in any area to remote pickup 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 stations in the broadcasting service.

NG34 The frequency, 6240 kc, may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG35 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 Transportation Radio Services on 161.85 Mc.

NG38 The frequency 6455 kc may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG39 Experimental stations used by educational institutions for purposes of technical instruction in, and demonstration of, microwave techniques using pulsed emissions only may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations in the Radiolocation Service.

NG41 The frequencies 4067, 4372.4 and 8205.5 kc may be authorized for use by either ship or coast radiotelephone stations operating in the Mississippi River system.

NG42 Stations in the International Fixed Public Radiocommunication Service in Florida, South of 25°30' North Latitude, may be authorized to use frequencies in the band 716-890 Mc on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG44 The spacing between frequency assignments in this band shall be 10 kc. The first and last assignable frequencies are those indicated in column 10.

NG45 The spacing between frequency assignments in this band shall be 20 kc. The first and last assignable frequencies are those indicated in column 10.

NG46 The spacing between frequency assignments in this band shall be 40 kc. The first and last assignable frequencies are those indicated in column 10.

NG47 The spacing between frequency assignments in this band shall be 50 kc. The first and last assignable frequencies are those indicated in column 10.

NG48 The spacing between frequency assignments in this band shall be 60 kc. The first and last assignable frequencies are those indicated in column 10.

NG49 The spacing between frequency assignments in this band shall be 100 kc. The first and last assignable frequencies are those indicated in column 10.

NG50 The spacing between frequency assignments in this band shall be 200 kc. The first and last assignable frequencies are those indicated in column 10.

#### US FOOTNOTES

US1 Pulsed emissions prohibited.

US2 Emissions from industrial, scientific and medical equipment using the frequency 40.68 Mc must be confined to the band 40.66-40.70 Mc.

US4 The use of the frequency 75 Mc by aeronautical marker beacons is temporary and may be authorized until they are moved to a frequency band allocated for the aeronautical radionavigation service, or until they are no longer required. (See notes 216 and US12).

US5 The frequency assignment plan in effect for both governmental and nongovernmental stations in the band 108-132 Mc is indicated in columns 10 and 11.

US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

US8 In the government band 216-220 Mc, the frequencies 217.425 through 217.675 Mc and 219.325 through 219.575 Mc, inclusive, may be authorized for use by non-government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

US10 This band is designated for government stations, with adequate channels to be reserved for civil aviation.

US11 The aeronautical radionavigation service will not be permitted to use the band 420-480 Mc after Feb. 15, 1958.

US12 The band 960-1215 Mc is for distance measuring and other functions related to those performed in the band 1365-1660 Mc.

US14 In non-military aviation, it is not anticipated that the altimeter function will be performed in the band 1365-1660 Mc except in coordination with other functions required for an aeronautical radionavigation system.

US15 Emissions from industrial, scientific and medical equipment using the frequency 10600 Mc must be confined to the band 10500-10700 Mc. Sharing by radiocommunication services is to be determined at a later date.

US16 Emissions from industrial, scientific and medical equipment using the frequency 18000 Mc must be confined to the band 17850-18150 Mc. Radiocommunication services operating within the band 17850-18150 Mc must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US18 Amateur power to be limited to 50 watts until Feb. 15, 1958.

US19 The use of the frequencies 170.475, 171.425, 171.575 and 172.275 Mc east of the Mississippi River and 170.425, 170.575, 171.475, 172.225 and 172.375 Mc west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire fighting agencies. In addition, land stations operated by non-Federal conservation agencies for mobile relay operation only, may be authorized to use the frequency 172.275 Mc east of the Mississippi River and the frequency 171.475 Mc west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government Stations.

US20 In order to provide for inter-communication for safety purposes between government and non-government stations in the maritime mobile service, the frequencies 157.1 and 157.2 Mc are allocated exclusively in all areas, to government stations in the fixed and mobile services, and the frequencies 173.225, 173.275, 173.325, 173.375 Mc are allocated exclusively in all areas, to non-government stations in the fixed and land mobile services.

US21 The use of the frequency 148.14 Mc may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations

on the condition that harmful interference will not be caused to government stations in the band 148-152 Mc.

US22 The use of the frequencies 166.250 and 170.150 Mc may be authorized to non-government Remote Pickup broadcast base and land mobile stations and to non-government base, fixed, and land mobile stations in the Public Safety Radio services (the sum of the band width of emission and tolerance not to exceed 60 kc) in Continental U. S. only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to government stations present or future in the government band 162-174 Mc. The use of these frequencies by Remote Pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the Public Safety radio services will not be authorized except for locations within 150 miles of New York City.

US24 The use of the frequency 162.0 Mc may be authorized to non-government coast stations only.

US25 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the following frequencies may be authorized to non-government fixed stations on the condition that harmful interference will not be caused to government stations:

Mc.	Mc.	Mc.	Mc.
169.425	170.325	171.825	406.250
169.475	170.375	171.875	406.350
169.525	171.025	171.925	412.450
169.575	171.075	171.975	412.550
170.225	171.125	406.050	412.650
170.275	171.175	406.150	412.750

US26 This frequency band is not available to non-government stations.

US27 The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the services operating on 500 kc, and in the band 510-535 kc.

US28 Airdrome control stations may continue to be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US29 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the frequency 40.68 Mc may be authorized to non-government fixed stations in the states of Pennsylvania and West Virginia on the condition that harmful interference will not be caused to Government stations.

US31 Navigation aids in U. S. and possessions between 200 and 415 kc are normally operated by the U. S. Government. However, authorizations may be made by the Commission for non-government operation in this band subject to the conclusion of appropriate arrangements between the Commission and the government agencies concerned and upon special showing of need for service which the government is not yet prepared to render.

(b) *Stipulation regarding frequencies below 27.5 Mc.* The international table of frequency allocations below 27.5 Mc in force is stipulated by the provisions of paragraphs 1076 and 1077 of the Atlantic City, 1947 Radio Regulations.

(c) *Explanation 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) In column 6 (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.

(3) 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**

§ 2.201 *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..... A
- (2) Frequency (or phase) modulation. F
- (3) Pulsed emission..... P

(c) Types of transmission are symbolized according to the following numbers:

- (1) Absence of any modulation intended to carry information..... 0
- (2) Telegraphy without the use of modulating audio frequency..... 1
- (3) 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)..... 2
- (4) Telephony..... 3
- (5) Facsimile..... 4
- (6) Television..... 5
- (7) Composite transmissions and cases not covered by the above..... 9

(d) Supplementary characteristics are symbolized in accordance with the following letters:

- (1) Double sideband, full carrier... (None)
- (2) Single sideband, reduced carrier... a
- (3) Two independent sidebands, reduced carrier..... b

(e) The classification of emissions is tabulated below:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol	
1. Amplitude.	Absence of any modulation.....	.....	A0	
	Telegraphy without the use of modulating audio frequency (on-off keying).....	.....	A1	
	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).....	.....	A2	
	Telephony.....	Double sideband, full carrier.. Single sideband, reduced carrier. Two independent sidebands, reduced carrier.	A3 A3a A3b	
	Facsimile.....	.....	A4	
	Television.....	.....	A5	
	Composite transmissions and cases not covered by the above.....	.....	A9	
	Composite transmissions.....	Reduced carrier.....	A9c	
	2. Frequency (or phase) modulated.	Absence of any modulation.....	.....	F0
		Telegraphy without the use of modulating audio frequency (frequency shift keying).....	.....	F1
Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).....		.....	F2	
Telephony.....		.....	F3	
Facsimile.....		.....	F4	
Television.....		.....	F5	
Composite transmissions and cases not covered by the above.....		.....	F9	
3. Pulsed emissions.		Absence of any modulation intended to carry information.....	.....	P0
		Telegraphy without the use of modulating audio frequency.....	.....	P1
		Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse).....	Audio frequency or audio frequencies modulating their pulse in amplitude. Audio frequency or audio frequencies modulating the width of the pulse. Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2d P2e P2f
	Telephony.....	Amplitude modulated pulse.. Width modulated pulse..... Phase (or position) modulated pulse.	P3d P3e P3f	
	Composite transmissions and cases not covered by the above.....	.....	P9	
	(4) Other emissions, reduced carrier....	.....	.....	c
		(5) Pulse, amplitude modulated.....	.....	d
		(6) Pulse, width modulated.....	.....	e
		(7) Pulse, phase (or position) modulated.....	.....	f

- (4) Other emissions, reduced carrier.... c
- (5) Pulse, amplitude modulated..... d
- (6) Pulse, width modulated..... e
- (7) Pulse, phase (or position) modulated..... f

(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.

§ 2.202 *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 formula-

tion of the table, the following working terms have been employed:

- B = Telegraph speed in bauds.
- $\frac{N}{T}$  = 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  $\frac{N}{T}$  or greater than B, as the case may be. Instantaneous frequency is the rate of change of phase.
- t = 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

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
Continuous wave telegraphy: A1.	$BK$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	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, $B=170$ , $K=5$ bandwidth: 850 c/s.	0.1A1 0.85A1
Telegraphy modulated at audio frequency: A2.	$BK+2M$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute with 1,000-cycle tone. $B=20$ bandwidth: 2,100 c/s.	2.1A2
Commercial telephony: A3.	$M$ , for single sideband..... $2M$ , for double sideband.....	For ordinary single sideband telephony, $M=3,000$ . For high-quality single sideband telephony, $M=4,000$ .	3A3a 4A3a
Broadcasting: A3.	$2M$	$M$ may vary between 4,000 and 10,000 depending upon the quality desired.	8A3 to 20A3
Facsimile.	$\frac{KN}{T} + 2M$  $K=1.5$	The total number of picture elements (black and white) transmitted per second = the circumference of the cylinder (height of picture) $\times$ number of lines per unit length $\times$ speed of rotation of cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm = 3.77. Speed of rotation 1 turn per second. Frequency of modulation = 1,500 c/s. Bandwidth: 3,600 + 1,242 = 4,842 c/s.	4.8A4
Carrier modulated by tone and by keying: A4.	$\frac{KN}{T} + 2M$  $K=1.5$	The total number of picture elements (black and white) transmitted per second = the number of lines forming each image $\times$ number of elements per line $\times$ number of pictures transmitted per second. Number of lines = 500. Number of elements per line = 500. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s.	9000A5

II. FREQUENCY MODULATION

Frequency-shift telegraphy: F1.	$BK+2D$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Four-channel multiplex with 7-unit code, 60 words per minute per channel: $B=170$ . $K=5$ . $D=425$ . Bandwidth: 1,700 c/s.	1.7F1
Commercial telephony and broadcasting: F3.	$2M+2DK$ For commercial telephony, $K=1$ . For high-fidelity transmission higher values of $K$ may be necessary	For an average case of commercial telephony with: $D=15,000$ . $M=3,000$ . Bandwidth: 36,000 c/s.	36F3
Facsimile: F4.	$\frac{KN}{T} + 2M+2D$  $K=1.5$	(See facsimile, amplitude modulation). Cylinder diameter = 70 mm. Lines per mm = 3.77. Cylinder speed = 1 r. p. s. Modulation tone = 1,500 c/s. $D=10,000$ c/s. Bandwidth: 25,000 c/s (approximately).	25F4

III. PULSED EMISSIONS

Unmodulated pulse: P0.	$\frac{K}{T}$  $K$ 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.	$t=3 \times 10^{-4}$ $K=6$ Bandwidth: $4 \times 10^6$ c/s	4000P0
Modulated pulse: P2 or P3.	The bandwidth depends upon the particular types of modulation used, many of these being still in the development stage.		

