BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON 25, D. C.

In the Matter of CLEAR-CHANNEL BROADCASTING IN THE STANDARD BROADCAST BAND	Docket No. 6741

FURTHER NOTICE OF PROPOSED RULEMAKING

INTRODUCTION

1. The essential question before us in this proceeding is whether and in what manner it may be desirable to amend the rules governing the use of the standard broadcast frequencies designated as "clear channels."

2. In its order of February 20, 1945, by which this proceeding was initiated, the Commission noted that "there are still large areas of the continental United States which have no radio service during the day and no primary radio service at night." Referring to numerous applications for the assignment of additional radio stations to the clear-channel frequencies, and to requests for the authorization of higher power on these frequencies, the Commission designated 11 issues for hearing, with the announced object of determining what, if any, changes should be made in existing clear-channel allocations.

3. It was stated that it would be desirable to make these determinations prior to the forthcoming renegotiation of the North American Regional Broadcasting Agreement of 1941. That agreement, due to expire March 29, 1946, set out the conditions under which the signatory governments in North America agreed to restrict their respective use of the standard broadcast frequencies, in the interest of minimizing interference among the broadcast services of the several countries. Effective improvement of the domestic service in this country would have to be achieved in the light of limitations agreed to internationally, both with respect to use of the frequencies in question by the United States and by stations in other countries.

4. It was not possible, however, to conclude this proceeding prior to the renegotiation of the NARBA agreement. The record of this proceeding did, however, provide useful guidance to representatives of the United States Government in the negotiation of the revised NARBA which was signed in 1950. A separate agreement between the United States of America and the United Mexican States was signed in January 1957. While neither the latter agreement nor the revised NARBA have yet been ratified by the United States Government, and have not yet formally entered into effect, they furnish the basis on which the signatory North American governments in practice allocate the domestic use of the clear-channel and other standard broadcast frequencies.

5. Parties to this proceeding have, in a voluminous and complex record, advocated numerous, diverse approaches to the basic problem of achieving more efficient use of the clear channels and of improving the deficiencies in the radio service available to the public on those channels. The 11 issues originally designated for hearing in this proceeding, while specific in some respects, were collectively so broad as to permit the parties to advocate any mode of revising clear-channel allocations ranging all the way from exclusive nighttime use of selected clear channels by a single station operating at powers increased very substantially higher than the present maximum of 50 kw., to the reclassification of selected clear channels as "local channels" on which it would be possible to assign over a hundred and fifty stations operating at maximum powers of 250 w. Between these extremes a wide variety of proposals were admissible and were submitted.

6. The record reflects two basically divergent views concerning the measures best calculated to improve the efficient use of the clear-channel frequencies. Some parties urge that the chief goal should be to improve the capacity of the major clear-channel stations (particularly the class I–A stations) to provide a satisfactory signal to wide areas, and that this should be achieved by permitting those stations substantially increased power and by limiting (and, during the nighttime hours, excluding) cochannel stations. Other parties contend that the most desirable objective would be to increase the numbers of unlimited time stations on the clear channels and to reduce the degree of protection now afforded to the clear-channel stations throughout wide service areas.

7. Since the record of this proceeding was closed, numerous changes have occurred in the radiobroadcasting industry. It was during the intervening period that television acquired importance as a new, separate nationwide broadcast service. The advent of television has had a marked impact on radiobroadcasting. The nature, source, scheduling, and methods of financing of radio programs have undergone appreciable change. There has been a discernible shift in the degree of reliance, by both stations and audiences, on nationwide radio network programs. Radio listening habits have altered substantially, both in the total daily hours of listening per family, and in the incidence of the peak radio listening hours. Progressively larger proportions of radiobroadcast revenues have been drawn from regional and local advertisers than formerly, when national advertisers furnished the major portion of such revenues. Spot advertising has risen markedly while sponsorship of national network programs has correspondingly declined.

8. The same period has also witnessed the definitive establishment of the FM radio service. Moreover, during the 13 years which have elapsed since this proceeding began, the total number of standard broadcast stations increased from 900 to 3,300. Large numbers of smaller communities, formerly dependent on radio stations located in other, more or less distant cities, now have local outlets.

9. In these circumstances, although the Commission desires to resolve the issues of this proceeding with the least possible delay, we have concluded that it would be inappropriate, and inconsistent with

sound and fair procedure, to attempt to arrive at final conclusions solely on the basis of the outdated record before us.

10. At the same time, it would cause needless additional delay merely to reopen the record on the same broad issues as were originally designated. The updating and supplementing of some of the data contained in exhibits originally introduced into this record will be useful. We think it desirable, however, in providing an opportunity for this to be done, to indicate those areas in which we believe it would be useful to concentrate attention at this stage of the proceeding, in the interests of as sound and expeditious resolution of the problem as is possible. We do so herein.

THE BASIC ALLOCATIONS PROBLEM

11. Pursuant to longstanding domestic radio allocations rules and international agreements for the North American region, all United States standard broadcast stations are assigned to the 107 10-kc. channels designated for this purpose in the frequency range 535–1605 kc. Over three thousand standard broadcast stations are currently operating on these 107 channels, and their number constantly increases as new assignments are approved.

12. The rules governing the assignment of standard broadcast stations to specific frequencies seek to achieve, as fully as possible, all three of the basic objectives of—

(*a*) providing some service of satisfactory signal strength to all areas in the country;

(*b*) providing as many program choices to as many listeners as possible; and

(*c*) providing service of local origin to as many communities as possible.

The effective implementation of these three objectives involves, however, inescapable conflict. This conflict arises from the fact that standard broadcast signals extend far beyond the range within which the signal has sufficient field strength to render a usable service. It follows that the maximum area coverage is obtainable by a single station or a restricted number of high power stations on a given channel. Conversely, the assignment of large numbers of local outlets on any channel can be achieved at the cost of restricting the cochannel station coverage to the small interference-free service area resulting from mutual skywave interference. Thus, on any given channel, allocation techniques designed for the maximum implementation of objective (*a*) derogate from the achievement of objective (*c*), and vice versa. There are similar conflicts affecting the maximum implementation of objective (*b*).

13. Owing to marked differences in the daytime and nighttime propagation of radio signals in the standard broadcast band, these conflicts are much more evident during the nighttime hours than during the daytime. Skywave propagation, effective chiefly during the hours between sunset and sunrise (although present to a lesser degree during a presunset buildup and a postsunrise period of waning intensity),

transmits signals much farther than the steadier but shorter range groundwave signals which are present both day and night. The field intensity of skywave signals is, however, subject to wide fluctuations, from minute to minute, hour to hour, night to night, season to season, and even year to year (depending on the phase of the sunspot cycle). Thus, skywave, or secondary service, is defined in terms of statistical norms or percentages of the time during which the field intensity achieves specified levels. Half the land areas of the United States lie beyond the range of interference-free groundwave signals and are, accordingly dependent on this skywave or secondary standard broadcast service.

