

F.C.C. 73-1324

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of
EMERGENCY IMPLEMENTATION OF NATIONAL
DAYLIGHT SAVING TIME LEGISLATION (PUB-
LIC LAW 93-182) WITH RESPECT TO SIGN-ON
PRACTICES OF DAYTIME-ONLY AM BROAD-
CAST STATIONS } Docket No. 19902

ORDER

(Adopted December 18, 1973; Released December 20, 1973)

BY THE COMMISSION :

1. By Public Law approved December 15, 1973, and effective January 6, 1974 (PL 93-182), Daylight Saving (advanced) time will be generally observed in the nation on a year-around basis, through the last Sunday of April, 1975. This legislation, adopted as an energy conservation measure, amends the Uniform Time Act of 1966, under which most of the country heretofore observed advanced time for only six months of the year.

2. To enable affected stations to recoup the resulting one-hour morning time loss between the last Sunday of October and the last Sunday of April, section 5 of PL 93-182 directs the Commission to make appropriate adjustments in the sign-on times and pre-sunrise powers of daytime-only AM broadcast stations to the extent feasible in light of existing treaty commitments and clear channel protection considerations.¹

3. By Notice of Inquiry and Proposed Rule Making released today in this proceeding, we have proposed that during the effectiveness of PL 93-182, certain classes of daytime-only stations be permitted to apply for temporary pre-sunrise service authorizations (TPSA's). Except for stations with foreign interference problems, the TPSA would, in general, provide the holder with one hour of added pre-sunrise operation at an operating power of 50 watts, with provision for higher power (up to 100 watts) in certain limited situations.

4. Approximately, 1650 daytime stations hold pre-sunrise service authorizations (PSA's) under section 73.99 of our rules. Most PSA holders are Class III stations on regional channels, and operate with a pre-sunrise power of 500 watts (or less, if necessary to meet foreign co-channel protection requirements). These Class III daytimers hold-

¹ Since daytime stations will continue to sign off at the standard (nonadvanced) times specified in their station licenses, the one-hour adjustment contemplated by Congress will actually *add* one hour to the daily operating schedule. Fulltime and specified hours stations are beyond the scope of this Order. Such stations must therefore employ their authorized nighttime facilities to provide whatever extended hours of operation they deem appropriate. The possible adjustment of pattern-switching times for fulltime and specified hours stations will, however, be considered in the companion rulemaking proceeding initiated today.

ing PSA's may commence operation with their PSA powers at 6:00 a.m. *local* time, and will therefore automatically achieve a one-hour advancement under PL 93-182 during the October-April portion of the year.

5. A substantial (but lesser) number of daytimers holding PSA's are assigned to U.S. and foreign clear channels. Their sign-on times are regulated by *actual* sunrise times at co-channel dominant stations to the east, with power reduced to afford interference protection to co-channel dominant stations (if any) to the west. Finally, there are 346 daytimers currently ineligible for pre-sunrise operating privileges in any form. These include Class II stations assigned to U.S. I-A clear channels and located east of the dominant station; Class II stations within or near the 0.5 mV/m 50% skywave contours of co-channel U.S. I-B clear channel stations; Class II stations assigned to Canadian and Bahamian I-A clear channels; and Class II stations so located that they cannot meet foreign co-channel protection requirements.

6. The rule making proceeding initiated today cannot be completed prior to the January 6, 1974, effective date of PL 93-182. In order to afford interim relief to as many of the affected stations as possible we are, on an emergency basis, taking the measures ordered below. Authority for the adoption of this Order is contained in section 6 of PL 93-182 and section 4(i) of the Communications Act of 1934, as amended. Because of the urgent need for the interim adjustments herein ordered and because we interpret the new legislation as permitting these adjustments without regard to hearing rights which might otherwise be asserted by affected fulltime stations under section 316 of the Communications Act, we find that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required.

7. Accordingly, IT IS ORDERED, That effective January 6, 1974, and pending further action of the Commission:

(a) Class III daytimers assigned to regional channels and *presently holding* PSA's may, in accordance with section 73.99 of the rules, sign on at 6:00 a.m. *local* (advanced) time with the pre-sunrise facilities described in their PSA's. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities specified therein.