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 licensee, for the same location, the Commission will assign a separate call sign to each station in a different class, according to the following table:

Col. 1 Class of station	Col. 2 Composition of call sign	Col. 3 Call sign blocks available
Coast <sup>1</sup> .....	3 letters.....	KAA thru KZZ. WAA thru WZZ. KAA2 thru KZZ2. WAA2 thru WZZ2. KAA20 thru KZZ20. WAA20 thru WZZ20. KAA200 thru KZZ200. WAA200 thru WZZ200.
Aeronautical <sup>2</sup> .....	3 letters, 1 digit.....	KAAA thru KZZZ. WAAA thru WZZZ. KAAA2 thru KZZZ2. WAAA2 thru WZZZ2. KAAA20 thru KZZZ20. WAAA20 thru WZZZ20.
Fixed, <sup>3</sup> coastal telephone in Alaska.....	3 letters, 2 digits.....	KAAA20 thru KZZZ20. WAAA20 thru WZZZ20.
Land (other than aeronautical and coast) <sup>4</sup> .....	3 letters, 3 digits.....	KAAA200 thru KZZZ200. WAAA200 thru WZZZ200.
Mobile telegraph (other than ship and aircraft).....	4 letters, 1 digit.....	KAAA2 thru KZZZ2. WAAA2 thru WZZZ2.
Mobile telephone (other than ship and aircraft).....	2 letters, 4 digits.....	KAAA2000 thru KZZZ2000. WAAA2000 thru WZZZ2000.
Ship telegraph.....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ. WA2000 thru WZ2000.
Ship telephone <sup>5</sup> .....	2 letters, 4 digits.....	KAAA2000 thru KZZZ2000. WAAA2000 thru WZZZ2000.
Ship telegraph and telephone.....	Same as for ship telegraph.....	
Ship radar <sup>6</sup> .....	Same as ship telephone.....	
Ship radar and telegraph.....	Same as for ship telegraph.....	
Ship radar and telephone.....	Same as for ship telephone.....	
Aircraft telegraph.....	5 letters.....	KAAAA thru KZZZZ. WAAAA thru WZZZZ.
Aircraft telephone.....	Registration Number.....	
Aircraft telegraph and telephone.....	Same as for Aircraft telegraph.....	
Lifeboats, liferafts and other survival craft.....	Call sign of parent ship or Aircraft plus 2 digits from 20 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See Parts 8 and 9 of this chapter.	
Broadcasting (standard).....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ. KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM).....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM) (where the last 2 letters are FM). Do.....	5 letters <sup>7</sup> ..... 6 letters.....	KAA-FM thru KZZ-FM. WAA-FM thru WZZ-FM. KAAA-FM thru KZZZ-FM. WAAA-FM thru WZZZ-FM.
Broadcasting (television).....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (television) (where the last 2 letters are TV). Do.....	5 letters <sup>8</sup> ..... 6 letters.....	KAA-TV thru KZZ-TV. WAA-TV thru WZZ-TV. KAAA-TV thru KZZZ-TV. WAAA-TV thru WZZZ-TV. KA2XAA thru KZ2XZZ. WA2XAA thru WZ2XZZ. K1AA thru K2ZZ. W1AA thru W2ZZ. K1AAA thru K2ZZZ. W1AAA thru W2ZZZ. KA1AA thru K2ZZZ. WA1AA thru W2ZZZ. KA1AAA thru K2ZZZZ. WA1AAA thru W2ZZZZ. WWV and WWVH.
Experimental (where the letter "X" follows the digit). Amateur (letter X may not follow digit)..... Do..... Do..... Do.....	(2 letters, 1 digit, 3 letters)..... (1 letter, 1 digit, 2 letters)..... (1 letter, 1 digit, 3 letters)..... (2 letters, 1 digit, 2 letters)..... (2 letters, 1 digit, 3 letters).....	
Standard frequency.....		

<sup>1</sup> Except for coastal telephone stations in the Territory of Alaska.  
<sup>2</sup> Assignment shall be made according to the call sign district in which the station is located.  
<sup>3</sup> See Part 8 of this chapter for assignment of call signs to ships documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signaling.  
<sup>4</sup> Any three-letter call sign now authorized for use by a licensee of a standard broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.  
<sup>5</sup> A available only to licensees of Standard broadcast stations already assigned a three-letter call sign.

**§ 2.303 Table of geographic assignment of call signs.** The following geographic allocation of call signs will be used for all fixed, land, and radionavigation land stations except coast stations (other than coastal telephone stations in Alaska).

Call sign area	Call sequence <sup>1,2</sup>
Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	KAA-KBZ WAA-WBZ
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	KCA-KDZ WCA-WDZ
New Jersey, New York.....	KEA-KFZ WEA-WFZ
Delaware, District of Columbia, Maryland, Pennsylvania.....	KGA-KHZ WGA-WEZ
Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia.	KIA-KJZ WIA-WJZ
Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas.....	KKA-KLZ WKA-WLZ
California.....	KMA-KNZ WMA-WNZ
Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.....	KOA-KPZ WOA-WPZ
Michigan, Ohio, West Virginia.....	KQA-KRZ WQA-WRZ
Illinois, Indiana, Wisconsin.....	KSA-KTZ WSA-WTZ
Pacific areas.....	KUA-KVZ KWA-KZZ
Alaska.....	KWA-KZZ
Atlantic-Caribbean areas.....	WWA-WWZ

<sup>1</sup> Broadcasting station calls do not follow the sequence of this table.  
<sup>2</sup> The first two letters of Experimental Station calls will follow the sequence of this table.

**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 mobile 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 transmit 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 routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

**§ 2.405 Operation during emergency.** The licensee 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 sent 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 Washington, D. C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further*, (d) That in no event shall any 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 expressly provided 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, on 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 30th day of June and 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 handled 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 points of communication, 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 in those services where equipment is generally standardized, to promote the improvement of equipment and to promote the efficient use of the radio spectrum the Commission has designed two specific procedures for securing advance approval of equipment. These procedures are designated as type approval and type acceptance. Ordinarily, type approval contemplates tests conducted by Commission personnel, while type acceptance is based on data concerning the equipment submitted by the manufacturer or the individual prospec-

tive licensee. The procedures described in the sections that follow are intended to apply to equipment in those services which specifically require either type approval or type acceptance. These procedures may also be applied to equipment components, such as radio frequency power amplifiers, etc., to the extent specified in the rules of the particular service in which such components will be used.

**§ 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 Secretary of the Commission. The letter shall specify the part of the rules under which type approval is desired and shall include any information specifically required to be submitted under such part of the rules. In addition the request shall describe the equipment to be tested and include the size and weight of each component. In most cases, the Commission will advise 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 change whatsoever is 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 a determination with respect to features 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 that prescribed 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 order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type approval has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type approval requirements of the Commission.

(d) 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.

(e) Any person affected by a refusal to grant type approval may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in section 0.202 of the Commission's rules.

**§ 2.520 Type acceptance.** (a) Type acceptance of equipment is based on representations and test data submitted to the Commission by the manufacturer or prospective licensee. This information may be subject to check by Commission measurements.

(b) A separate 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 post card and public notice will be given 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, and 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

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 as a determination with respect to mechanical features, nor of reliability under service conditions, except as provided for in the rules of the service under which the equipment is accepted.

(b) Type acceptance 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.

§ 2.522 *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 of the rules. The procedure for withdrawal of type acceptance shall be the same as that prescribed 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 acceptance, the procedure to be followed 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 in question is eligible to receive any new type acceptance.

(e) Any person affected by a refusal to grant type acceptance may file a petition for reconsideration 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, the Commission may require additional information, test data, or testing in its own Laboratory at Laurel, Maryland, before determining the acceptability of any specific 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 § 2.540.

(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 rating as defined in the applicable 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, instruction books when available, 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 § 2.523 (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 meet the modulation requirements of the rules under which the equipment is to be licensed.

(3) Equipment which employs modulation limiting: If a modulation limiting device or circuit is incorporated in the equipment a curve showing the percentage of modulation versus the modulation input voltage shall be supplied.

(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 overmodulation when modulated by an input signal 16 db greater than that required to produce 50 percent modulation: Test at 2500 cycles.

(4) Voice modulated transmitter without a device to prevent overmodulation 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 7500 cycles at 85 percent modulation. FM broadcast transmitters, including TV aural transmitters, when modulated with a frequency of 15 kc at 85 percent modulation.

(6) 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.

(d) 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 output terminals when properly loaded with a suitable artificial antenna. Curves 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 carrier modulated under 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 radiations.* 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:

(i) Those in which the spurious emissions are required to be 60 db or more below the carrier level.

(ii) All equipment operating on frequencies higher than 25 Mc.

(iii) 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 possible in the present state of the art 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:

(1) *Temperature.* Vary the ambient temperature from  $-30^{\circ}$  to  $+50^{\circ}$  Centigrade for non-broadcast equipment. Use suitable limits for broadcast equipment. Only the oscillator need be subjected to this test.

(2) *Primary supply voltage.* Vary the primary supply voltage from 85 percent to 115 percent of the normal supply voltage at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided.

**§ 2.525 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 proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of 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 imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

**§ 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 it 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. When a change is requested, the Commission may authorize the change or require that the modified equipment be identified with a new number and be resubmitted for type approval tests.

