

# FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

In the Matter of:

**POLICY AND PROCEDURE FOR HANDLING STANDARD BROADCAST APPLICATIONS.**

**MEMORANDUM OPINION OF FEBRUARY 23, 1942**

**BY THE COMMISSION:**

Because of the present war emergency, the Commission is called upon to formulate a policy and procedures for the future handling of standard broadcast station applications. The effective conduct of the war is, of course, a paramount consideration for all of us. The requirements of the armed services have created a shortage of the critical materials and skilled personnel required for the construction, operation, and maintenance of radio broadcast stations. This must inevitably affect plans for the increase or improvement of broadcast facilities.

However it is not clear at this time that the expansion of broadcasting should be entirely eliminated for the duration of the war. For the best war effort, it is important that there be adequate broadcast facilities throughout the nation. The three governmental agencies concerned with this problem—the Defense Communications Board, the War Production Board, and the Federal Communications Commission—are in agreement that, so far as possible, every part of the country should receive a good radio service. We have not yet reached that goal.

It follows that the scarce materials and limited personnel available to the broadcast services should be carefully conserved to meet this basic need. The public interest clearly requires such conservation and the Commission must apply the test of public interest in exercising its licensing functions. The problem as to materials is of course primarily the concern of the War Production Board. On January 30, 1942, the Commission announced in a press release that at the request of the Defense Communications Board, pending the adoption of a specific policy by that Board and the War Production Board, the Commission would make no further grants for the construction of stations or authorize changes in existing standard broadcast transmitting facilities where all or a substantial part of the proposed

new primary service area already receives primary service from one or more other stations. The Defense Communications Board, on February 12, made its further specific recommendations to the Commission and to the War Production Board. Cooperating with both those Boards, the Commission has now worked out a policy and procedures for the handling of new and pending standard broadcast applications.

Under the policy adopted the Commission will grant no standard broadcast station application unless a showing is made that:

1. Construction (if any) pursuant to the grant will not involve the use of materials of a type determined by the War Production Board to be critical; or

2. Where the application is for new standard broadcast station, the station will provide primary coverage of an area no substantial part of which already receives primary service<sup>1</sup> from one or more standard broadcast stations; or

3. Where the application is for a change in the facilities of an existing standard broadcast station, the change will result in a substantial new primary service area no substantial part of which is already provided with primary service<sup>1</sup> from one or more standard broadcast stations.

The Federal Communications Commission Standards of Good Engineering Practice will be used as a guide in the determination of primary service. For the time being, requests involving essential requirements for repair or maintenance will be treated as heretofore.

Applications not heretofore acted upon which do not fall within one of the three described categories will be designated for hearing upon appropriate issues. In cases heretofore designated for hearing, where notice of issues has already been announced, specific issues appropriate to the new policy will be added. Cases which have already been heard will, when necessary to apply the new policy, be redesignated for hearing upon issues under this policy. Cases in which proposed findings have already been issued will be determined as heretofore.

Applicants who consider that their applications satisfy the new requirements may wish to support their applications by filing a proper petition supported by affidavit setting forth detailed data on this point.

In cases where an application has heretofore been granted subject to approval of a further application to be filed by the applicant, such further application will not be granted unless the proposal meets the requirements set forth above, or the applicant has, pursuant to the

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<sup>1</sup> As here used, "primary service" includes service to be rendered pursuant to an outstanding broadcast construction authorization.

grant, actually commenced construction or made substantial expenditures for materials or equipment prior to the date hereof.

The Communications Act contemplates that construction permits should not be issued or allowed to remain outstanding where there is no reasonable prospect of completion of the proposed construction within a reasonable period of time. Hence, requests for extensions of completion dates under standard broadcast authorizations will not be granted by the Commission unless the applicant can by proper petition show that the proposed construction meets the requirements set forth above, or that the applicant has actually commenced construction prior to the date hereof and has available all the critical materials and equipment necessary to the completion thereof. However, requests for extension of completion dates under authorizations issued in cases where proposed findings are now outstanding will be granted if the requirements set forth above are met, or if the applicant has available all critical materials and equipment necessary for completion.

The foregoing requirements may be waived where changes in facilities are required to be made by an agency of the Federal Government.

Special policies are now being developed with respect to experimental operation, frequency modulation and television stations, facsimile, and auxiliary broadcast services, taking into account the technical experimental benefits to be gained especially insofar as they may assist the war effort. Applications involving international broadcast stations will be considered and acted upon in accordance with policies worked out in cooperation with other Governmental agencies concerned with this field.