14. As in the case of groundwave signals, but to a markedly greater degree, the interference potential of skywave signals extends very much farther than the range of serviceable signals. It follows that the protection of secondary service areas at night requires much more stringent limitations on the assignment of cochannel stations than does the daytime protection of groundwave service.

15. The impossibility of simultaneously implementing all three of the above-stated allocation objectives on any individual channel led to the classification of individual channels into separate groups, with different rules for the assignment of stations, depending upon the purpose for which each class of channel was established. The three basic classifications are clear channels, which are the subject of this proceeding; regional channels, on which stations are assigned under conditions permitting service to large metropolitan areas and immediately adjacent areas; and local channels for the assignment of the maximum possible number of stations serving as local outlets for numerous smaller communities.

16. Skywave or secondary service free from objectionable interference is provided only by class I stations assigned to the clear channels; and this service is made possible only by rigid restrictions on the number of stations which may be assigned to the clear channels at night, and by limitations on the radiations of the secondary stations assigned to those channels. Twenty-four of the clear channels are reserved for the exclusive use at night of a single class I–A station. On most of the remaining 23 clear channels, more than 1 (but, in practice, generally not more than 2) class I–B dominant stations are assigned under conditions requiring mutual protection through the use of directional antennas.

17. The assignment of secondary or class II stations is permitted on all the clear channels, but unlimited time class II stations are at present assignable only on clear channels occupied by class I–B stations.

18. The existing restrictions on the assignment and mode of operation of class II stations were established with a view to insuring the capacity of the clear-channel stations to render the wide-area service for which they were created, and on which more than half of the land area of the United States is dependent, since it lies beyond the range of the groundwave or primary service provided by any of the existing stations.

19. One of the principal purposes of this proceeding is to determine the conditions under which the assignment and operating conditions of both class I and class II clear-channel stations can provide the most efficient use of the clear channels. The essential conflict in the proposals for revision of the present rules lies between increasing the capacity of the class I stations to render the wide-area service and increasing the number of stations permitted on the clear channels.

20. Both objectives have merit. But owing to the unalterable facts of radio transmission in the standard broadcast band, the fullest implementation of either can be achieved only at the cost of derogating from the other. Our difficult task is to find the balance best calculated to serve the public interest.

CHRONOLOGY OF THIS PROCEEDING

21. By order dated February 20, 1945, the Commission designated for hearing the following 11 issues:

(1) What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Regional Broadcasting Agreement.

(2) Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I–A channels and as I–B channels.

(3) What minimum power and what maximum power should be required or authorized for operation on clear channels.

(4) Whether and to what extent the authorization of power for clear-channel stations in excess of 50,000 w. would unfavorably affect the economic ability of other stations to operate in the public interest.

(5) Whether the present geographical distribution of clear-channel stations and the areas they serve represent an optimum distribution of radio service or whether the fair, efficient, and equitable distribution of radio service among the several States and communities specified in section 307 (b) of the Communications Act requires a geographical redistribution at this time.

(6) Whether it is economically feasible to relocate clear-channel stations so as to serve those areas which do not presently receive service.

(7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of class II stations operating on clear channels.

(8) What changes the Commission should order with respect to geographical location, frequency, authorized power, or hours of operation of any presently licensed clear-channel station.

(9) Whether and to what extent the clear-channel stations render a program service particularly suited to the needs of listeners in rural areas.

(10) The extent to which the service areas of clear-channel stations overlap and the extent to which this involves a duplication of program service.

(11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this order.

22. In March and April 1945, four Government-industry committees were established to—

(1) Determine what constitutes a satisfactory signal.

(2) Determine what constitutes objectionable interference.

(3) Determine the distances over which signals of various field intensities are transmitted.

(4) Coordinate the conduct of listener surveys.

23. Evidentiary hearings were conducted during 40 days between January 14, 1946, and October 31, 1947.

24. On February 5, 1946, the Commission announced the adoption of the policy of dismissing applications for station assignments or modifications of station assignments which were not permissible under the existing rules in that they either sought additional unlimited-time assignments on channels reserved for the exclusive night use of a single class I–A station, or sought authorization to transmit in excess of the established 50-kw. power limitation.

25. In June 1946, the Commission announced the adoption of a policy limiting the processing of applications for class II stations on channels occupied by class I–A stations to daytime stations located within 750 miles of the dominant class I–A station. This was intended to avoid new assignments in areas sufficiently removed from the existing class I–A station that it would be possible to assign new unlimited-time stations in such areas, in the event it were decided subsequently to do so.

26. In May 1947, the Commission initiated a separate proceeding (docket No. 8333) to determine whether and the extent to which limitations should be imposed on the daytime (i. e., presunset and postsunrise) skywave radiations toward classes I–A and I–B clear-channel stations. At the same time the Commission announced that it would, pending a decision in that proceeding, withhold action on all applications proposing new or increased daytime-only facilities in the United States clear channels.

27. On January 19, 20, and 21, 1948, oral argument was held on the then consolidated clear-channel and daytime skywave proceedings.[1]

28. In December 1950, the freeze on the processing of specified types of applications for class II facilities on the United States clear channels was revised and codified as a footnote to section 1.371 of the rules. As further revised (in August and October 1953, and April 1956) the current policy on deferral of action on applications for new and increased class II facilities on the clear channels is found in section 1.351 of the present rules. In general, it covers applications for new daytime or limited-time assignments on the clear-channel frequencies and applications proposing unlimited-time class II assignments which would operate differently during the daytime and nighttime hours on the clear-channel frequencies.

[1] Docket 8333 had been consolidated with docket 6741 in December 1947. The two proceedings were again severed in 1953.