(d) Permissive changes may be made in type accepted equipment without prior Commission approval. There are two classifications of permissive changes, neither of which may involve change of type as defined in paragraph (a) of this section. The first classification includes those modifications in type accepted equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when obtaining type acceptance. There is no requirement that the Commission be notified of such changes. The second classification of permissive changes includes those which bring the performance of the equipment outside the manufacturers' rated limits as originally filed but not below the minimum requirements of the applicable rules. The Commission shall be supplied with complete information and results of tests regarding this class of permissive changes, in accordance with § 2.520 (b), prior to the operation of the modified equipment under an authorization of 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 such a change is requested the Commission may authorize the change or require that the modified equipment be identified with a new type number and that additional information be submitted

for further consideration as to type acceptance.

(f) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

(g) Users shall not modify their own equipment except as provided in paragraph (c) or (d) of this section, as applicable.

**§ 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 any 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 these 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 and to which the United States of America is a party, are listed below:

Date	Series <sup>1</sup>	Subject
1925	T. S. 724-A	Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767-A	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in E. A. S. 62. (Not available at the Government Printing Office.)
1929	T. S. 777-A	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland). (Not available at the Government Printing Office.)
1934	E. A. S. 62	Communications Act of 1934, as amended.
1934	E. A. S. 66	Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in T. S. 767-A. Effected by exchange of notes Apr. 23 and May 2 and 4, 1934. Entered into force on May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 72	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 109	Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedure established in the NARBA (T. S. 962, E. A. S. 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 938). (Not available at the Government Printing Office.)
1937	T. S. 938	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Habana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcasting Agreement (NARBA) between the United States, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. Entered into force Mar. 29, 1941. E. A. S. 227 and TIAS 1553 supplement this Agreement. (Not available at the Government Printing Office.)
1938	T. S. 949	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939. (Not available at the Government Printing Office.)
1938	E. A. S. 136	Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. Entered into force Mar. 29, 1940. (Not available at the Government Printing Office.)
1938	E. A. S. 142	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, August, September, October, November and December 1938. Entered into force Aug. 1, 1938. (Not available at the Government Printing Office.)
1939	E. A. S. 143	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 196	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553). (Not available at the Government Printing Office.)
1944	E. A. S. 400	Agreement between the United States and Canada regarding Construction and Operation of Radio Broadcasting Stations in Northwestern Canada. Effected by exchange of notes signed at Ottawa Nov. 5, and 25, 1943, and Jan. 17, 1944. Entered into force Jan. 17, 1944. (Not available at the Government Printing Office.)
1946	TIAS 1527	Agreement between the United States and the Union of Soviet Socialist Republics at Moscow, May 24, 1946. Entered into force May 24, 1946. (Not available at the Government Printing Office.)
1946	TIAS 1553	North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D. C., Feb. 25, 1946. Entered into force March 29, 1946. (See T. S. 962 and E. A. S. 227.) Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc) (TIAS 1802 which entered into force Apr. 1, 1948). (Not available at the Government Printing Office.)
1947	TIAS 1652	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947. (Not available at the Government Printing Office.)

Date	Series <sup>1</sup>	Subject
1947	TIAS 1670	Interim Arrangement between the United States and Canada with respect to Mobile Radio Transmitting Stations. Effected by exchange of notes signed at Washington, D. C., June 25 and Aug. 20, 1947. Entered into force Aug. 20, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1676	Agreement between the United States and the United Nations relative to headquarters of the U. N. Signed at Lake Success, June 29, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U. N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.) (Not available at the Government Printing Office.)
1947	TIAS 1726	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r. f. band 85-108 Mc. Effected by exchange of notes signed at Washington, D. C., Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1901	International Telecommunication Convention, Final Protocol and Radio Regulations. Signed at Atlantic City, Oct. 2, 1947, superseding the International Telecommunications Convention, Madrid, 1932. Entered into force Jan. 1, 1949, except for Radio Regulations enumerated in Article 47. However, the effective date provisions of Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (This printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Final Acts of the Atlantic City Conference, which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.)
1948	TIAS 1802	Arrangement between the United States and Canada concerning Radio Broadcasting. Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc). Effected by exchange of notes signed at Washington, D. C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.)
1948	TIAS 2495	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London, June 10, 1948. Entered into force Nov. 10, 1952.
1949	TIAS 2175	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention (Atlantic City, 1947) and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950.
1949	TIAS 2435	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force, Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	TIAS 2489	Inter-American Radio Agreement between the United States and Canada and Other American Republics. <sup>2</sup> (Fourth Inter-American Radio Conference.) Signed at Washington, D. C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	TIAS 2423	Arrangement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	TIAS 2223	Agreement between the United States and Liberia regarding Radio Communication between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1951	TIAS 2508	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in either country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951	TIAS 2259	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo May 12 and 14, 1951. Entered into force May 14, 1951.
1951	TIAS 2366	Agreement between the United States and Mexico which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10 and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2366 is amended by TIAS 2654 which was signed at Mexico City June 4 and 25, 1952.)
1951	TIAS 2459	Agreement between the United States and Cuba concerning the Control of Electromagnetic Radiation. Effected by exchange of notes signed at Habana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	TIAS 2768	Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) not brought into force Jan. 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952.
1952	TIAS 2520	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Habana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	TIAS 2548	Agreement between the United States and Denmark regarding the Registration of Frequencies Used in Greenland by United States Authorities. Effected by exchange of notes signed at Washington, D. C., Mar. 25 and Apr. 4, 1952. Entered into force Apr. 4, 1952.

T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

<sup>1</sup> In addition, certain resolutions and recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 at Washington, D. C., on July 9, 1949. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

Date	Series <sup>1</sup>	Subject
1952	TIAS 2594.....	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa Apr. 23, 1952, and June 23, 1952. Entered into force June 23, 1952. (Not available at the Government Printing Office.)
1952	TIAS 2654.....	Amendment to TIAS 2366. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico June 4 and 25, 1952. Entered into force June 25, 1952.
1952	TIAS 2666.....	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by Means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Ratifications exchanged at Washington, D. C., Nov. 13, 1952. Entered into force Nov. 13, 1954. (Not available at the Government Printing Office.)
1952	TIAS 2701.....	Agreement between the United States and Haiti regarding Short Range Aid to Navigation. Effected by exchange of notes signed at Port-au-Prince Aug. 22 and 29, 1952. Entered into force Aug. 29, 1952.
1952	TIAS 2705.....	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.

<sup>1</sup> T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

(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:

Date	Series <sup>1</sup>	Subject
1912	T. S. 581.....	International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 3, 1912. Entered into force July 1, 1913. (Not available at the Government Printing Office.)
1927	T. S. 767.....	International Radiotelegraph Convention and General Regulations. Signed at Washington, D. C., Nov. 25, 1927. Entered into force Jan. 1, 1929. (Not available at the Government Printing Office.)
1932	T. S. 867.....	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force Jan. 1, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 200.....	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Habana Dec. 13, 1937. Entered into force July 1, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago Jan. 28, 1940 (E. A. S. 231). Countries which approved the 1937 Arrangement but which have not approved the 1940 Arrangement are: Haiti, Mexico, Panama, and Peru. (Not available at the Government Printing Office.)
1938	T. S. 948.....	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). Entered into force Sept. 1, 1939. (Not available at the Government Printing Office.)

<sup>1</sup> T. S.—Treaty Series. E. A. S.—Executive Agreement Series.

Date	Series <sup>1</sup>	Subject
1940	E. A. S. 231.....	Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference). Signed at Santiago Jan. 20, 1940. (Not available at the Government Printing Office.)

<sup>1</sup> T. S.—Treaty Series. E. A. S.—Executive Agreement Series.

(c) The following treaties, agreements, and arrangements have been signed by the United States of America and are included for informational purposes because of their importance, or for the imminence of their effective dates:

Date	Series	Subject
1950	.....	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D. C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State Telecommunications Policy Staff, Washington 25, D. C.)
1952	.....	Buenos Aires International Telecommunication Convention. A revision of the Atlantic City Convention of 1947. Subject to completion of ratification procedure in the United States. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

<sup>1</sup> TIAS—Treaties and Other International Acts Series.

(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:

Date	Series <sup>1</sup>	Subject
1944	TIAS 1891.....	International Civil Aviation Convention. <sup>2</sup> Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present	.....	ICAO Regional Air Navigation Meetings, Communications Committee Final Reports. <sup>2</sup>
1946	.....	ICAO Communication Division, Second Session, Montreal. <sup>2</sup>
1949	.....	ICAO Communication Division, Third Session, Montreal. <sup>2</sup>
1951	.....	ICAO Communication Division, Fourth Session, Montreal. <sup>2</sup>
1954	.....	ICAO Communication Division, Fifth Session, Montreal. <sup>2</sup>

<sup>1</sup> TIAS—Treaties and Other International Acts Series.

<sup>2</sup> Not Available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Building, 1080 University St., Montreal, Canada.