(b) Class II (secondary) daytimers assigned to *Mexican I-A* clear channels and *presently holding* PSA's may, in accordance with section 73.99 of the rules, sign on at 6:00 a.m. *local* (advanced) time with the pre-sunrise facilities described in their PSA's. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(c) Class II (secondary) daytimers assigned to *Canadian or Mexican I-B* clear channels and *presently holding* PSA's shall, pending outcome of international negotiations, continue to sign-on at the actual sunrise time at the controlling foreign Class I-B station to the east (if any) with the pre-sunrise facilities described

in their PSA's. The sign-on times shall be *one hour later* than those listed for the October-April portion of the year in Commission letters held by such Class II stations. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(d) Class II (secondary) daytimers assigned to *U.S. I-A and I-B* clear channels and *presently holding* PSA's may achieve the one-hour advancement by *adhering*, throughout the year, to the sign-on times specified in outstanding Commission letters with the pre-sunrise facilities described in their PSA's. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(e) Class II (secondary) daytimers assigned to *Canadian and Bahamian I-A* clear channels (*i.e.*, 540 kHz, 690 kHz, 740 kHz, 860 kHz, 990 kHz, 1010 kHz, 1540 kHz, and 1580 kHz) shall, pending outcome of international negotiations, *continue to observe* the standard (non-advanced) sign-on times specified in their station licenses.

(f) Class II (secondary) daytimers assigned to *U.S. I-A and I-B* clear channels and *currently ineligible* for a PSA because of their geographic relationship or proximity to U.S. co-channel dominant stations may, on the effective date of this Order, *commence operation one hour prior to local sunrise* with a power of 50 watts into the daytime or critical hours antenna system, as appropriate, and may continue such mode of operation until the standard (non-advanced) sign-on times specified in their station licenses: *Provided*, That on or before April 15, 1974, stations availing themselves of this privilege shall give written notice to the Commission setting forth the date such operation commenced, describing the method whereby the power reduction has been achieved, and including calculations to establish that the 50 watt pre-sunrise operation causes no objectionable interference to any foreign station; and: *Provided further*, That in no event shall operation under this paragraph commence earlier than 6:00 a.m. local time; and: *Provided further*, That radio stations WOI, Ames, Iowa; WNAD, Norman, Oklahoma; WHLO, Akron, Ohio; WWJC Duluth, Minnesota; and KRPT, Anadarko, Oklahoma, shall, pending outcome of international negotiations, *delay their sign-on times* until local sunrise at the Canadian and Mexican Class I-B clear channel stations on their frequencies, as identified in the Attachment.

8. IT IS FURTHER ORDERED, That any licensee or permittee eligible for a PSA *must apply for and obtain* such PSA before the privileges conferred by this Order shall become operative.

9. IT IS FURTHER ORDERED, That to the extent that operations undertaken under this Order may conflict with the Commission's technical rules, such rules, *are hereby waived*.

10. IT IS FURTHER ORDERED, That any operation undertaken under the terms of this Order *may be modified or terminated* by the Commission, without prior notice or right to hearing, if neces-

sary to resolve international interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

11. IT IS FURTHER ORDERED, That the pre-sunrise operating benefits conferred by this Order *shall not apply* to stations located in states or portions of states, in which advanced time is not observed during the October-April portion of the year.

12. IT IS FURTHER ORDERED, That this Order, or a photocopy thereof, *shall be posted* by all licensees and permittees undertaking to operate under the terms thereof, with an indication of the paragraph under which the pre-sunrise operation is being conducted.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS, *Secretary*.