RECENT PLEADINGS

29. On November 16, 1956, the Clear Channel Broadcasting Service filed a petition to reopen the record in the Clear Channel proceeding (docket No. 6741), to consolidate it with the Daytime Skywave proceeding (docket No. 8333), and to afford opportunity for the submission of additional evidence, bringing certain exhibits up to date, either in the form of written comments or through further evidentiary hearings. In a response to the foregoing CCBS petition, the Daytime Broadcasters' Association on December 20, 1956, requested dismissal of the clear-channel proceeding, removal of the freeze on the clear channels, and institution of rulemaking on the association's earlier petition, as amended and revised on December 8, 1955, requesting that daytime stations be authorized to operate from 5 a. m. or sunrise, whichever is earlier, to 7 p. m. or sunset, whichever is later. DBA requested that, in the alternative, if the Commission should grant the CCBS petition to reopen the clear-channel record, the freeze on new assignments to the clear channels in any event be lifted and rulemaking be initiated on its proposal for extended hours of operation of daytime stations. In a reply to the foregoing DBA pleading, which was filed December 27, 1956, CCBS opposed DBA's requests. On December 28, 1956, Albuquerque Broadcasting Co., the licensee of station KOB, filed a petition requesting that irrespective of whether the Commission decided to grant or deny the CCBS petition of November 16, 1956, to reopen the record in the Clear Channel proceeding, the Commission in any case, on the basis of the Clear Channel record, select and designate a channel for a permanent assignment for KOB.

30. In its notice of proposed rulemaking adopted September 17, 1957, in docket No. 12274, the Commission granted the foregoing request of DBA that rulemaking be instituted on the proposal that daytime broadcast stations be authorized longer hours of operation. In the same document DBA's requests for dismissal of the instant clear-channel proceeding and immediate removal of the freeze on the processing of specified types of applications for class II assignments on clear-channel frequencies was denied. The reasons for those actions are set out at length in the above-referenced notice of proposed rulemaking and need not be repeated here. The above-cited petitions of CCBS and Albuquerque Broadcasting Co. are dealt with hereinafter.

THE RECORD

31. The entire record of the Clear Channel proceeding includes over 6,000 pages of testimony, over 400 exhibits ranging from one to several hundred pages in length, numerous written briefs, and over 500 pages of oral argument.

32. The witnesses include, in addition to the members of the FCC engineering staff who testified and placed exhibits in the record: representatives of the radio networks; the Clear Channel Broadcasting Service, representing the independent (i. e., nonnetwork owned) class I stations; a number of other standard broadcast stations; the Regional Broadcasters Committee, and numbers of educational associations, educational institutions, and farm organizations.

33. Because this notice does not embody final decisions, but rather is intended to afford interested parties an opportunity to submit up-to-date data and comments in support of or in opposition to the reallocation plan set out herein below, little useful purpose would be served at this stage by an exhaustive, detailed discussion of the old record. Some of it, owing to the elapse of 10 years and the substantial changes in the interim, has little present value. In this category are the 10-year-old listener surveys conducted under Government and private auspices, and the out-of-date information on network program availabilities in various areas. Interim changes in radio listening habits and network affiliations, and the diminishing differences between network and locally originated radio programing, have stripped those portions of the record of their usefulness.

34. On the other hand, the new engineering standards (introduced in exhibit 109) for calculating the incidence of groundwave and skywave services of six different grades (Types A through F), remain as they were originally, the most comprehensive and realistic tools yet devised for evaluation of standard broadcast service. Additionally, we know from supplementary information that the maps depicting the numbers of such services available in various parts of the country are still representative of overall conditions and need only some updating to reflect the additional, chiefly small, groundwave service areas added in the interim by newly assigned stations.

35. The standards referred to in the preceding paragraph were formulated early in the proceeding by three Government-industry committees, and were used in preparing numerous exhibits depicting the extent of available groundwave and skywave services. These standards take into account several factors, such as atmospheric noise, which are not reflected in the rules under which the field intensities of a station's signals are calculated for purposes of making station assignments. The refinements embodied in types A, B, and C groundwave service and in types D, E, and F skywave service provide useful bases for assessing the extent of the improvements possible under various proposed clear-channel reallocations. It must be borne in mind, however, that the calculation of station coverage and of the numbers of services available depends on the choice of a standard for measuring service and that radio service can be calculated only in terms of statistical norms and probabilities. This is especially true of skywave service which is subject to wide, irregular fluctuations. No single method of calculating service can convey all the facts. The more stringent the standard, the smaller the indicated coverage of individual stations and the fewer the indicated number of services in any particular area. Conversely, depictions of service by a lower standard will show wider station coverage and more services in given areas.

36. Maps depicting available services based on the refined standards introduced in this record, especially in terms of the middle grade of groundwave service (type B) and the middle grade of skywave service (type E), have provided useful showings of existing services. For reasons discussed later, these showings remain essentially valid today.

TENTATIVE CONCLUSIONS

37. We have already referred, in the introductory paragraphs of this notice, to the inadequacies of the present record as a basis for supporting final conclusions, largely because of major changes which have occurred in radiobroadcasting since the record was closed 10 years ago. We also pointed out, however, that our effort to conclude this proceeding at the earliest possible date will be facilitated if note is taken, at this stage, of the tentative conclusions indicated by the present record, and if the parties will direct their further comments primarily to those areas of action which appear to offer the best prospects for practicable improvement of the service rendered to the public on clear-channel frequencies. In determining which kinds of clear-channel reallocations could be pursued most fruitfully at this stage, it is appropriate to note such tentative conclusions as may be drawn from the present record, taking into account generally known facts concerning subsequent changes in the radiobroadcasting industry.

White areas

38. This term refers to areas without groundwave, or primary, service. When the present record was compiled, an aggregate of about half of the land area of continental United States, with a population of about 24 million people, had no nighttime primary service. The increment, meanwhile, of nearly 2,000 additional standard broadcast stations, appears to have reduced the nighttime white areas only to a minor extent.

39. Neither new daytime stations, nor new unlimited time stations whose primary service areas were already receiving groundwave service from other stations, have reduced the nighttime white areas. On the other hand, stations newly assigned to communities previously lacking groundwave service have reduced white areas to the extent of their primary coverage. Generally, however, their coverage is restricted by several factors such as the use of low power, assignment to a high frequency, interference, or combinations of the foregoing. Since the population density within the primary service areas of the foregoing new stations is typically greater than in the remaining white areas beyond their range, it appears probable that in the interim there has been a proportionately greater reduction in the white area population, than in the numbers of square miles of white area. According to one estimate, the present white area population has been reduced from about 24 million to about 20 million. The geographical extent of the white areas appears, however, to remain close to half the land area of the United States—approximately what it was when the record of this proceeding was compiled.

Available skywave service in white areas

40. Exhibits showing the numbers of available skywave service vary substantially, depending upon whether they are based on the methods and standards for engineering calculations set out in the present rules, or whether the basis is taken to be type D, E, or F—the three grades

of the skywave service defined in exhibit 109. It is well known that even in areas where there is no skywave service of a given standard, skywave service will be present by another standard. The inherent variability of skywave service is such, moreover, that during some periods skywave service in areas in which the maps indicate lack it, is superior to what is available in parts of the areas which the maps indicate are provided with an acceptable standard of skywave service. In fact, there is no part of the United States which is totally devoid of one or more skywave services. The point we make here is that no method of depicting service can convey the full facts, and that we must be mindful of the fact that a determination of the extent of available service depends on the standards and criteria used in defining service.