Description of the provisions of the Radio Regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.	Description of the provisions of the Radio Regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.
Number	Subject			Number	Subject		
ARTICLE 10...	NOTIFICATION AND REGISTRATION OF FREQUENCIES: IFRB—GENERAL	1 MAR. 52.....	204	590-594.....	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SHIPS.	AS FROM DATE WHEN EACH STATION COMMENCES OPERATION IN APPROPRIATE AT. CTY. BANDS.	294
309-351.....	PROCEDURE IN CONNECTION WITH IFRB—NOTIFICATION & REGISTRATION: 10-14 KC.....	THIS BAND NOT MENTIONED IN GENEVA AGREEMENT.		595-599.....	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SHIPS & AIRCRAFT.	1 MARCH 52.....	294
	14-55 KC WORLD-WIDE.....	15 AUG. 52.....	206	600 (1st sentence).....	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SURVIVAL CRAFT.	1 MARCH 52.....	294
	55-150 KC WORLD-WIDE.....	15 AUG. 53.....	206	600 (2d sentence).....	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SURVIVAL CRAFT.	SAME DATES AS CALLING BANDS APP. 10; DATES TO BE AGREED PER PROCEDURE 130, 134 & 138 GEN. AGR.	294, 301
	150-285 kc Region 1 African area.....	1 July 52.....	206	601.....	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SURVIVAL CRAFT.	1 MARCH 52.....	294
	150-255 kc Region 1 (exc. Afr. area).....	No date in Geneva Agreement; see 207 G. A. re Interim procedures.		621.....	GENERAL RADIOTELEGRAPH PROCEDURE IN MM & AERO MBL SERVICES.	AS FROM DATE WHEN EACH STATION COMMENCES OPERATION IN APPROPRIATE AT. CTY. BAND.	294
	150-200 KC REGION 2.....	1 DEC. 52.....	206	711-724.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52.....	294
	150-200 kc Region 3.....	1 Feb. 53.....	206	725 (1st sentence).....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52.....	294
	200-635 KC REGION 2.....	1 NOV. 52.....	206	725 (2d sentence).....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM. & AERO MBL SERVICES.	DATES SPECIFIED IN 176-191 G. A. FOR ENTRY INTO FORCE OF APPROPRIATE BAND (SEE 109 RR ABOVE).	294
	200-415 kc Region 3.....	4 Jan. 53.....	206	726-729.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM. & AERO MBL SERVICES.	1 MARCH 52.....	294
	255-285 kc Region 1 (exc. Afr. area).....	1 July 52.....	206	730-732.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	DATES SPECIFIED IN 176-191 G. A. FOR ENTRY INTO FORCE OF APPROPRIATE BAND (SEE 109 RR ABOVE).	294
	285-315 kc Region 1 African area.....	1 Jan. 53.....	206	733-754.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52.....	294
	285-320 kc (exc. Afr. area).....	1 Aug. 53.....	206	755-763.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	SAME DATE AS APPROPRIATE BAND APP. 10; DATE TO BE AGREED PER PROCEDURE 130, 134 & 138 G. A.	294, 301
	315-405 kc Region 1 African area.....	1 July 52.....	206	764-767.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52.....	294
	320-415 kc Region 1 (exc. Afr. area).....	1 July 52.....	206	768.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	SAME DATE AS APPROPRIATE BAND APP. 10; DATE TO BE AGREED PER PROCEDURE 130, 134 & 138 G. A.	294, 301
	405-525 kc Region 1 African area.....	1 May 52.....	206	769, 770.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52.....	294
	415-1605 kc Region 1 (exc. Afr. area).....	No date in Geneva Agreement; see 207 G. A. re Interim Procedures.		771, 772.....	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	SAME DATE AS APPROPRIATE BAND APP. 10; DATE TO BE AGREED PER PROCEDURE 130, 134 & 138 G. A.	294, 301
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**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.<sup>1</sup>

Part No. 2—Frequency allocations and Radio Treaty Matters; General Rules and Regulations.

Effective date: July 1, 1955.

Revised date: June 20, 1955.

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Name  
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Address  
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City State

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<sup>1</sup> 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.



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# FEDERAL COMMUNICATIONS COMMISSION

## Part 19—Citizens Radio Service

(September 1958 Edition)

### TITLE 47—TELECOMMUNICATION

#### Chapter I—Federal Communications Commission

##### PART 19—CITIZENS RADIO SERVICE

The Commission, by its Second Report and Order, FCC 58-798 adopted July 31, 1958, in Docket 11994, revised Part 19 of its rules and regulations, effective September 11, 1958, to read as set forth below.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] GORDON J. KENT,  
Acting Secretary.

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- 19.2 Definitions.
- 19.3 Policy governing the assignment of frequencies.
- 19.4 General citizenship restrictions.

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AUTHORITY: §§ 19.1 to 19.107 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

##### SUBPART A—GENERAL

§ 19.1 *Basis and purpose.* The rules and regulations set forth in this part are issued 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 signaling, 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 signaling, 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 60 watts or less. (Class A stations are authorized to be operated as mobile stations, as base stations, or as fixed stations.)

*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 B stations are authorized to be operated as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

*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, or on the frequency 27.255 Mc, 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. (Class C stations are authorized to operate as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

*Class D 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. (Class D stations are authorized to operate as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

*Fixed station.* A station in the fixed service.

*Land station.* A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part.)

*Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For the purposes of this part, the term includes hand-carried and pack-carried units.)

(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 percent of the total radiated power.

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**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 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 the frequencies which are available for use by Class B, C, or D stations, are listed in Subpart C. All applicants for, and licensees of, stations in this service shall cooperate in the selection and 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 held 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-fifth 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: Aliens or their representatives; a foreign government or representatives

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.

#### SUBPART B—APPLICATIONS AND LICENSES

**§ 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, any person 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 state, territorial or local civil defense organization, 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 to 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 the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Citizens Radio Service are discussed 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 crystal controlled, 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.

(d) 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 applicant be an unincorporated association: *Provided, however*, That applications may be signed by the attorney for an applicant in case of physical disability of the applicant or his absence from the continental United States. If it 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 505, 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 A, Class B, Class C, or Class D 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 completion of construction 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 § 19.24).

(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 designated for hearing. 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. In lieu of 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 form, a failure to comply 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 with the Commission 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 date of 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 or 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 a new station on FCC Form 505, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superseding 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 terms 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", or, 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.

§ 19.25 *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 either:

(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, or 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.

(b) 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 radiating 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:

Mc	Mc	Mc	Mc
462.55	463.15	465.30	465.90
462.60	463.20	465.35	465.95
462.65	464.75	465.40	466.00
462.70	464.80	465.45	466.05
462.75	464.85	465.50	466.10
462.80	464.90	465.55	466.15
462.85	464.95	465.60	466.20
462.90	465.05	465.65	466.25
462.95	465.10	465.70	466.30
463.00	465.15	465.75	466.35
463.05	465.20	465.80	466.40
463.10	465.25	465.85	466.45

(b) The frequency 465.00 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 (a) 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.

Mc	Mc	Mc
26.995	27.095	27.195
27.045	27.145	27.255

<sup>1</sup> The frequency 27.255 Mc is shared with stations in other services.

(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.

Mc	Mc	Mc	Mc
26.965	27.035	27.115	27.185
26.975	27.055	27.125	27.205
26.985	27.065	27.135	27.215
27.005	27.075	27.155	27.225
27.015	27.085	27.165	
27.025	27.105	27.175	

(e) Subject to the proceeding in Docket No. 11959, 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:

Mc	Mc	Mc	Mc
460.05	460.30	460.55	460.80
460.10	460.35	460.60	460.85
460.15	460.40	460.65	460.90
460.20	460.45	460.70	460.95
460.25	460.50	460.75	

(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) circuit of the electron tube or tubes which supply energy to the radiating system of a station in this service shall not exceed the following values:

Class of station	Maximum plate power input
Class A	60 watts.
Class B	5 watts.
Class C	5 watts. <sup>1</sup>
Class D	5 watts.

<sup>1</sup> A maximum plate power input of 80 watts is permitted on the frequency 27.255 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:

Class of station	Maximum authorized plate power input	Frequency tolerance	
		Fixed and base	Mobile
		Percent	Percent
A	3 watts or less	.001	.005
A	over 3 watts	.001	.001
B	3 watts or less		.5
B	over 3 watts		.3
C	5 watts or less <sup>1</sup>		.005
C	over 5 watts (27.255 Mc only)		.005
D	5 watts or less		.005

<sup>1</sup> Class C stations of 3 watts or less plate power input which are used solely for the remote control of objects or devices by radio (other than devices used solely as a means of attracting attention) are permitted a frequency tolerance of .01%.

**§ 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 functions is to establish and maintain voice communication between stations.

(e) Other types of emission not described in paragraph (a) of this section may be authorized for Class A 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 station (including tolerance and bandwidth occupied by the emission) shall be confined to the frequency band 462.525-467.475 Mc.

(c) Except in the case of Class B citizens radio stations operating only on the frequency 465.00 Mc (see § 19.31 (b)), the maximum authorized bandwidth of the emission of any station employing amplitude modulation (Type A2 or A3 emission) shall be 8 kilocycles, and the maximum authorized bandwidth of the emission of any station employing frequency or phase modulation (Type F2 or F3 emission) shall be 40 kilocycles. The use of Type F2 or F3 emission in the frequency band 26.96-27.28 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 50 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 harmonic 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:	Attenuation (db)
Over 3 watts	50
3 watts or less	40

<sup>1</sup> 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 peaks.

(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  $\pm 15$  kc and the simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

§ 19.41 *Technical measurements.* Where 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 utilized by a station authorized for operation under this part must be a type which is included on 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 2 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 2 of this chapter. Such transmitters, if accepted, will not normally be included on 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 Sec-

retary 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 must send a typical 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 documents 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 Federal Communications 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 a common type or model number with a radio receiver, unless such receiver has been certificated 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 each transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the transmitter 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 manu-

facturer 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 replacement by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the generation of radio frequency currents 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 effect 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 ambient 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 in lots of less than 100 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 standard application form. The Commission may, at its discretion, require that such equipment or a prototype thereof be made available to its laboratory at Laurel, 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 employs crystal control: *And 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 be used to provide a radiocommunication 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) All 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 are disrupted or inadequate as a result of hurricane, flood, 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 again available, and 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 (h) of this section, a citizens radio station used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention, shall not be operated in a manner which involves the continuous radiation of energy.

(g) Except as provided in paragraph (h) of this section, a citizens radio 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 citizens 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 citizens 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 serial number appearing on 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 all communications as well as at least once every ten minutes during every transmission of more than ten minutes' duration: *Provided*, That, in the case of stations conducting an exchange of several transmissions in sequence with each transmission less than three minutes' duration, the call sign of the communicating stations 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 base or fixed 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 radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the rules in this part until such deviation is corrected.

§ 19.71 *Operator requirements.* (a) Except for stations using manually operated telegraphy transmitting by 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, during the course of normal rendition of service, be operated only by the holders of either a Radiotelegraph Third Class Operator Permit or a higher class of 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 such station, 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 controlled when being 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 retained in the permanent records 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

where such transmitter is not in view from the location from which the station is controlled.

(c) The following information shall be entered on each Transmitter Identification Card (FCC Form 452-C, Revised) which is used for transmitter or station identification in accordance with the foregoing:

- (1) Name of the station licensee;
- (2) Station call sign assigned by the Commission (see § 19.62);
- (3) Exact location or locations of the permanent station records;
- (4) Frequency or frequencies upon which the associated transmitter is adjusted to operate; and
- (5) Signature of the licensee.

§ 19.73 *Inspection of stations.* All stations and records of stations in the Citizens Radio Service shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 19.74 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or Office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 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 answer 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) Date, time, and 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):

(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 to insure 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 a call sign or 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 A 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: *Provided*, That when 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 inside the same 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 relating to civil defense activities 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 is 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 at certain intervals of time, 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 may, at any time, order the discontinuance of such special use of the authorized facilities.

#### SUBPART E—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, if desired, 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 systems and insuring 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 a means not covered by subparagraph (1) or (2) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reason why methods described in subparagraph (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 Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM, and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.

(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(3) Return carrier to the air for approximately 5 seconds.