ATTACHMENT

CLASS I STATIONS

540	Canada.....	I-A	CBK	Watrous, Saskatchewan, 50kw, ND, U.
	Mexico.....	I-A	KEWA	San Luis Potosi, 150kw, ND, U.
550	Cuba.....	I-C	CMW	Havana, 10kw, DA, U or 2.5kw, ND, U.
570	Cuba.....	I-D	CMHI	Santa Clara, 10kw, DA, U.
590	Cuba.....	I-D	CMCI	Havana, 25kw, DA, U.
620	Dominican Republic.....	I-C	HISD	Santo Domingo, 10kw, ND, U.
630	Cuba.....	I-D	CMQ	Havana, 25kw, DA-1, U.
640	United States.....	I-A	KFI	Los Angeles, 50kw, ND, U.
	Canada.....	I-B	CBN	St. John's, Newfoundland, 10kw, ND, U.
	Cuba.....	I-C	CMHQ	Santa Clara, 15kw, DA, U.
650	United States.....	I-A	WSM	Nashville, 50kw, ND, U.
660	United States.....	I-A	WNBC	New York City, 50kw, ND, U.
670	United States.....	I-A	WMAQ	Chicago, 50kw, ND, U.
680	United States.....	I-B	KNBR	San Francisco, 50kw, ND, U.
690	Canada.....	I-A	CBF	Montreal, 50kw, ND, U.
	Mexico.....	I-B	XETRA	Tijuana, 50kw, DA-2, U.
	Cuba.....	I-C	CMBC	Havana, 50kw, DA, U.
700	United States.....	I-A	WLW	Cincinnati, 50kw, ND, U.
710	United States.....	I-B	WOR	New York City, 50kw, DA-1, U.
	United States.....	I-B	KIRO	Seattle, 50kw, DA-N, U.
720	United States.....	I-A	WGN	Chicago, 50kw, ND, U.
730	Mexico.....	I-A	XEX	Mexico City (presently 50kw, ND, U) 500kw, DA, U.
740	Canada.....	I-A	CBL	Toronto, 50kw, ND, U.
	Cuba.....	I-D	CMKJ	Holguin, 10kw, DA, U.
750	United States.....	I-A	WSB	Atlanta, 50kw, ND, U.
760	United States.....	I-A	WJR	Detroit, 50kw, ND, U.
770	United States.....	I-A	WABC	New York City, 50kw, ND, U.
780	United States.....	I-A	WBBM	Chicago, 50kw, ND, U.
800	Mexico.....	I-A	XELO	Ciudad Juarez, 150kw, ND, U.
810	United States.....	I-B	KGO	San Francisco, 50kw, DA-1, U.
	United States.....	I-B	WGY	Schenectady, 50kw, ND, U.
820	United States.....	I-A	WBAP	Fort Worth, 50kw, ND, U.
830	United States.....	I-A	WCCO	Minneapolis, 50kw, ND, U.
840	United States.....	I-A	WHAS	Louisville, 50kw, ND, U.
850	United States.....	I-B	KOA	Denver, 50kw, ND, U.
	Mexico.....	I-B	XETQ	Crizaba, Veracruz (presently 10kw, DA-2, U) 100kw, D/50kwN, DA-N, U.
860	Canada.....	I-A	CJBC	Toronto, 50kw, ND, U.
	Cuba.....	I-C	CMBL	Havana, 25kw, DA, U.
870	United States.....	I-A	WWL	New Orleans, 50kw, DA-1, U.
880	United States.....	I-A	WCBS	New York City, 50kw, ND, U.
890	United States.....	I-A	WLS	Chicago, 50kw, ND, U.
900	Mexico.....	I-A	XEW	Mexico City, 250kw, ND, U.
920	Cuba.....	I-D	CMJL	Camaguey, 10kw, DA, U.
940	Canada.....	I-B	CBM	Montreal, 50kw, ND, U.
	Mexico.....	I-B	XEQ	Mexico City (presently 50kw, ND, U) 150kw, D/50kwN, ND, U.
950	Cuba.....	I-D	CMEF	Havana, 10kw, DA, U.
980	Cuba.....	I-D	CMCK	Havana, 10kw, DA, U.
990	Canada.....	I-A	CBW	Winnipeg, 50kw, ND, U.
1000	United States.....	I-B	WCFL	Chicago, 50kw, DA-2, U.
	United States.....	I-B	KOMO	Seattle, 50kw, DA-N, U.
	Mexico.....	I-B	XEOY	Mexico City, 10kw, ND, U.
1010	Canada.....	I-A	CBR	Calgary, 50kw, DA-2, U.
	Cuba.....	I-B	CMBQ	Havana (presently 5kw, ND, U) 25kw, DA, U.
1020	United States.....	I-A	KDKA	Pittsburgh, 50kw, ND, U.