Improvement of service in white areas

41. For the reasons briefly discussed in paragraph 39, there appear to be severe limits on the possibilities for reducing white areas by creating new groundwave coverage from new or expanded standard broadcast stations, and it follows that improvement of service throughout most of the existing white areas must be provided, if at all, by new or improved skywave service.

42. It is clear, moreover, that improvements in standard broadcast service to white areas must be sought from existing or newly assigned stations within the present standard broadcast band. To the extent that improvement must come from additional or augmented skywave signals, it must be provided by stations assigned to the present clear channels. For reasons which have already been discussed, there is no possibility for obtaining skywave service from stations assigned to regional and local channels. Nor is there any realistic prospect for increasing the number of clear channels by utilizing frequencies outside the existing standard broadcast band. This is precluded by both domestic and international use of other frequencies which might be technically suitable for this purpose.

The impracticability of "relocation" of clear-channel stations on a significant scale

43. By "relocation" is meant the elimination of the present assignment of the clear-channel station and the shifting of its location to some other city. "Relocation" should not be confused with "duplication" which is used hereinafter to describe the authorization of additional station assignments on a clear channel. Some parties have urged that class I–A clear-channel stations assigned to places like New York and Chicago, where there is a relative abundance of primary service, be relocated in smaller cities situated nearer to the white areas. These proposals do not, however, take adequate account of the need for high-powered stations in the larger metropolitan areas with their relatively high manmade noise levels; and in general, the record fails to provide persuasive evidence that the service gains obtainable by relocating the present class I–A station assignments could justify the dislocations and losses of service provided by class I–A stations.

Higher power

44. An increase of power from 50 kw. to 750 kw. would have the effect of nearly quadrupling the field intensity of the transmitted signal at any reception point. An increase to 500 kw. would slightly more than triple the field intensity of the transmitted signals. The range of usable skywave signals would be considerably increased. Such increases are subject to considerable variation depending on the frequency employed, latitude, and other factors; but the basic order of increase is indicated by the fact that at 500 kw. the 0.5-mv./m., 50 percent skywave contour would in many cases be located over 1,000 miles from the transmitter instead of about 700 miles, as in the case of a 50-kw. transmitter. At 750 kw. the 0.5-mv./m. skywave contour would in many cases be located over 1,100 miles from the transmitter.

45. The improvement in groundwave or primary service is more variable, depending on the frequency employed, soil conductivity, and other factors. The essential range of improvement is indicated by the fact that, while at 50 kw., a station operating on a middling frequency in an area of middling ground conductivity will place a 0.5-mv./m. groundwave signal about 130 miles from the transmitter during most of the daytime hours, the same station at 500 kw. would place a signal of the same field intensity 190 miles from the transmitter; and at 750 kw., about 205 miles from the transmitter.

46. At night, owing to the fact that the field intensity of both the skywave and groundwave signals would be increased by the same factor, there would be no change in the location of the fading zone where the station's skywave and groundwave approach equivalent field intensity, with resultant interference which limits the range of interference-free groundwave service. As a result the range of usable groundwave service would not be increased at night beyond the present range at 50 kw. unless changes in antenna characteristics are also made. The field intensity of the groundwave signals would, however, be increased 3 or 4 times, as the case may be, within the established primary service area. Moreover, the field intensity of skywave signals would similarly be increased within the present skywave service areas, in addition to the extended range of those skywave service areas.

Duplication of unlimited-time assignments on the clear channels

47. On the clear channels occupied by class I–B stations, the duplication of unlimited-time assignments is already possible under the present rules. Typically, two class I–B cochannel stations are assigned to individual class I–B channels. These stations are required to directionalize their operation in such fashion as to protect the groundwave and skywave service rendered by the other cochannel I–B station. In addition, unlimited-time class II stations are assignable to class I–B channels subject to established rules for mutual protection and for protection of the dominant class I–B stations on the channel. It appears, accordingly, that the status quo should be maintained in the rules governing the assignment of unlimited-time stations to class I–B channels.

48. As already discussed, class I–A clear-channel stations are currently given the exclusive use of their channels during the nighttime

hours. It is therefore on the class I–A channels that the maximum opportunities are available for the assignment of new, cochannel, unlimited-time stations, depending on a judgment as to the extent to which such action would be desirable in the light of the service gains and service losses involved.

Inefficiency of present allocations rules for class I–A channels

49. There is substantial support, in any event, for a conclusion that the exclusive nighttime use of a channel by a single station limited to 50 kw. is less justifiable now than formerly, when clear channels were first allocated in this way. Since that time techniques have been established and highly developed for directional transmission of signals, with a high degree of suppression now possible to protect the service areas of cochannel stations. In addition, heterodyne interference, resulting from uncontrolled deviations from the assigned frequency, has been substantially eliminated. Thus it is now possible, particularly in the case of class I–A stations located in or near the northeast portion of the country, to assign additional cochannel, unlimited-time stations to provide needed service at distant locations, while preserving the capacity of the present station to provide a usable signal over wide primary and secondary service areas. In these circumstances there is serious question whether the most efficient use of the class I–A clear channels can be achieved under the longstanding rules which, on the one hand, preclude power above 50 kw., and on the other hand, bar cochannel, unlimited-time assignments in distant areas the present station cannot effectively serve, and where a new station could be operated so as to afford reasonable protection to the areas the present station can effectively serve at 50 kw.

Additional unlimited time assignments on the present class I–A clear channels

50. On this record three modes of adding unlimited-time assignments on class I–A channels were discussed:

(*a*) Retention of the present class I–A station assignment and the cochannel assignment, elsewhere, of an additional class I station, each directionalized to protect the other.

(*b*) The assignment of a single class I station in a new city, and reduction of the present station to class II status, thereby substantially eliminating its skywave service and obliging it to protect the new class I station.

(*c*) Preservation of the present station as a class I assignment, and the cochannel assignment of unlimited-time class II stations required to protect the present station.

For reasons similar to those discussed in paragraph 43, we have concluded that it would be undesirable and impractical to implement alternative (*b*) above. Alternatives (*a*) and (*c*) would permit continued skywave service by existing class I–A stations, while opening up opportunities for additional unlimited-time, cochannel assignments. Therefore, alternatives (*a*) and (*c*), in our opinion, merit considera-

tion for at least some of the class I–A channels, on the basis described hereinafter.