(4) Cut the transmitter carrier for approximately 5 seconds.

(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 cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver".

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (6) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (1) through (6) is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message.)

The CONELRAD Radio Alert message as set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD

operating procedure. The precise CONELRAD Radio Alert message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) All radio stations in the Citizens Radio Service not directly receiving the CONELRAD Radio Alert must use caution 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 communications 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 stations' carrier shall be removed from the air during periods of no message transmission.

(3) 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 ordered discontinued. All radio stations are authorized to return to normal op-

eration 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

Radio 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.

U. S. GOVERNMENT PRINTING OFFICE: 1958 O-479015



**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.<sup>1</sup>

**Part 19—Citizens Radio Service**

(September 1958 Edition)

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Name  
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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.

<sup>1</sup> 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.

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# 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 1132), Part 4 is recapitulated as of June 1, 1955 to read as set forth below:

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

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AUTHORITY: §§ 4.1 to 4.682 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

#### IN GENERAL

§ 4.1 *Broadcast services covered by this part.* The following broadcast services are covered by this part:

(a) Experimental and developmental broadcast:

(1) Experimental television broadcast (Subpart A).

(2) Experimental facsimile broadcast (Subpart B).

(3) Developmental broadcast (Subpart C).

(b) Auxiliary broadcast:

(1) Remote pickup broadcast (Subpart D).

(2) Broadcast STL and FM intercity relay (Subpart E).

(3) Television pickup (Subpart F).

(4) Television STL (Subpart F).

(5) Television inter-city relay (Subpart F).

#### 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 inter-city 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.

(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 new transmitting 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 a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

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

§ 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 without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of 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 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-

tinue valid during Commission consideration of the 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 construed as approval by 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:

*Class of Station and Date of Expiration*

Experimental television broadcast station: Apr. 1.

Experimental facsimile broadcast station: Mar. 1.

Developmental broadcast station: May 1.

(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 90 days prior to the expiration date of the license sought to be renewed, and each 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 ex-

perimentally' 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 lead to or make necessary the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

**§ 4.22 Repetitious applications.** (a) Where an applicant has been afforded an opportunity to be heard with respect to 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

<sup>1</sup> The phrases "station licensed experimentally" and "experimental station" are used interchangeably.

control of a corporation, which is a permittee or licensee:

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

(2) Within thirty days after the occurrence of such death or legal disability, 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 transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public.<sup>1</sup>

**§ 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:

**GROUP A**

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

**GROUP B**

Megacycles <sup>1,2</sup>	Megacycles <sup>1,2</sup>	Megacycles <sup>1,2</sup>
480-500	620-640	760-780
500-520	640-660	780-800
520-540	660-680	800-820
540-560	680-700	820-840
560-580	700-720	840-860
580-600	720-740	860-880
600-620	740-760	

<sup>1</sup> The channel divisions of this band are tentative and subject to change.

<sup>2</sup> Higher frequency channels for experimental television will be announced 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 aural and visual carrier waves with side bands for

<sup>3</sup> The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast.

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

(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.

§ 4.113 *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 on expense 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 receivers utilized 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.

(7) Program for further developments in television broadcasting.

(8) All developments and major changes in equipment.

(9) Any other pertinent developments.

(b) Special or progress reports shall be submitted from time to time as the Commission shall direct.

#### RULES RELATING TO LICENSING POLICIES

§ 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 developments 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, such licensees 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 to 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 *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 individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.133 *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 needs shall be made by informal application.

§ 4.134 *Multiple ownership.* No persons (including all persons under com-

mon 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 programs of research require a licensing of two or more separate stations.

#### RULES RELATING TO EQUIPMENT

§ 4.151 *Equipment 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 as measured, 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 *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.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.164 *Station inspection.* The licensee 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 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. However, if the station is licensed for portable-mobile<sup>2</sup> 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 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<sup>2</sup> operation, a verification card<sup>4</sup> is 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 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.

§ 4.167 *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 (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 sup-

plemental or additional orders in each case as may be deemed necessary.

#### OTHER RULES RELATING TO OPERATION

§ 4.181 *Station records.* (a) The licensee of each experimental television 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 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 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 aural 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 "rebroadcast" means reception by radio of the program<sup>5</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>6</sup>

(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.<sup>7</sup>

(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.

<sup>5</sup> As used in this section the word "program" includes any complete program or part thereof.

<sup>6</sup> 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.

<sup>7</sup> Informal application may be employed.

#### SUBPART B—RULES GOVERNING EXPERIMENTAL FACSIMILE BROADCAST STATIONS

##### DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 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. More than one frequency may be assigned under the provisions of paragraph (b) of this section if a need therefor is shown.

(d) Each applicant shall specify the maximum modulating frequencies proposed to be employed.

##### RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 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:

(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.

(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.

§ 4.213 *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.

<sup>2</sup> The term portable-mobile as here used is intended to include any type of portable or mobile operation.

<sup>4</sup> Form 758-F.

## RULES RELATING TO LICENSING POLICIES

**§ 4.231 Licensing requirements, necessary showing.** (a) An applicant for a construction permit 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 the following:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the facsimile broadcast service.

(2) That sufficient facsimile recorders will be distributed to accomplish the experimental program proposed.

(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental facsimile 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 and specify the time division.

**§ 4.232 Power limitations.** Experimental facsimile 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 individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

**§ 4.233 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 needs shall be made by informal application.

**§ 4.234 Multiple ownership.** No persons (including all persons under common control) shall control directly or indirectly, two or more experimental facsimile broadcast stations unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

## RULES RELATING TO EQUIPMENT

**§ 4.251 Equipment changes.** The licensee of an experimental facsimile 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

**§ 4.261 Frequency tolerance.** The licensee of an experimental facsimile broadcast station shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.<sup>1</sup> However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

**§ 4.262 Frequency monitors and measurements.** The licensee of an experimental facsimile 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 as measured, 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.

**§ 4.263 Time of operation.** (a) A licensee of an experimental facsimile 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 facsimile broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

**§ 4.264 Station inspection.** The licensee of each experimental facsimile broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

**§ 4.265 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.

(b) The original license of each station operator shall be posted at the place

<sup>1</sup> Tolerance may be plus or minus 0.05 percent on equipment installed prior to October 1, 1946, and until October 1, 1947, when all experimental facsimile broadcast stations shall maintain frequency within the prescribed tolerance.

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, a verification card<sup>2</sup> is acceptable in lieu of the posting of such license.

**§ 4.266 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 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(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 (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.

(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.

**§ 4.282 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 additional charge, directly or indirectly, for

<sup>2</sup> Form 758-F.

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<sup>3</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>4</sup>

(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.<sup>5</sup>

(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.<sup>1</sup>

Kilo-cycles	Mega-cycles	Mega-cycles	Mega-cycles
1614	30.66	35.46	72.18
2898	31.02	37.06	72.22
3492.5	31.14	37.14	156.525
4797.5	31.18	37.54	166.975
6425	31.54	39.14	157.425
9135	33.34	39.46	157.725
12862.5	33.46	39.54	158.175
17310	33.82	40.98	920 to 940
23100	35.06	42.98 <sup>2</sup>	Above 30,000

<sup>1</sup> 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 a need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the

<sup>2</sup> Subject to change in accordance with Docket No. 6651.

<sup>3</sup> Also available for assignment to other stations in the experimental services except for the band 920-940 megacycles.

<sup>4</sup> As used in this section the word "program" includes any complete program or part thereof.

<sup>5</sup> 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.

<sup>6</sup> Informal application may be employed.

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 any 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 broadcasting.

(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 and specify the time division.

§ 4.332 *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 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 individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.333 *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 needs shall be made by informal application.

##### RULES RELATING TO EQUIPMENT

§ 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 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. 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 licensee of a developmental 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.<sup>3</sup> The licensee of a developmental broadcast station operating above 450 megacycles shall main-

<sup>3</sup> Tolerance may be 0.05 on equipment installed prior to October 1, 1946, and until October 1, 1947, when all developmental broadcast stations shall maintain frequency within the prescribed tolerances.

tain 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.

§ 4.362 *Frequency monitors and measurements.* The licensee of a developmental 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 as measured, 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.

§ 4.363 *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, licensees of developmental broadcast stations which are licensed to conduct special intermittent experiments, such as the development and testing of commercial broadcast equipment, are authorized to operate only when there is a need therefor.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for a developmental broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time 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 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. 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 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<sup>4</sup> is acceptable in lieu of the posting of such license.

§ 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 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 (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 supplemental 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 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.

§ 4.382 *Program service; charges prohibited; announcements.* (a) A licensee of a developmental broadcast station shall broadcast programs 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.

(c) The provisions of paragraphs (a) and (b) of this section shall be applicable to rebroadcasts of the programs of a standard, or FM broadcast station or network by a developmental broadcast station.

§ 4.383 *Station identification.* Each developmental 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.

§ 4.384 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program<sup>6</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>7</sup>

(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.<sup>8</sup>

(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-

<sup>4</sup> As used in this section the word "program" includes any complete program or part thereof.

<sup>7</sup> 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.

<sup>8</sup> Informal application may be employed.

<sup>4</sup> The term portable-mobile as here used is intended to include any type of portable or mobile operation.

<sup>6</sup> Form 758-F.

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 in this subpart 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:

(1)	<b>Group A</b>				
	<i>(kc)</i>				
	1606				
	1622				
	1646				
(2)	<b>Group D</b>	<b>Group E</b>	<b>Group F</b>	<b>Group G</b>	<b>Group H</b>
	<i>(Mc)</i>	<i>(Mc)</i>	<i>(Mc)</i>	<i>(Mc)</i>	<i>(Mc)</i>
	* 25.87	* 25.91	* 25.95	* 25.99	* 26.03
	26.15	26.17	26.19	26.21	26.23
	26.25	26.27	26.29	26.31	26.33
	26.35	26.37	26.39	26.41	26.43
(3)	<b>Group I</b>		<b>Group J</b>		
	<i>(Mc)</i>		<i>(Mc)</i>		
	* 26.07		* 26.09		
	26.11		26.13		
	26.45		26.47		
(4)	<b>Group K</b>				
	<i>(Mc)</i>				
	152.87	153.05	153.23		
	152.93	153.11	153.29		
	152.99	153.17	153.35		
(5)	<b>Group L</b>		<b>Group M</b>		
	<i>(Mc)</i>		<i>(Mc)</i>		
	* 166.25		* 170.15		
(6)	<b>Group N</b>				
	<i>(Mc)</i>				
	450.05	450.55	455.05	455.55	
	450.15	450.65	455.15	455.65	
	450.25	450.75	455.25	455.75	
	450.35	450.85	455.35	455.85	
	450.45	450.95	455.45	455.95	

(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 one or more frequencies: *Provided, however,* That such frequency assignments shall be limited to those within a single frequency Group in 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

<sup>1</sup> Subject to the condition that no harmful interference is caused to the reception of standard broadcast stations.

