

F.C.C. 69-953

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of
AMENDMENT OF SECTION 73.316(f) OF THE
COMMISSION'S RULES TO REMOVE THE RE-
QUIREMENT FOR FILING AN AM APPLICATION
WHEN AN FM APPLICANT PROPOSES TO
SIDE-MOUNT AN FM ANTENNA ON A STAND-
ARD BROADCAST STATION TOWER WITHOUT
INCREASING THE OVERALL HEIGHT OF THAT
STRUCTURE

ORDER

(Adopted September 4, 1969)

BY THE COMMISSION: COMMISSIONER JOHNSON ABSENT.

1. At the present time, section 73.316(f) of the rules requires the filing of an AM application for construction permit or modification of construction permit when it is proposed to side-mount an FM antenna on an existing standard broadcast station tower, whether or not such installation requires a change in the tower height of the supporting structure. Practice has demonstrated that such AM applications serve no useful purpose where no change in height of the AM towers occur, and are not necessary to the processing of the FM applications. Too, it must be noted that the construction permit issued after the approval of the FM application always contains conditions that the standard broadcast station shall determine the operating power by the indirect method during construction of the FM broadcast station antenna, and there is a requirement to remeasure the antenna resistance and current after installation of the FM broadcast station antenna on the standard broadcast station tower, and report the results of such measurements on F.C.C. form 302.

2. In view of the above, and the fact that the present requirement is burdensome and unnecessary, the Commission finds that it is in the public interest to amend section 73.316(f) of its rules to abolish the requirement of the filing of an AM application when an FM station is simply side-mounting an FM antenna on an AM tower and not increasing the overall height of the structure.

3. Authority for the adoption of the amendment herein adopted, is contained in sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended.

4. Because the change in our rules herein ordered is purely procedural in nature and relaxes an existing requirement, compliance with the usual notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary and would serve no useful purpose.

5. In view of the foregoing, *It is ordered*, That effective September 12, 1969, section 73.316(f) of the Commission's rules and regulations *Is amended*.

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

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