The higher power versus duplication conflict

51. Some of the parties treated the techniques of higher power and of duplication of unlimited-time assignments on the class I–A channels as approaches which were so contradictory that they are mutually exclusive. We are unable to reach such a conclusion. First, there is little reason why the implementation of one of these techniques on selected class I–A clear channels should necessarily exclude implementation of the other technique on other class I–A channels. There is, moreover, no inherent reason why, if the circumstances were found to be appropriate, higher power could not be permitted to more than one class I station on a given channel, provided the transmitters were suitably directionalized to protect each other's service area.

52. A study of the circumstances of each of the individual class I–A channels discloses, moreover, that in some cases maximum net gains could be achieved through duplication, while in other cases, the maximum net service gains could be achieved through the use of higher power.

53. Thus, on a purely engineering basis, the optimum improvement of service is achievable by a judicious combination of higher power and duplication of the class I–A clear channels. Higher power is best suited for use on channels where it would produce the maximum gains in groundwave and skywave service in areas where these services are now most deficient, and where the use of higher power would not cause excessive interference to other United States or foreign stations. On the other hand, the use of higher power by certain other clear-channel stations would constitute wasteful use of limited spectrum space in that the service gains would be achieved principally in areas which are already well served, at the cost of reducing the number of additional services which might otherwise be established on the channel.

54. If allocations questions could be decided solely on the basis of engineering calculations of deficiencies of the present clear-channel service and of the service gains which might be achieved, we think the present record would support the authorization of higher power for half of the 24 class I–A stations and duplication of unlimited-time assignments on the remaining 12 class I–A channels. Higher power, so employed, would make it possible to provide a minimum of four type E skywave services throughout the United States (except small areas in northwest Washington and southeast Florida, which have groundwave service). This would substantially improve present skywave services throughout most of the present white areas, extend daytime primary services into some areas now lacking it, and generally improve the signal-to-interference ratio throughout the present primary and secondary service areas of the 12 stations operating at 750 kw. The channels and modes of directional operation most suitable to higher power appear to be the following:

Frequency (kc.)	*Directional operation*	*Location*
640	(DA–1) Major lobe to NNE.	Los Angeles, Calif.
650	(DA–N) Major lobe to SE.	Nashville, Tenn.
700	(DA–1) Major lobe to S.	Cincinnati, Ohio.
750	(DA–N) Major lobe to S.	Atlanta, Ga.
760	(DA–1) Major lobe to W.	Detroit, Mich.
820	(DA–N) Major lobe to W.	Dallas/Fort Worth, Tex.
830	(DA–N) Major lobe to W.	Minneapolis, Minn.
840	(DA–N) Major lobe to SE.	Louisville, Ky.
870	(DA–1) Major lobe to N.	New Orleans, La.
1040	(DA–1) Major lobe to W.	Des Moines, Iowa.
1160	Omnidirectional	Salt Lake City, Utah.
1200	(DA–N) Major lobe to NNW.	San Antonio, Tex.

55. An analysis of the circumstances affecting the remaining 12 class I–A clear-channel stations indicates that, on balance, it would be preferable to maintain the present 50-kw. maximum power and to assign additional unlimited time stations on the lines of the following plan:

(*a*) On the following five frequencies, assign a new class I station in the designated State, and require both the new and existing class I station to directionalize their operations so as to afford each other mutual protection:

Frequency (kc.)	*Class I present assignment*	*Class I new assignment*
660	New York	Montana.
770	do	Undetermined.[1]
880	do	Wyoming.
1100	Cleveland	Arizona.
1180	Rochester	Idaho.

[1] See pars. 71 to 73.

(*b*) On the following seven frequencies, retain the present maximum 50-kw. power and assign unlimited time class II stations in underserved areas:

Frequency (kc.)	*Class I present assignment*
670 kc	Chicago, Ill.
720 kc	Do.
780 kc	Do.
890 kc	Do.
1020 kc	Pittsburgh, Pa.
1120 kc	St. Louis, Mo.
1210 kc	Philadelphia, Pa.

56. A number of basic factors determined the selection of the 12 channels designated above for duplicated unlimited-time, cochannel assignments. The class I–A stations concerned are located chiefly at

or close to the northern and eastern boundaries of the country. This circumstance affords the maximum opportunities for the assignment of additional unlimited-time, cochannel stations in the western part of the country where deficiencies in present service and the corresponding need for improvement are the greatest. In the areas where directionalization would eliminate primary or skywave service now rendered by the class I–A station, there are generally abundant services of good quality from numerous other stations. Thus, the service gains to the needful areas of the West would not be achieved at the cost of destroying badly needed services in the areas the present stations would cease to serve owing to directionalization. In those cases where directionalization of the present class I–A station would be required, it would improve service in the direction of the major lobes of the directional patterns. Higher power on the 12 channels listed above would generally produce appreciably less service gains in needful areas, and would create more severe problems of interference to both domestic and foreign stations than would higher power on the 12 channels listed in paragraph 54.

57. Having thus selected 12 channels, listed in paragraph 55, on which additional unlimited-time stations could usefully be authorized, the question remains whether the new stations should be assigned as class I or class II stations. New skywave services on these channels could be obtained only by assigning new class I cochannel stations protected by directionalizing the present class I station. New cochannel class II stations required to protect the present class I station could provide a new primary or groundwave service, but no skywave service. While this argues for new class I assignments on as many as possible of the 12 channels listed in paragraph 55, certain offsetting considerations must be taken into account, such as resultant losses of service which would be caused by directionalizing the existing class I station.

58. In formulating the proposals outlined for the 12 channels covered in paragraph 55, under which 5 of the existing class I–A stations would be required to directionalize, while 7 would continue to operate as at present, we have taken into account the following factors:

(*a*) Possible gains in skywave and primary service in needful areas in the West.

(*b*) Resultant losses of service caused by directionalizing existing class I–A stations.

(*c*) The extent of other services available in areas lost to existing stations through directionalization.

(*d*) Service gains obtainable through directionalization of the existing stations.

(*e*) Resultant interferences to existing United States cochannel and adjacent channel stations.

(*f*) Requisite protection to foreign stations.