<sup>2</sup> Subject to the condition that no harmful interference is caused to the reception of broadcasting stations.

<sup>3</sup> Subject to the condition that no harmful interference is caused to the Industrial Radio Services.

<sup>4</sup> Operation on the frequencies 166.25 Mc and 170.15 Mc is not authorized (i) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37° 30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the air-line distance between Springfield, Ill., and Montgomery, Alabama, subtended between the foregoing west and north boundaries; (ii) within 150 miles of New York City, and; (iii) outside the continental United States; and is subject to the condition that no harmful interference is caused to government radio stations in the band 162-174 Mc.

of only those frequencies on which operation is contemplated and the transmitter shall be suitably equipped 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 licensees 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 licensees shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If a mutual agreement to this 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) The transmission of 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**

§ 4.411 **Administrative procedure.** See §§ 4.11 to 4.23, inclusive.

**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,<sup>5</sup> to such other stations as are also broadcasting the same program material, or to the network with which the broadcast station is regularly affiliated. A license issued within the provisions of § 4.432 (a) authorizes the additional 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 days in any 30-day period.

(b) In the event of 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.

<sup>5</sup> 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 main studio: *Provided, however,* 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 pickup stations. A separate license 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 broadcast stations of different services (standard, FM, television, etc.) located in the same city, it shall, in applying for a new remote pickup broadcast station or for renewal of license of an existing station, designate each of the stations 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 specify the area 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 to another class of 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<sup>6</sup> 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 proposed to be used 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<sup>6</sup> 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<sup>6</sup> 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 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.

<sup>6</sup> Informal application may be employed.

(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 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 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 for 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 a need therefor is shown. A license for a remote pickup broadcast station operating on frequencies above 25 Mc. will authorize A3 or F3 emission, depending upon the equipment employed. Station licensed to employ F3 emission shall limit the frequency swing<sup>7</sup> 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 450.05 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.

#### RULES RELATING TO EQUIPMENT

**§ 4.451 Equipment changes.** The licensee 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.

<sup>7</sup> 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 licensee of a remote pickup broadcast station shall maintain the operating frequency of its station in accordance with the following:<sup>8</sup>

Frequency range	Tolerance (percent)	
	Base station	Mobile station
1606 to 2830 kc.:		
200 watts or less.....	0.01	0.02
Over 200 watts <sup>1</sup> .....	.005	.02
26.11 to 26.47 Mc.:		
5 watts or less.....	.005	.02
Over 5 watts.....	.005	.005
152.87 to 153.35, 166.25, and 170.15 Mc.:		
5 watts or less.....	.005	.01
Over 5 watts.....	.005	.005
450.05 to 451.95 Mc.: All powers.....	.01	.01

<sup>1</sup> 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 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 as measured, 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.

(b) Each frequency for which the remote pickup broadcast station is licensed shall be measured at least once during each calendar year.<sup>9</sup>

**§ 4.463 Station inspection.** The licensee 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; 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 § 4.434 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for portable-mobile<sup>10</sup> operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the

<sup>8</sup> 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. 6651, retain the frequency tolerance requirements of their present licenses.

<sup>9</sup> Remote pickup broadcast stations licensed for frequencies that are subject to change in accordance with the proceedings in Docket No. 6651 are required to measure only those frequencies on which they are equipped to operate.

<sup>10</sup> The term portable-mobile as here used is intended to include any type of portable or mobile operation.

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 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<sup>10</sup> operation, a verification card<sup>11</sup> 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.

§ 4.465 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus of any remote pickup broadcast station is located, except 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 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.

§ 4.466 *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 (Construction, Marking and Lighting of Antenna Structures).

§ 4.467 *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) Pertinent remarks concerning transmission.

<sup>10</sup> The term portable-mobile as here used is intended to include any type of portable or mobile operation.

<sup>11</sup> Form 758-F.

(5) An entry giving points of program origination and receiver location.

(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<sup>12</sup> which will permit it to be identified.

#### SUBPART E—BROADCAST STL AND FM INTERCITY 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 broadcasting 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	943.5 Mc	946.5 Mc	949.5 Mc
941.0 Mc	944.0 Mc	947.0 Mc	950.0 Mc
941.5 Mc	944.5 Mc	947.5 Mc	950.5 Mc
942.0 Mc	945.0 Mc	948.0 Mc	951.0 Mc
942.5 Mc	945.5 Mc	948.5 Mc	951.5 Mc
943.0 Mc	946.0 Mc	949.0 Mc	

(b) A standard broadcast STL station may be licensed on one of the following frequencies:

925.5 Mc	929.5 Mc	933.0 Mc	936.5 Mc
926.0 Mc	930.0 Mc	933.5 Mc	937.0 Mc
926.5 Mc	930.5 Mc	934.0 Mc	937.5 Mc
927.0 Mc	931.0 Mc	934.5 Mc	938.0 Mc
927.5 Mc	931.5 Mc	935.0 Mc	938.5 Mc
928.0 Mc	932.0 Mc	935.5 Mc	939.0 Mc
928.5 Mc	932.5 Mc	936.0 Mc	939.5 Mc
929.0 Mc			

Stations operating in the band 925-940 Mc must accept any interference that may be experienced from the operation of industrial, scientific and medical equipment.

<sup>1</sup> Shared with other services. See § 2.104 (a) of this chapter.

<sup>12</sup> Such an announcement during program operation of the call letters of the broadcast station with which the remote pickup broadcast station is regularly affiliated.

(c) The frequencies listed in paragraph (b) of this section may be assigned to FM broadcast STL stations in any area where insufficient space in that area is available in the band 940-952 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 (a) of this chapter.

§ 4.503 *Frequency selection.* (a) Each application 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 a 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 the need for the proposed service outweighs the loss of service due to the interference.

#### RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.511 *Administrative procedure.* See §§ 4.11 to 4.37, 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 an auxiliary to a particular standard broadcast station of that licensee.

(c) An FM intercity relay station will be licensed only to the licensee of an FM broadcast 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 including 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 or common carriers serving 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 of the 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 of transmission, 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 nature and extent of 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 with which it is licensed, for simultaneous 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 and a standard broadcast station in the same city or metropolitan district, the license of each such STL station authorizes the relaying to be made to either or both such broadcast stations.

(b) The license of an FM intercity relay station authorizes the relaying of FM broadcast programs and communications relating 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 unlimited time operation.

(d) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the transmission of communications which pertain to the broadcast operations.<sup>7</sup> 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 is notified at least 10 days prior to such operation and that such notification is accompanied by a

<sup>7</sup> If the transmitter and receiver are equipped with a multiplex circuit, communications during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.

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 § 4.565 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; 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 turn 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 authorized personnel.

(b) FM intercity relay stations, and broadcast 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 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 persons;

(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 during or coincident with 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 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 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 individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 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<sup>8</sup> employed shall not be in excess of 200 kilocycles.

§ 4.536 *Directional antenna required.* Each broadcast STL or FM intercity relay station is required to employ a directional antenna. Considering one kilowatt 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 435 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 receiver. Where more than one antenna is authorized for use with a single station, the radiation pattern of each shall be in accordance with the foregoing requirement.

#### RULES RELATING TO EQUIPMENT

§ 4.551 *Equipment changes.* The licensee of a broadcast 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 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

§ 4.561 *Frequency tolerance.* The licensee of each broadcast STL or FM intercity relay station shall maintain the operating frequency of the station within plus or minus 0.005 percent of the assigned frequency.

§ 4.562 *Frequency monitors and measurements.* The licensee of a broadcast STL or FM intercity relay station shall provide the necessary means for determining that the fre-

<sup>8</sup> 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 as measured, 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.

§ 4.563 *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 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*, That if the transmitter operator is located at a distance from the transmitter pursuant to § 4.533 the station license shall be posted in the 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 that class 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) he shall not post that 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 or permit shall be on duty 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 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

(Construction, Marking and Lighting of Antenna Structures).

§ 4.567 *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

§ 4.581 *Station records.* (a) The licensee of each broadcast STL or FM intercity relay station shall maintain adequate records of the operation, including:

- (1) Hours of operation.
- (2) Program transmitted.
- (3) Frequency check.
- (4) Pertinent remarks concerning transmission.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38 of this chapter.

(c) Station records shall be retained for a period of two years.

§ 4.582 *Station identification.* Each broadcast STL or FM intercity relay 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 F—RULES GOVERNING TELEVISION AUXILIARY BROADCAST STATIONS

*NOTE:* The rules in this subpart govern television auxiliary broadcast stations operated by a television broadcast station licensee. The services performed by these stations may be performed for the television broadcast station licensee by a communications common carrier under the rules governing that service.

#### DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.601 *Definitions.* (a) *Television pickup station:* A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

(b) *Television STL station (studio-transmitter link):* A fixed station used for the transmission of television program material and related communications from the studio to the transmitter of a television broadcast station.

(c) *Television inter-city relay station:* A fixed station used for inter-city transmission of television program material and related communications for use by television broadcast stations.

(d) Wherever used in this subpart the term "television broadcast station licensee" includes a television broadcast station permittee.

§ 4.602 *Frequency assignment.* (a) The following frequencies are allocated

<sup>1</sup>Such as announcement during program operation of the call letters of the broadcast station with which the broadcast STL station is operated.

for assignment to television pickup, television STL, and television inter-city relay stations:

Band A (Mc)	Band B (Mc)	Band C (Mc)	Band D (Mc)
1990-2008	6875-6900	10500-10525	12700-12725
2008-2025	6900-6925	10525-10550	12725-12750
2025-2042	6925-6950	10550-10575	12750-12775
2042-2059	6950-6975	10575-10600	12775-12800
2059-2076	6975-7000	10600-10625	12800-12825
2076-2093	7000-7025	10625-10650	12825-12850
2093-2110	7025-7050	10650-10675	12850-12875
2110-2127	7050-7075	10675-10700	12875-12900
2127-2144	7075-7100	-----	12900-12925
2144-2161	7100-7125	-----	12925-12950
2161-2178	-----	-----	13175-13200

<sup>1</sup> Pending further order by the Commission, frequencies between 7050 Mc and 7125 Mc will be reserved for use by communications common carriers to provide television pickup and television STL service to television broadcast 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 (FCC 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 if, in its opinion, such action is warranted.

