

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of
PRESUNRISE OPERATION BY CLASS II STATIONS }
UNDER PRESUNRISE SERVICE AUTHORIZATION } Docket No. 17562
ON U.S. I-A CLEAR CHANNELS }

NOTICE OF PROPOSED RULEMAKING

(Adopted June 28, 1967)

BY THE COMMISSION : COMMISSIONER JOHNSON ABSENT.

1. The Commission has today adopted a report and order and rules in docket 14419, the longstanding proceeding concerning presunrise operation; i.e., use of authorized daytime facilities before local sunrise. New section 73.99 of the rules is adopted to cover this subject. It provides—for all stations permitted presunrise operation except class II stations on U.S. I-A channels—that such operation shall be limited to no more than 500 w power and the period between 6 a.m. and sunrise, local standard time. The 6 a.m. limitation is required by the agreement with Canada on this subject adopted by exchange of notes on June 12, 1967, and is, in our view, also appropriate from the standpoint of domestic considerations. The 500-w restriction is not contained in the agreement, but was adopted for domestic reasons, to prevent excessive interference from higher-power daytime facilities operated before local sunrise.

2. With respect to class II stations on U.S. I-A clear channels (daytime, limited time, and full time), the new rules permit presunrise operation by such stations located west of the dominant class I-A station, limited to 6 a.m. and after as the Canadian agreement requires. We left open for further consideration the question of whether such presunrise operation should be limited to no more than 500 w, as the other categories of stations permitted to engage in presunrise operation are limited. It is the purpose of this notice to invite comments on that question, and we propose to amend section 73.99, adopted today, to impose the 500-w limit on stations in this class II category.

3. We expressed in the report and order the tentative view that the same 500-w ceiling should apply to class II stations on these U.S. I-A channels. The reasons leading to this view are, briefly, that as a general proposition, it is undesirable, from the standpoint of equity and technical parity for competitive purposes, to permit one group of stations to operate presunrise with more power than other groups are allowed to use; and that limitation to no more than 500 w will prevent excessive interference to class I-A stations on these channels (see, for example, footnote 9 of appendix A to the report and order), and

to class II-A stations on some of these channels which are designed to provide wide coverage to "white areas." On the other hand, we recognize that in some respects the situation on these channels is different from that on the regional and I-B frequencies. Fewer stations are sources of interference; under present rules there can be only a very few new assignments (no daytime-only or limited-time stations, and only full-time class II's specifically provided for in the rules), and there are substantially fewer foreign protection problems. Parties may wish to comment on these various considerations.

4. Accordingly, it is proposed to remove from section 73.99(b)(1), adopted today, the note which exempts class II stations on U.S. I-A channels from the 500-w ceiling on presunrise operation. Authority for this amendment is contained in sections 4(i) and 303(g) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested parties may file comments on or before September 5, 1967, and reply comments on or before October 5, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of section 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Secretary*.