The varying circumstances of each of the 12 channels listed in paragraph 55 are such that in no case do all of the individual factors set out above point conclusively to class I or class II status for the new

APPROPRIATE FURTHER STEPS AT THIS STAGE OF THE PROCEEDING

61. As discussed earlier, we believe that progress in reaching final decision in this proceeding can best be facilitated by inviting interested parties to direct their further comments to those types of clear-channel reallocations which appear to offer most realistic opportunities for improving the standard broadcast service. For the reasons discussed in paragraphs 51 to 60, it appears that the optimum improvement which it would be practicable to achieve on the basis of technical considerations alone would be to implement a plan which would utilize both higher power and duplication, in accordance with the varying circumstances of the individual class I–A channels.

62. In our opinion, however, many of the arguments formerly used in support of the authorization of higher power for clear-channel stations need to be reconsidered in the light of the vast changes which have taken place in the standard broadcast industry since the present record was compiled. We are certain that there has been little change in the showings made on the present record, based on engineering calculations, of the available services and of the service improvements which could be effected through the use of higher power. We believe, however, that the drastic changes which have occurred in the broadcasting industry may have a very substantial bearing on other, nontechnical considerations affecting the use of higher power for class I–A clear-channel stations.

63. Although the question of higher power needs careful reconsideration in the light of present-day conditions, we believe that it would needlessly retard progress toward the improvement of service on the clear channels if we attempted at this stage to give our attention simultaneously to the problems associated with both higher power and duplication. The record of this proceeding has already grown so unwieldy that repeated attempts on the part of the Commission to reach decisions encompassing the whole scope of the original 11 issues have failed until now to produce decisions which a majority of the Commission were prepared to support. We think it desirable, without losing sight of the inherent interrelationships between the problems of higher power and duplication, to concentrate our attention on them one at a time, and to deal first with the possibilities for achieving service gains through the implementation of a scheme of duplication of unlimited-time assignments on class I–A channels on the lines of the plan briefly summarized in paragraph 55, and more fully described in paragraphs 68 to 77.

64. In deferring at this time active consideration of the problems involved in the authorization of higher power on the remaining 12 class I–A frequencies, we do not foreclose an opportunity for a thorough examination of that subject later. We are unable to find sufficient justification, in any event, for authorizing higher power on the 12 frequencies on which we propose to consider additional unlimited-time assignments. Preservation, in the interim, of the status quo, on the 12 frequencies listed in paragraph 54, would therefore leave unimpaired such opportunities as may exist for the fruitful use of higher power for class I–A stations.

cochannel stations. Prolonged study of all these channels has, however, led us to the conclusion that, on balance, the reallocations outlined in paragraph 55 and discussed in more detail hereinbelow, represent optimum improvement obtainable through the assignment of additional cochannel and adjacent channel unlimited-time stations on the 12 channels selected for duplication at this stage. Parties to this proceeding will have the opportunity to comment in support of or in opposition to the specific reallocations proposed, and to suggest such revisions as may appear desirable.

59. In the case of the seven channels listed in paragraph 55 (*b*), the balance of all the relevant considerations points, in our opinion, to retention of the present mode of operation of the existing class I–A stations. They would receive protection by newly assigned cochannel class II unlimited-time stations equivalent to what is now afforded class I–B clear-channel stations. This would insure continued service throughout the wide areas where these stations render a usable signal. Such service as these stations may now render in areas beyond the contours which would be protected under this plan is generally not of good quality. Moreover, the peripheral areas involved generally receive adequate to abundant service from other stations. It seems to us justified to sacrifice this peripheral service, if the new stations can be assigned so as to provide primary service where there is now none.

60. In assigning class II unlimited-time stations to these channels, it will be important to bear in mind that they are being made available for new stations in areas which have no primary service. For this reason we do not propose to make the new class II assignments in cities or areas now receiving numerous services, but would keep them available for new stations located where they could place a first primary service in white areas.

FM broadcasting

60 (*a*). At an early stage of the proceeding, preliminary evidence was received on a proposal by CBS for complete nationwide network coverage through the combined use of FM and standard broadcast stations. Subsequently, however, under a ruling adopted in October 1947, evidence relating to FM broadcasting was excluded on the ground that the scope of the present proceeding was confined to standard broadcasting. In reaching the tentative conclusions stated herein on the basis of the record before us, we are not unmindful of the fact that FM radio is making contributions of mounting significance to the Nation's aural broadcast service, and we would not wish, by any decisions taken in the instant proceeding, to place any undue obstacles in the way of continued development and evolution of the FM service. We believe none are involved in the action here proposed. It is confined to the class I–A clear channels which would continue to be needed for wide area service under any foreseeable developments affecting the wider utilization of FM radio.

65. For these reasons, the further proceedings instituted herein will be confined at this stage to an examination of the problems, advantages, and disadvantages of the assignment of additional unlimited-time stations on the 12 frequencies already referred to. Before proceeding to a detailed statement of the plan on which comments will be invited, it is appropriate at this point to indicate our views concerning the 11 issues originally designated in this proceeding, taking into account the tentative conclusions already discussed.

THE ORIGINAL 11 ISSUES OF THIS PROCEEDING

66. For the reasons discussed so far in this notice and the further proceedings initiated herein, we have reached the following conclusions concerning the 11 issues originally designated in this proceeding.

Issue No. 1:

> (*1*) *What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Broadcasting Agreement.*

This issue can be treated as moot. The specific occasion for it—renegotiation of the North American Regional Broadcasting Agreement of 1941—has long since passed. Moreover, the reallocations proposed herein are consistent with the still unratified North American Regional Broadcasting Agreement of 1950.

Issue No. 2:

> (*2*) *Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I–A channels and as I–B channels.*

There is no practicable basis for increasing the number of clear channels. We conclude that it would not be in the public interest to decrease the number of clear channels, since much needed improvements in wide area service to regions lacking in groundwave service can be achieved only by clear-channel stations adequately protected against interference. We conclude that this need requires that all the frequencies now classified as clear channels remain so classified. Moreover, we propose retention of the present designations of the class I–A and class I–B channels. We do look toward the removal of night-time exclusivity on 12 designated class I–A channels, and the assignment of an additional class I station on 5 of these 12 channels. However, while in certain respects the new assignment rules for these channels would be similar to those governing station assignments on class I–B channels, we do not propose their reclassification as I–B channels. The class I–A designation would be retained, consistently with their classification under NARBA as United States class I–A channels entitled to the higher degree of protection foreign countries have agreed to provide on the class I–A channels, as compared with the lesser protection required on the class I–B channels. (While the precise formulation of revised rules need not be decided at this stage, it may be desirable, while retaining class I–A classification for these

channels, to create subordinate classifications depending on whether new cochannel, unlimited-time assignments would be confined to class II stations, or would include an additional class I station, with mutual protection by both the new and existing class I station.)