(c) Where the relative locations of the studio and transmitter are such as to permit co-channel operation of television 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 not more than three 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 to provide an 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.

(e) 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:

(1) 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 1990-2110 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 § 2.104 (a) of this subchapter.

(g) In the event that a television broadcast station licensee engages 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 channels, channels assigned to communications common carriers to provide television pickup or television STL service to an individual television broadcast station licensee 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 cue and order circuits, either by 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 regarding 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 degradation of the overall system 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 program material or communications relating thereto:<sup>1</sup>

Mc	Mc	Mc	Mc	Mc
890.5	895.0	899.0	903.0	907.0
891.0	895.5	899.5	903.5	907.5
891.5	896.0	900.0	904.0	908.0
892.0	896.5	900.5	904.5	908.5
892.5	897.0	901.0	905.0	909.0
893.0	897.5	901.5	905.5	909.5
893.5	898.0	902.0	906.0	910.0
894.0	898.5	902.5	906.5	910.5
894.5				

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 the aural portion of television programs or events that occur outside a television studio and for the transmission of cues, 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 least likely to result in mutual interference with other licensees in the same area. Consideration should be given to the relative locations of receiving points, normal transmission path, and nature of the contemplated operation.

(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 notified and it will take such action as may be necessary, including time-sharing arrangements, to assure an equitable distribution of available facilities.

<sup>1</sup> Shared with other services. See § 2.104 (a) of this chapter.

#### RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.621 *Cross reference.* See §§ 4.11 through 4.23.

§ 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 transmissions, to its associated television broadcast station,<sup>2</sup> 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 aforementioned: *Provided, That the transmissions by the television pickup station shall be under the control of the television pickup station licensee and that such operation shall not exceed a total of 10 days in any 30-day period.* Television pickup stations may be used to provide temporary studio-transmitter links without further authority of the Commission provided that the installation of the antenna will not increase the height of any existing structure by more than 20 feet. Television pickup stations 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 transmissions, 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 a showing that such operation is necessary and that it may be effected without the assignment of 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 licensees may provide their own inter-city television transmission services in connection 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.

<sup>2</sup> 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.\* 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 or Band B to a licensee will be considered to be the exclusive assignment provided in § 4.602 (b). Exclusive channel assignments in Band D will be designated only upon request. A licensee may request a change in its exclusive channel assignment only where there are unassigned 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) A full statement as to why the applicant requires the requested facilities including 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 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 from such common carriers.

(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.

(d) 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 television broadcasting 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: *Provided*, 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 mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a channel or channels consistent with the provisions of § 4.602: *Provided*, That in the case of events of wide-spread interest and importance which cannot 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 is 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 a licensed operator, meeting the requirements of § 4.665 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 turn 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 personnel.

(b) The Commission may notify the licensee not to commence remote control operation, or to cancel, suspend, or change the date of beginning for 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 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 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 during or coincident with 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 § 4.665.

(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

\*The services performed by these stations may be performed for the television broadcast station licensee by a communications common carrier under the rules governing that service.

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) therefor is required for 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 licensee 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 (b) shall maintain their operating frequency within 0.005 percent of the assigned frequency.

§ 4.662 *Frequency monitors and measurements.* The licensee of 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 log.

§ 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.

(2) If the station is licensed for mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession 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.

(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 duly issued verified statement<sup>4</sup> may 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<sup>5</sup> operation, a duly issued verification card<sup>6</sup> 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 place where the transmitting apparatus of any television

<sup>4</sup> Form 759.

<sup>5</sup> The term mobile as here used is intended to include any type of mobile operation.

<sup>6</sup> Form 758-F.

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 unattended as provided 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;* § 17.39, *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).

§ 4.667 *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 station to which program transmitted.

(3) Frequency check.

(4) Pertinent 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.

§ 4.682 *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 trans-

mitter 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.<sup>1</sup>

Part No. 4—Experimental and Auxiliary Broadcast Services.

Revised date June 1, 1955.

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FEDERAL COMMUNICATIONS COMMISSION

Part 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

(August 1957 Edition)

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 15 since it was last recapitulated in the FEDERAL REGISTER (December 29, 1955, 20 F. R. 10055), Part 15 is recapitulated as of August 31, 1957, to read as set forth below:

FEDERAL COMMUNICATIONS COMMISSION,  
EVELYN F. EPFLEY,  
*Acting Secretary.*

Subpart A—General

- Sec. 15.1 Basis of this part.
- 15.2 Scope of this part.
- 15.3 General condition of operation.
- 15.4 General definitions.
- 15.5 Equipment available for inspection.
- 15.6 Information required by the Commission.
- 15.7 General requirement for restricted radiation devices.

Subpart B—Incidental Radiation Devices

- 15.31 Operating requirements.

Subpart C—Radio Receivers

- 15.61 Scope of this subpart.
- 15.62 Radiation interference limits.
- 15.63 Measurement procedure.
- 15.64 Certification of radio receivers.
- 15.65 Information to be filed with Commission.
- 15.66 Identification of certificated receivers.
- 15.67 Operation of radio receivers aboard a ship.
- 15.68 Effective date of this subpart.
- 15.69 Interference from a radio receiver.

Subpart D—Community Antenna Television Systems

- 15.161 Radiation from a community antenna television system.
- 15.162 Demonstration of compliance.
- 15.163 Interference from a community antenna television system.
- 15.164 Responsibility for a receiver generated interference.
- 15.165 Measurement of field strength.
- 15.166 Effective date of radiation limits in this subpart.

Subpart E—Low Power Communication Devices

- 15.201 Frequencies of operation.
- 15.202 Radiation limitation below 1600 kc.
- 15.203 Alternative requirement for operation on frequencies between 160 kc and 190 kc.
- 15.204 Alternative requirement for operation on frequencies between 510 kc and 1600 kc.

- Sec. 15.205 Operation in the frequency band 26.97–27.27 Mc.
- 15.206 Operation above 70 Mc.
- 15.207 Class B emission prohibited.
- 15.208 Certification requirements.
- 15.209 Location of certificate.
- 15.210 Interference from low power communication devices.

AUTHORITY: §§ 15.1 to 15.210 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 403, 48 Stat. 1081, 1094; 47 U. S. C. 301, 403.

SUBPART A—GENERAL

§ 15.1 *Basis of this part.* 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. Restricted and incidental radiation devices emit radio frequency energy on frequencies within the radio spectrum and constitute a source of harmful 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.

§ 15.2 *Scope of this part.* (a) This part contains rules that set forth the conditions under which the operation of incidental and restricted radiation devices is considered to fall outside the purview of section 301 of the Communications Act which specifies when a station license is required as a condition for lawful operation.

(b) No incidental or restricted radiation device which fails to conform to the provisions of this part, or which causes harmful interference, may be operated without a station license. Unless such devices may be operated in accordance with the provisions of some other part of this chapter (see particularly Part 19, Citizens Radio Service), persons wishing to operate such devices in a manner inconsistent with this part will be required to first secure an amendment of the Commission's rules to establish a licensed service providing for such operation and

setting forth the technical and other limitations thereof; *Provided*, That in appropriate circumstances, when such a petition for rule making has been filed, the Commission may consider, prior to final action thereon, applications for Special Temporary Authorizations to operate stations on a developmental basis where it can be shown that such temporary operation would be in aid of a final determination as to whether the proposed rule should be adopted, and that such temporary operation would otherwise be in the public interest; and *Provided further*, That the Commission will, in exceptional situations, consider individual applications for licenses to operate incidental or restricted radiation devices, not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

§ 15.3 *General condition of operation.* Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

§ 15.4 *General definitions*—(a) *Radio frequency energy.* Electromagnetic energy at any frequency in the radio spectrum between 10 kc and 3,000,000 Mc.

(b) *Harmful interference.* Any radiation or induction which endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(c) *Incidental radiation device.* A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.

(d) *Restricted radiation device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the

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 and 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 television signals by means of conducted or guided radio frequency currents to a multiplicity of receivers outside the confines of a single building.

**NOTE:** 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.

(c) 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  $\frac{157,000}{F(\text{kc.})}$  feet (equivalent to  $\frac{\lambda}{2\pi}$ ) need not be licensed provided:

(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  $\frac{157,000}{F(\text{kc.})}$  feet (equivalent to  $\frac{\lambda}{2\pi}$ ) 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 B—INCIDENTAL RADIATION DEVICES

§ 15.31 *Operating requirements.* An incidental radiation device shall be operated so that the radio frequency energy that is radiated 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 insofar 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, including 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:

Frequency of radiation (Mc)	Field strength (uv/m)
0.45 up to and including 25.....	See paragraph (b).
Over 25 up to and including 70.....	32.
Over 70 up to and including 130.....	50.
130-174.....	50-150 (linear interpolation).
174-260.....	150.
260-470.....	150-500 (linear interpolation).
470-1000.....	500.

(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 uv at any frequency

between 450 kc and 25 Mc inclusive. For all other receivers the voltage shall not exceed 100 uv at any frequency between 450 kc and 9 Mc inclusive, 1000 uv for frequencies between 10 Mc and 25 Mc and linear increase from 100 uv to 1000 uv for frequencies between 9 Mc and 10 Mc.

§ 15.63 *Measurement procedure.* (a) Any measurement 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 measurement 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 17S1 for radiation measurements.

(2) Institute of Radio Engineers Standard 54 IRE 17S1 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 uv/m at any frequency between 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 exclusive use 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) No 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 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 certificated 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:

(1) Name of manufacturer or distributor of receiver.

(2) Model number.

(3) Brief description of receiver, including tuning range, type of circuit, purpose for which used (as broadcast, aircraft, etc.).

(4) Brief statement of the measurement procedure used.

(5) Date the measurements were made.

(6) A summary of the data obtained.

(7) A statement certifying that on the basis of measurements made, the radio receiver is capable of complying with the requirements of this part under normal operation with the usual maintenance.

(8) The name and address of the certifying engineer, and name and address of his employer, if any, and

(9) Date of the certificate.

(f) The certificate shall be retained by the owner, manufacturer or the distributor for a period of five years, and shall be made available, upon reasonable request, to an authorized Commission representative, or photostat furnished by mail. (See § 15.65 for filing requirement with FCC).