ATTACHMENT—Continued

CLASS I STATIONS—Continued

1030	United States.....	I-A	WBZ	Boston, 50kw, DA-1, U.
1040	United States.....	I-A	WHO	Des Moines, 50kw, ND, U.
1050	Mexico.....	I-A	XEG	Monterrey, 150kw, ND, U.
1060	United States.....	I-B	KYW	Philadelphia, 50kw, DA-1, U.
	Mexico.....	I-B	XESED	Mexico City, 50kw, DA-N, U.
1070	United States.....	I-B	KNX	Los Angeles, 50kw, DA-D, U.
	Canada.....	I-B	CBA	Moncton, N.B., 50kw, ND, U.
1080	United States.....	I-B	WTIC	Hartford, 50kw, DA-N, U.
	United States.....	I-B	KRLD	Dallas, 50kw, DA-N, U.
1090	United States.....	I-B	KAAV	Little Rock, 50kw, DA-N, U.
	United States.....	I-B	WBAL	Baltimore, 50kw, DA-N, U.
	Mexico.....	I-B	XERB	Rosarito, B.C., 50kw, DA-N, U.
1100	United States.....	I-A	WWWE	Cleveland, 50kw, DA-1, U.
1110	United States.....	I-B	WFAB	Omaha, 50kw, DA-N, U.
	United States.....	I-B	WBT	Charlotte, 50kw, DA-N, U.
1120	United States.....	I-A	KMOX	Saint Louis, 50kw, ND, U.
1130	United States.....	I-B	KWKH	Shreveport, 50kw, DA-N, U.
	United States.....	I-B	WNEW	New York City, 50kw, DA-N, U.
	Canada.....	I-B	CKWX	Vancouver, 50kw, DA-N, U.
1140	United States.....	I-B	WRVA	Richmond, 50kw, DA-1, U.
	Mexico.....	I-B	XEMR	Monterrey (presently 10kw, DA-N, U) 50kw, DA-N, U.
1160	United States.....	I-A	KSL	Salt Lake City, 50kw, ND, U.
1170	United States.....	I-B	KVOO	Tulsa, 50kw, DA-N, U.
	United States.....	I-B	WWVA	Wheeling, 50kw, DA-N, U.
1180	United States.....	I-A	WHAM	Rochester, 50kw, ND, U.
1190	United States.....	I-B	KEX	Portland, 50kw, DA-1, U.
	United States.....	I-B	WOWO	Fort Wayne, 50kw, DA-N, U.
	Mexico.....	I-B	XEWK	Guadalajara, Jalisco (presently 50kwD/10kwN, ND, U) 50kw, DA-N, U.
1200	United States.....	I-A	WCAI	San Antonio, 50kw, ND, U.
1210	United States.....	I-A	WCAU	Philadelphia, 50kw, ND, U.
1220	Mexico.....	I-A	XEB	Mexico City, 100kw, ND, U.
1500	United States.....	I-B	WTOP	Washington, D.C., 50kw, DA-2, U.
	United States.....	I-B	KSTP	Saint Paul, 50kw, DA-N, U.
1510	United States.....	I-B	WLAC	Nashville, 50kw, DA-N, U.
	United States.....	I-B	KGA	Spokane, 50kw, DA-N, U.
1520	United States.....	I-B	WKBW	Buffalo, 50kw, DA-1, U.
	United States.....	I-B	KOMA	Oklahoma City, 50kw, DA-N, U.
1530	United States.....	I-B	KFBK	Sacramento, 50kw, DA-1, U.
	United States.....	I-B	WCKY	Cincinnati, 50kw, DA-N, U.
1540	British Isles.....	I-A	ZNS	Nassau, 20kw, DA-1, U.
	United States.....	I-B	KXEL	Waterloo, 50kw, DA-N, U.
1550	Canada.....	I-B	CBE	Windsor, 10kw, DA-1, U.
	Mexico.....	I-B	XEXB	Jalapa, Vera Cruz, 10kw, ND, U.
1560	United States.....	I-B	KPMC	Bakersfield, 10kw, DA-1, U.
	United States.....	I-B	WQXR	New York City, 50kw, DA-2, U.
	Cuba.....	I-B	CMZ	Santa Clara, 10kw, DA, U.
1570	Mexico.....	I-A	XERF	Villa Acuna (presently 250kwD/500kwN, ND, U) 250kw, ND, U.
1580	Canada.....	I-A	CBJ	Chicoutimi, Quebec, 10kw, DA-1, U.

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