Issue No. 3:

> (*3*) *What minimum power and what maximum power should be required or authorized for operation on clear channel?*

For the reasons already discussed, we believe a maximum power of 50 kw. should be retained for the class I stations on the following clear channels (in kilocycles):

660	780	1100
670	880	1120
720	890	1180
770	1020	1210

Consideration of the possible advantages and disadvantages of authorizing higher power on the following frequencies is being deferred at this time (in kilocycles):

640	760	870
650	820	1040
700	830	1160
750	840	1200

Issue No. 4:

> (*4*) *Whether and to what extent the authorization of power for clear-channel stations in excess of 50,000 w. would unfavorably affect the economic ability of other stations to operate in the public interest.*

The outdated record of this proceeding affords an inadequate basis for sound judgments on this issue under the changed conditions in the radiobroadcasting industry. Further consideration will be deferred to such time as the Commission may decide to institute further rulemaking on the authorization of higher power on some of the class I–A clear channels.

Issue No. 5:

> (*5*) *Whether the present geographical distribution of clear-channel stations and the areas they serve represent an optimum distribution of radio service or whether the fair, efficient, and equitable distribution of radio service among the several States and communities specified in section 307 (b) of the Communications Act requires a geographical redistribution at this time.*

The present record indicates the desirability of examining such geographical redistribution of such clear-channel assignments as may be achieved in the plan on which further rulemaking is initiated herein.

Issue No. 6:

> (*6*) *Whether it is economically feasible to relocate clear-channel stations so as to serve those areas which do not presently receive service.*

The record fails to support the desirability of outright relocation of clear-channel stations in the sense of shifting the present class I assignment from the present city to a new city and eliminating the present assignment appears neither desirable nor feasible. On the other hand, redistribution of class I clear-channel assignments to the extent envisaged in the rulemaking proposal initiated herein does appear to merit consideration.

Issue No. 7:

> *(7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of class II stations operating on clear channels.*

Proposals for amendments to the rules covering the powers and hours of operation of class II daytime stations are before us in separate rulemaking proceedings on the daytime skywave problem (docket No. 8333) and the problem of extended hours for daytime broadcasters (docket No. 12274). Decisions will be reached in those proceedings with due regard for the major policy decisions reached in the instant clear-channel proceeding.

Issue No. 8:

> *(8) What changes the Commission should order with respect to geographical location, frequency, authorized power, or hours of operation of any presently licensed clear-channel station.*

Final decisions concerning modification of outstanding licenses will be deferred pending the conclusion of rulemaking on the allocations issues.

Issue No. 9:

> *(9) Whether and to what extent the clear-channel stations render a program service particularly suited to the needs of listeners in rural areas.*

The listener surveys whose results are spread on the record of this proceeding are too outdated to provide a sound basis for judgment on this record.

Issue No. 10:

> *(10) The extent to which the service areas of clear-channel stations overlap and the extent to which this involves a duplication of program service.*

The information on the record concerning duplication of program service is too outdated to provide a sound basis for judgment at this time.

Issue No. 11:

> *(11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this order.*

The Commission possesses the requisite statutory power to implement the reallocations proposed herein, and enactment of additional legislation is, accordingly, not required.

RULEMAKING PROPOSAL

68. We have summarized in paragraph 55 a plan for the assignment of additional unlimited-time stations on 12 of the clear channels. On five of these—660 kc., 770 kc., 880 kc., 1100 kc., and 1180 kc.—that plan contemplates the assignment, in specified Western States, of a new class I station and the mutual protection of both the new and the existing class I station by directionalization. On seven other class I–A frequencies—670 kc., 720 kc., 780 kc., 890 kc., 1020 kc., 1120 kc., and 1210 kc.—it is proposed to permit the present class I–A station to continue to operate as at present, and to assign to those frequencies additional unlimited-time class II stations which would be required to protect the present class I–A station in a manner comparable to the requirements for protecting class I–B stations under the present rules. On all 12 of the foregoing frequencies the present class I station would continue to operate at 50-kw. maximum power. The new class I stations in the first group would also be permitted to operate at power of 50 kw. The daytime and nighttime powers of the class II stations assigned to the remaining seven of these frequencies would be determined as at present for class II stations.

69. Several reasons underlie the designation of specific States for the assignment of a new class I station. The first reason is procedural. It is desirable to simplify, so far as possible, the procedural steps necessary to implement the plan, and to minimize the time necessary to accomplish this. The record of this proceeding—and in particular the depictions of existing skywave services in white areas—clearly supports the desirability of assigning new class I stations in the States designated in paragraph 55. Thus, there is no need for the excessively complicated comparative hearings which would be necessary if the channel were opened up for mutually exclusive applications throughout the entire wide area in which class I cochannel assignments might otherwise be possible.

70. The individual States designated for the assignment of new class I stations have been tentatively chosen, with the general directional antenna characteristics that are required in mind, principally upon the basis of the optimum location for improvement of secondary service in western areas where it has to be relied on most. Additionally, the choice of locations is supported by the record as in compliance with the requirements of section 307 (b) of the act for fair, efficient, and equitable distribution of radio service among the several States and communities.

71. It should be noted that in the case of one channel—770 kc.—we have not designated the State in which the new class I station would be assigned. This frequency, on which a class I–A station is presently assigned to New York City, is involved in a separate, adjudicatory proceeding (dockets Nos. 6584 and 6585), in which there is at issue the question of whether station KOB at Albuquerque, N. Mex., should be licensed to operate as an unlimited-time station on 770 kc. or on 1030 kc. (on which at present a class I–B station is assigned to operate at Boston, Mass.). Under section 3.25 (b) of the present rules, the assignment of a cochannel, unlimited-time station is permissible on

1030 kc. Thus, a decision in the above-referenced adjudicatory proceeding to assign KOB to that channel would not require reclassification on 1030 kc. Section 3.25 (a) of the rules, on the other hand, does not at present contemplate the unlimited time operation of another station on 770 kc. Accordingly, the question of whether the allocations rules governing the use of 770 kc. should be amended to permit the assignment of a cochannel, unlimited-time station at Albuquerque is also at issue in the KOB proceeding.[2]

72. The Commission cannot properly anticipate in the instant proceeding the decision it will reach in the KOB adjudicatory proceeding. We note, however, for the purposes of the instant rulemaking proceeding, that the assignment of KOB to either 770 kc. or 1030 kc. would be fully consistent with the general scheme of reallocations proposed herein. As stated above, the use of 1030 kc., which is a class I–B channel, is permitted under the present rules. Alternatively, the use of 770 kc. for an unlimited-time station at Albuquerque would help to implement the objectives of the scheme of reallocations proposed herein in a manner consistent with the action contemplated for the other class I–A channels, particularly those similarly situated in the northeastern portions of the United States.

