

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

PUBLIC NOTICE

January 25, 1945

PROCEDURE TO BE FOLLOWED IN HANDLING STANDARD
BROADCAST APPLICATIONS UNDER THE JANUARY 16,
1945, SUPPLEMENTAL STATEMENT OF POLICY

1. On January 16, 1945, the Commission issued a supplemental statement interpreting its policy of January 26, 1944.

2. In order to carry out the policy, applications for new standard broadcast stations or for changes in facilities will be handled in the following manner:

(a) Applications filed prior to January 26, 1945, upon which the Commission has taken no action. - All applications in this category will be held in status quo unless:

(1) The applicant files a petition requesting the Commission to proceed with the processing of his application for a decision under the Supplemental Statement of Policy of January 16, 1945. Upon receipt of such petition the application will be processed and if the requirements of the supplemental statement of policy are met and the Commission finds that the granting of the application is in the public interest, a conditional grant will be issued. If the Commission's examination indicates that the requirements of the supplemental statement of policy have not been met the application will be designated for hearing and promptly heard on that single issue. If the hearing establishes inability to comply with the supplemental statement of policy, the application will be denied. Under Section 1.369, F.C.C. Rules, the effect of this would be to prohibit consideration of a similar application of the same applicant for facilities to serve the same area in whole or in part for a period of one year.

(2) The Commission on its own motion removes an application from the pending file and designates it for hearing for the purpose of determining issues which in the Commission's opinion would require a hearing even if no question as to availability of materials and manpower were presented. If after a hearing it appears that such applications could, except for the supplemental statement of policy, possibly be granted, they will be returned to the pending file. On the other hand, if it appears that the record made on the other issues requires a denial, such action will be taken.

(b) Applications filed prior to January 26, 1945 which have been designated for hearing but no hearing has been held. - All applications in this category will be retained in status quo and the hearing continued until further notice unless:

(over)

(1) The applicant petitions the Commission to proceed with the hearing in the light of the Supplemental Statement of Policy adopted January 16, 1945.

(2) The Commission on its own motion determines that the hearing should go forward for the purpose of determining issues other than those pertaining to the availability of manpower and materials.

After hearing, all such cases will be disposed of in the manner set forth in paragraph (a).

(c) Applications filed prior to January 26, 1945, in which a hearing has begun but the record has not yet been completed. - In cases in this category, the Commission will proceed with hearings for the purpose of completing the record. Upon completion of the record the case will be held in the pending file unless it appears that it can be granted under the terms of the supplemental statement of policy, or unless the applicant petitions for a determination on the merits in the light of this policy. Consolidated proceedings involving applications as to which hearings have begun and in addition applications as to which hearings have not yet begun will be treated under this category.

(d) Applications filed prior to January 26, 1945, as to which hearings have been concluded. - The Commission will announce decisions in cases which have been heard where:

(1) A grant is possible under the terms of the Supplemental Statement of Policy of January 16, 1945.

(2) A denial is necessary regardless of the availability of materials or manpower.

No action will be taken in cases where a grant would be possible except for the supplemental statement of policy.

(e) Applications filed subsequent to January 26, 1945. All such applications will be processed and determined in accordance with the supplemental statement of policy. If the application meets the conditions of this policy and is otherwise in the public interest, a conditional grant will be made. If the application does not meet the requirements of the supplemental policy, it will be designated for hearing and promptly heard on that single issue. If, as a result of such hearing, it is established that the requirements of this policy are not met the application will be denied. (See Section 1.369 FCC Rules).

3. When manpower and materials again become available and conditions permit the resumption of normal licensing practices, the Commission will make

an appropriate announcement and will provide a period of not less than 60 days for the filing and processing of new applications prior to taking any action on the cases retained in the pending files during the period that the statement of policy of January 26, 1944 as supplemented January 16, 1945, was in effect. Provision will also be made for the bringing up to date of all applications retained in the pending files. These procedures, it is believed, will prevent any inequity from resulting to persons who do not file applications during the period that the present policy remains in force.

FEDERAL COMMUNICATIONS COMMISSION

T. J. Slowie
Secretary