§ 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 certificated receivers.* Each certificated 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 certificated for compliance with the requirements of this subpart. The seal or label shall be permanently attached 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 require-

ments 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:

Frequencies (Mc)	Distance (ft.)	Radiation limits (uv/m)	
		General requirement	Sparsely inhabited areas <sup>1</sup>
Up to and including 54	100	15	15
Over 54 up to and including 132	10	20	400
Over 132 up to and including 216	10	50	1,000
Over 216	100	15	15

<sup>1</sup> 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 directly 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 in this subpart not later than December 31, 1959; *Provided,* That any 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:

Frequency (kc)	Distance (feet)	Field strength (uv/m)
10-490.....	1,000	2400 F(kc)
510-1600.....	100	24000 F(kc)

§ 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 20 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.

**NOTE:** One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement" MIL-I-16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rules 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 certificated 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 certificated 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.<sup>1</sup>

**Part 15—Incidental and Restricted Radiation Devices**

**August 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.

<sup>1</sup>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.

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## FEDERAL COMMUNICATIONS COMMISSION

### Part 18—Industrial, Scientific, and Medical Service

(November 1957 edition)

#### TITLE 47—TELECOMMUNICATION

#### Chapter I—Federal Communications Commission

#### PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

##### RECAPITULATION OF PART

Because of the number of outstanding amendments to Part 18 since it was last published in the FEDERAL REGISTER (September 12, 1953, 18 F. R. 5490), Part 18 is recapitulated as of November 1, 1957, to read as set forth below.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

##### Subpart A—General

- 18.1 Statement of basis and purpose.
- 18.2 Definitions.
- 18.3 When license is required.
- 18.4 Full information; inspection by Commission representatives.
- 18.5 Radio frequency stabilized arc welders.
- 18.6 ISM frequencies and frequency tolerances.
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- 18.11 Operation on assigned frequencies.
- 18.12 Operation on unassigned frequencies.
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- Sec.
- 18.77 Measurement of field intensity.
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- 18.79 [Reserved.]
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##### Subpart F—Industrial Heating Equipment

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- 18.102 Technical limitations.
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- 18.108 Location of equipment.

**AUTHORITY:** §§ 18.1 to 18.108 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.

##### 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 or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical 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 radiocommunication.

(g) "Harmful interference". Any radiation or induction which endangers

the functioning of a radio-navigation service or of a safety service, or obstructs, or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(h) "ISM frequency". A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. (See § 18.6).

§ 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. The premises in which medical diathermy, industrial heating, or miscellaneous equipment are operated, and any license or certification required hereby, shall 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 fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply): *And further provided, 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 welding equipment designed for operation 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 C63. Quasi-peak values of field strength shall be measured and used in determining compliance with § 18.102. Instruments not having characteristics similar to the above-mentioned standards may be used provided suitable correlation factors are used to adjust the field strength readings to values which would be obtained with an instrument having the desired characteristics.

(b) The certification required by § 18.101 may be based upon field strength measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

§ 18.6 *ISM frequencies and frequency tolerances.* The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	Frequency tolerance
13,560 kc.....	±6.78 kc
27,120 kc.....	±160.00 kc
40,680 kc.....	±20.00 kc
915 Mc <sup>1</sup> .....	±25 Mc
2450 Mc <sup>1</sup> .....	±50 Mc
5850 Mc <sup>2</sup> .....	±75 Mc
18,000 Mc <sup>2</sup> .....	±150 Mc

<sup>1</sup> By public notice and order dated December 26, 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.

<sup>2</sup> 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.

§ 18.7 *Operation on microwave frequencies.* Except for industrial heating equipment which is regulated by §§ 18.101 through 18.108 inclusive, other 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 each 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 radiation. 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 have been 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 remedy the 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 guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies hereafter set forth:

ISM frequency:	Frequency tolerance
13,560 kc.....	±6.78 kc.
27,120 kc.....	±160.00 kc.
40,680 kc.....	±20.00 kc.
915 Mc <sup>1</sup> .....	±25 Mc.
2450 Mc <sup>1</sup> .....	±50 Mc.
5850 Mc <sup>2</sup> .....	±75 Mc.
18,000 Mc <sup>2</sup> .....	±150 Mc.

<sup>1</sup> By public notice and order dated December 26, 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.

<sup>2</sup> 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 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 from the Commission in accordance with §§ 18.14 to 18.16, 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 should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least three years. The certification required in this section shall describe with certainty the apparatus covered thereby.

(d) The owners or operators of equipment which has not received type approval but which is manufactured for operation without a license and designed 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 engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should 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 under the described conditions of operation. 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 such certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with § 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, the certification required by paragraph (c) or (d) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with provisions of this part or the source of interference to radio communication.

§ 18.12 *Operation on unassigned frequencies.* 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 a 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 by such operation, including spurious and harmonic emissions, shall not exceed a strength of fifteen microvolts per meter at a distance of 1,000 feet or more from the 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 engineer, or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment should be operated and certifying that under the described conditions of operation the requirements of this section may reasonably be expected to be met 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.

(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 operation of such equipment may be inconsistent with the provisions of this part or a source of interference to radio communication.

§ 18.13 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy generated by medical diathermy equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter using loop pickup shall be used for measurements on frequencies below and including 18 Mc., and such a meter with a doublet antenna shall be used for measurements for frequencies above 18 Mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) The field intensity at 1,000 feet from the medical diathermy equipment, or at any other point at which it becomes necessary to determine such intensity shall be determined by measurements at approximately 100-foot intervals along 5 radials approximately 72° apart, provided that additional measurements shall be taken when necessary in particular cases. An average curve shall be drawn through the points obtained for each radial and then either (1) the field intensity at 1,000 feet taken from the curve or (2) the curve extended to the 1,000-foot point to obtain the field intensity at that point. If points of measurement along a radial are such that marked changes of field intensity over short distances are noted because of standing waves, multipaths, etc., continuous measurements shall be made along any such radial at points 100 feet apart in order to obtain average values for such points.

(c) The field intensities specified in this section refer to the maximum field intensity regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower

height at which the field intensity may exceed that at 12 feet.

(d) If due to the location of equipment in a large city, or for some other reason, measurements as outlined above are impractical because of shadows or shielding of large buildings or other objects, every effort should be made to obtain necessary measurements at clear locations such as atop adjacent buildings, etc., with the measurements corrected to the height specified in paragraph (c) of this section in accordance with best available engineering information.

§ 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 to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between 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 70% of the tolerance specified in § 18.11 (a).

(i) 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.

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar 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 (i): *Provided, however*, That equipment designed to operate on the frequencies set forth in § 18.11 (a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned frequency exceeds 70 percent of the 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.

**NOTE:** Medical diathermy equipment operated on 915 Mc, 2450 Mc, 5850 Mc or 18,000 Mc, will be eligible for type approval upon a determination by the Laboratory Division of compliance with the requirements of the Commission's public notice and order of December 26, 1946, 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 tests 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 except on specific approval 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 proves defective in service and under usual conditions of maintenance 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, 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 case of 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.

#### SUBPART C—MISCELLANEOUS EQUIPMENT

§ 18.31 *Miscellaneous equipment.* (a) The operation without a license of miscellaneous equipment, as defined in § 18.2 (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 this 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 a single unit, 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 maximum 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 which does not comply 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 the operation of 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 need be sworn to. Application for a license shall be made up on the appropriate form prescribed by the Commission, and separate application 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 equipment or miscellaneous equipment will expire at the hour of 3 a. m. and will be issued for a normal license period of five years or such other period as the Commission may specify upon consideration of the facts in a particular case. Each 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 such 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 until June 30, 1954 to epilation 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 respective dates set forth 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 certificated pursuant to the requirements of §§ 18.70 to 18.84 and the certificate is attached to the equipment or is prominently posted in the room in which the equipment is being operated; except that ultrasonic equipment operating on frequencies below 90 kc and generating less than 500 watts of radio frequency power may be operated without license, type approval or certification, if such equipment complies with all other applicable provisions of §§ 18.70 to 18.84.

§ 18.71 *Technical limitations.* (a) Ultrasonic equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the ISM frequency bands.

(b) Except for ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc.

(c) The varying conditions under which ultrasonic equipment is operated shall not result in radiation exceeding the following limits:

Frequency	Distance	Field
		$\mu\text{v}/\text{m}$
Up to and including 490 kc.	1,000	2400
		Frequency in kc
Over 490 kc up to and including 1600 kc.	100	24000
		Frequency in kc
Over 1600 kc exclusive of frequencies in the ISM frequency bands.	100	15

(d) The operation of ultrasonic equipment on frequencies below 490 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 equipment used in predominantly 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.

*Note:* One method of making conducted interference measurements is described in "Military Specification for Interference Measurement" MIL-I-16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, 2, New York. 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 2 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, the manufacturer shall furnish each user of type approved equipment a certificate setting forth the conditions under which such equipment shall 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 capa-

ble of complying with the technical limitations in the rules in this part, provided such equipment is properly installed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the certificate of type approval except on specific prior approval by the Commission to any changes made.

§ 18.75 *Changes in type approved equipment.* No changes whatsoever may be made in ultrasonic equipment for which a certificate of type approval has been issued except on specific prior approval by the Commission.

§ 18.76 *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 proves defective in service and under usual conditions of maintenance 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, 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 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 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.

§ 18.77 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy including both fundamental 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 doublet 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

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 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 any ultrasonic equipment.

(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 lines, 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 any 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.

(4) 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 and specifications 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.

(9) Name and address of employer of certifying engineer, if any.

§ 18.81 *Renewal of certification.* The certification required by §§ 18.70 to 18.84 does not require renewal. However, when the Commission has reason to believe that operation of the equipment concerned may be inconsistent with

§§ 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 § 18.31. 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*, 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 490–510 kc, 2170–2194 kc, and 8354–8374 kc. Equipment operating on an ISM frequency may be operated with unlimited radiation on that frequency. Equipment operated on other frequencies must suppress radiation on the fundamental carrier frequency as well as other frequencies as required by this part.

(c) Industrial heating equipment designed for operation on 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) Type and serial 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.

(d) The certificate for equipment measured at a location other than where the equipment is in use shall contain the information required by subparagraphs (1) through (8) of paragraph (c) of this section plus the following:

(1) Detailed installation instructions which will insure that the equipment complies with the radiation limitations in this part.

(2) A statement, signed by the person responsible for the operation of the equipment, attesting that the equipment has been installed in conformity with the installation instructions in this certificate.

§ 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 notice 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

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.







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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.<sup>1</sup>

Part 18—Industrial, Scientific, and Medical Service  
(November 1957 Edition)

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<sup>1</sup> 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.

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