73. In these circumstances, taking into account the special problems growing out of the history of the KOB proceeding, we go no further in the instant proceeding at this stage, than to note the desirability of assigning a new class I station on 770 kc. in a Western State where the need is greatest for such a new assignment, and where it would be sufficiently removed from New York to minimize loss of service from directionalizing the present New York station. We leave for determination in the KOB adjudicatory proceeding the question whether KOB should be licensed to operate unlimited time at Albuquerque on 770 kc. or on 1030 kc., and under what conditions. Should it be decided in the KOB proceeding that it would be preferable to license KOB for unlimited-time operation on 1030 kc., it would then be appropriate, and consistent with the reallocations proposed herein, to make 770 kc. available for assignment in some other western city, and we herein propose to do so in that eventuality. Conversely, if 770 kc. were selected for Albuquerque, 1030 kc. remains available under the existing rules for a similar class I assignment elsewhere.

74. The assignment of class II unlimited-time stations to 660 kc., 770 kc., 880 kc., 1100 kc., and 1180 kc., would necessarily have to be deferred until a determination has been made of the precise location and specific operating conditions of both the new and existing class I stations on each of these channels. Until this is done it would not be possible to determine precisely what class II stations and what mode of operation would insure the requisite protection to the dominant class I stations on these channels. This proposal contemplates, however, that when the precise location of the new class I stations and specific operating conditions of both the new and existing class I stations are determined, applications would at that stage be accepted for class II unlimited-time stations on these five channels.

[2] KOB is presently operating unlimited time on 770 kc. under special authority.

75. With respect to the assignment of class II stations to 670 kc., 720 kc., 780 kc., 890 kc., 1020 kc., 1120 kc., and 1210 kc., we find that directionalization of the eastern station to the extent necessary to establish a useful skywave service in the West would be at the sacrifice of primary coverage in eastern areas where there is a definite deficiency of primary service. We thus find it appropriate to require protection of the extended primary coverage now given by the existing stations involved. It follows that the western usage must be confined to class II assignments, i. e., stations providing protection to the eastern class I station, and at the same time subjected to interference from the class I stations to the extent of eliminating skywave coverage. Such duplicate operation is consistent with our objective only if it results in the addition of primary service to areas where such service is deficient or lacking entirely. Accordingly, it is our purpose to elicit specific proposals concerning possible station assignments which would supply primary service to areas not now receiving such service. If there are indications of potential station assignments of this nature, Commission rules would be appropriately amended to make these channels available for that express purpose. If, in this proceeding or under the anticipated rule change applications consistent with these tenets are not forthcoming, the channels in question would be the subject of further consideration.

76. The processing of applications for new and expanded daytime facilities on the 12 class I–A channels in question should be deferred until reasonable opportunity has been provided for the assignment of unlimited-time class II stations on these channels. It is not possible at this time to anticipate with exactitude the date when it will be appropriate to permit the assignment of new daytime class II stations on these channels. Such action would, accordingly, be deferred until a later stage when the pattern of new class II unlimited-time assignments on these channels has become sufficiently crystallized to insure that the assignments of new daytime stations would not unreasonably block opportunities for the assignment of class II unlimited-time stations meeting the above-stated requirements.

77. Owing to the fact that we have decided to maintain the status quo on the 12 other class I–A frequencies on which the possible consideration of higher power is being reserved until later, i. e., 640 kc., 650 kc., 700 kc., 750 kc., 760 kc., 820 kc., 830 kc., 840 kc., 870 kc., 1040 kc., 1160 kc., and 1200 kc., it will not be appropriate, pending such action, to clutter those frequencies with daytime assignments which would tend to prejudice such consideration as it may later be desirable to give to proposals for increased power.

78. Any interested party who is of the opinion that the proposals set out in paragraphs 55 and 68 to 77 of this notice should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 15, 1958, a written statement or brief setting forth his comments, together with supporting data. Comments and data in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 45 days from the last day for filing said original comments. No additional comments may be

filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

79. In accordance with the provisions of section 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

80. Authority for the adoption of amendments to the rules embodying the proposals set out herein is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (f), and (r), and 316 (a) of the Communications Act of 1934, as amended.

DISPOSITION OF RECENT PLEADINGS

81. Pursuant to the foregoing, *It is ordered*, That the petition filed by the Clear Channel Broadcasting Service on November 16, 1956, *Is granted* to the extent consistent with the further rulemaking initiated herein and *Is denied* in all other respects. *It is ordered further*, That the petition filed in this proceeding by Albuquerque Broadcasting Co. on December 28, 1956, referred to in paragraph 29, *Is denied*.

82. One other group of recent pleadings not previously referred to herein requires disposition. On December 19, 1957, Everett L. Dillard, trading as Commercial Radio Equipment Co., licensee of WDON, a class II daytime station operating on class I–B channel 1540 kc. with a power of 250 w. filed a petition (bearing dockets Nos. 6741 and 8333) requesting that the Commission institute proceedings to amend the rules so as to delete 1540 kc. from section 3.25 of the rules, thereby terminating the present classification of this frequency as a class I–B channel. The petition also requested that station KXEL, now assigned to Waterloo, Iowa, as a class I–B station on 1540 kc., be reclassified as a class II station, pursuant to section 3.182 (4) (b) of the rules concerning automatic reclassification of standard broadcast stations. (A grant of the above-requested amendment to sec. 3.25 would invoke the same reclassification of KXEL to class II status, although on other grounds.) The petition requested, finally, that these actions be considered separately from the instant Clear Channel proceeding and the Daytime Skywave proceeding (docket No. 8333). Comments supporting this petition were filed on April 3 and April 8, 1958, respectively, by La Porte Broadcasting Co., Inc., licensee of WLOI, a class II daytime station operating on 1540 kc. assigned to La Porte, Ind., and Dalworth Broadcasting Co., Inc., licensee of KCUL, a class II unlimited-time station assigned to Forth Worth, Tex.

83. For reasons discussed in paragraph 47 hereof we found on the basis of this record, that it would be undesirable to make any general reallocation of the class I–B channels. The WDON petition raises questions arising out of special circumstances affecting 1540 kc. in particular. For this reason, it is appropriate to deal with that petition separately, and not within the context of this proceeding, which is concerned with broader aspects of clear-channel reallocation. We do not, therefore, rule on the foregoing petition herein, but will consider and decide it separately, with due regard for the broad policy decisions reached in the instant proceeding.