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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of		
AMENDMENT OF THE COMMISSION'S RULES	}	RM-69 RM-104
TO PERMIT REGIONAL STATIONS TO OPER-		RM-86 RM-108
ATE WITH POWERS UP TO 25 KILOWATTS		RM-87 RM-112

MEMORANDUM OPINION AND ORDER

BY THE COMMISSION: COMMISSIONER CROSS ABSENT.

1. The Commission has before it for consideration petitions looking toward amendment of the Commission's rules to permit regional stations to operate with powers up to 25 kilowatts, filed by: (a) E. Harold Munn, Jr., Coldwater Mich.; (b) William Penn Broadcasting Co., Philadelphia, Pa.; (c) Cleveland Broadcasting, Inc., Cleveland, Ohio; (d) Seattle Broadcasting Co., Seattle, Wash.; (e) South Bend Tribune, South Bend, Ind.; and (f) Meyer Broadcasting Co., Bismarck, N. Dak.

2. Statements in support of these petitions have been filed by the licensees of stations KEVE, KFWB, KGLO, KLEO, KOIN, KVI, KXXX, KXYZ, WADC, WDSU, WFLA, WHBF, WIP, WKBN, WSAU, WTAD, WWJ, WZOK, and by American Broadcasting-Paramount Theatres, Inc.<sup>1</sup> No party has filed opposition.

3. With a single exception,<sup>2</sup> these parties seek to have amended sections 3.21 (b), 3.22 (c) (1), 3.41, 3.182 (a) (3) (i) and 3.182 (v) of the Commission's rules to permit the authorization of increased power, up to 25 kilowatts, for class III standard broadcast stations. Class III stations operate on regional channels and are designed to render service primarily to a metropolitan district and the rural area contiguous thereto (the term "metropolitan district" is here employed in the sense of a principal center of population in a particular area). Class III stations are presently subdivided into 2 groups: (1) class III-A stations which operate with power not less than 1 kilowatt nor more than 5 kilowatts and which are protected to the 0.5 mv./m. groundwave contour daytime and to the 2.5 mv./m. groundwave contour nighttime; and (2) class III-B stations which operate with power of not less than 0.5 kilowatt and not more than 1 kilowatt nighttime or 5 kilowatts daytime and which receive protection to the 0.5 mv./m.

<sup>1</sup> Letters in support of the petitions have been received from the licensees of stations KGCX, WKMI and WMAK.

<sup>2</sup> E. Harold Munn, Jr., has proposed 10 kw. maximum power for regional stations. WKMI and WMAK in their letter indicate support of this particular petition.

groundwave contour daytime and to the 4.0 mv./m. groundwave contour nighttime.<sup>3</sup>

4. The petitioners state that increased power is urgently needed to allow existing and proposed regional stations located in large metropolitan districts to provide service to the entire district because (a) continuing expansion of suburban areas has placed these areas and populations beyond the reach of a 5 kilowatt station; (b) existing transmitter sites, originally located in open areas, have been overgrown by new housing developments, and new, suitable transmitter sites are difficult or impossible to secure; (c) the presence of a built up area near a transmitting antenna often causes attenuation of signals to such an extent service is no longer provided to areas that were formerly served; (d) the present emphasis on small, self-contained receivers requires strong signals for service; and (e) increased electrical noise resulting from the increased use of electrical apparatus requires stronger signals to produce a satisfactory service.<sup>4</sup>

5. The petitioners further state that (a) the Commission has recognized the need of class IV stations to increase their operating power; (b) neighboring countries have recognized a need for more than 5 kilowatts on regional channels; (c) European stations, through the Copenhagen Convention, have recognized a need for use of over 5 kilowatts on almost all allocations; and (d) the present power limitations in this country were established on rationale, requirements, and equipment of 20 years ago.

#### CONCLUSIONS

6. The Commission has carefully considered these contentions and is not persuaded that a rulemaking proceeding which would look toward authorization of higher power for regional stations should be instituted.

7. There are approximately 1900 stations assigned to the 41 regional channels. As many of the supporting statements note, the service presently provided by these stations is most frequently limited by interference from cochannel and adjacent channel regional assignments. It would certainly not be in the public interest to authorize higher power for these stations except on the basis that no new or increased interference should result therefrom. This has been recognized by many of the interested parties. Under these circumstances, there exists a very limited potential for improving the service of regional stations in general. Indeed, a number of parties state that many regional stations could not operate with higher power. Thus, at best, adoption of the rule amendments proposed by the petitioners would only serve to benefit a limited number of regional stations. In our opinion this does

<sup>3</sup> The North American Regional Broadcasting Agreement contains a general limitation on power for class III stations of 5 kilowatts with special provision for higher power in some instances. The Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band permits class III stations to operate with power up to 25 kilowatts.

<sup>4</sup> An engineering affidavit filed in support of the petitions states that the spurious radiation from the synchronizing circuits of television receivers is an extremely serious source of electrical interference in thickly populated areas.

not constitute a fair and equitable distribution of radion services.

8. Turning our attention to those regional stations which could operate with increased power we note, as do several of the commenting parties, that such operation would most frequently require using a highly directional antenna essentially in order to maintain existing radiation limits in the directions toward neighboring cochannel and adjacent channel assignments. Under these circumstances, only a portion of the district to which the station is assigned would enjoy an improved service. Even these limited service gains must be weighed against the possibility that the increased radiation which provides these gains also serves to extend the range of interference and could, conceivably, eliminate certain areas as potential locations for new regional stations.

9. Other factors have also been considered. Among these is the matter of negotiating with certain countries which are parties to the North American Regional Broadcasting Agreement but with which we do not presently share diplomatic relations. Also, we note that several statements include the observation that most listeners presently enjoy a choice among 2 or 3 good services. This, in our view, tends to minimize the need for the limited service gains which would accrue to regional stations through authorization of higher power. Therefore, we are not convinced that the public interest would be meaningfully served by grant of the subject petitions.

10. Accordingly, *It is ordered*, this 6th day of February, 1962, That the petitions of E. Harold Munn, Jr., Coldwater, Mich.; William Penn Broadcasting Co., Philadelphia, Pa.; Cleveland Broadcasting, Inc., Cleveland, Ohio; Seattle Broadcasting Co., Seattle, Wash.; South Bend Tribune, South Bend, Ind.; and Meyer Broadcasting Co., Bismarek, N. Dak., which urge the institution of a rule making proceeding looking toward authorization of higher power for regional stations *Are denied*.

Released February 12, 1962.