

Presunrise Operation
Rules, Amendment of

Rules amended to permit certain Class II stations to begin presunrise operation. Current authorized presunrise operations by Class II stations have not been detrimental to clear channel service in remote areas and populations.
BC Docket No. 80-244

FCC 81-80

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In re Matter of:

Amendment of Section 73.99 of the Com-
mission's Rules

BC Docket No.
80-244
RM-2650

REPORT AND ORDER

(Adopted: February 25, 1981; Released: March 9, 1981)

BY THE COMMISSION: CHAIRMAN FERRIS NOT PARTICIPATING.

1. On June 10, 1980, we released a *Notice of Proposed Rulemaking* in the above-captioned matter. 45 Fed. Reg. 40626. In that action we proposed a uniform 6:00 a.m. presunrise sign-on time for certain Class II stations situated outside the respective 0.5 mV/m-50 percent contours of co-channel U.S. Class 1-B clear channel stations. Interested parties were invited to file comments on or before July 14, 1980 and reply comments on or before August 8, 1980.

2. That *Notice* proposed amendment of Section 73.99(b)(1) of the Rules to permit certain Class II stations to commence presunrise operation at 6:00 a.m., local time, with a sufficient power reduction to protect the 0.5 mV/m-60 percent contour of *both* co-channel U.S. Class I-B clear channel stations. Presently, Section 73.99(b)(1) of the Rules, in effect, only permits such a Class II station to commence presunrise operation at sunrise at the co-channel Class I-B station located to the *east* with power reduced to protect the 0.5 mV/m-50 percent contour of the co-channel Class I-B station located to the *west*. At local sunrise, the Class II station would then commence operation with its daytime mode.

3. As discussed in the earlier *Notice*, the presunrise operating privileges of the Class II stations assigned to Class I-B clear channels were not a major thrust of the extensive 1967 presunrise rulemaking proceeding. *Operation by Standard Broadcast Stations*, 8 FCC 2d 698 (1967). Underlying that rulemaking proceeding was our concern of

potentially substantial cumulative skywave interference to the early morning service of fulltime AM stations. In buttressing this concern, we were cognizant that substantial interference would already result by our action permitting nearly all Class III (regional) stations to operate with 500 watts commencing at 6:00 a.m. local time. As a consequence, this reinforced our decision, at that time, to take a relatively conservative approach in regard to further compromising early morning clear channel service to remote areas and populations. Based upon our experience with Class III stations, it appears that early morning PSA broadcast service has not, in fact, caused the substantial early morning interference to fulltime stations originally feared but, rather, has benefited the listeners of the approximately 2500 stations now holding PSA's. Similarly, it also appears that the presently authorized PSA operations by Class II stations have not caused detrimental cumulative skywave interference to clear channel service to remote areas and populations. Therefore, we proposed an expansion of PSA service by authorizing a uniform 6:00 a.m. sign-on time for certain Class II stations.

4. In view of the relatively limited nature of this proceeding, we did not receive a volume of comments comparable to the earlier presunrise rulemaking proceeding. The comments we received from daytime AM stations as well as the Daytime Broadcasters Association were uniformly favorable. Moreover, the Daytime Broadcasters Association questioned the advisability of protecting the 0.5 mV/m-50 percent contour of the Class I-B station as required by Section 73.99(c)(2) of the Rules. In a similar context, the licensees of Class I-B stations have not opposed this proposed rulemaking. In this regard, Jefferson-Pilot Broadcasting Company, licensee of Class I-B Station WBT, Charlotte, North Carolina has filed specific comments not opposing this rule change. On the other hand, Jefferson-Pilot Broadcasting Company along with several other licensees of Class I-B stations have strongly objected to the suggestion by the Daytime Broadcasters Association and certain daytime licensees that the Commission revise the 0.5 mV/m-50 percent protection contour for Class I-B stations. As correctly observed by these parties, such a proposal is clearly outside the scope of this proceeding and will not now be considered. In addition, it should be noted that the Association for Broadcasting Engineering Standards, Inc. has filed an engineering statement challenging the engineering assertions upon which the Daytime Broadcasters Association based their suggested revision of the 0.5 mV/m - 50 percent protection contour.

5. Authority for the adoption of this *Report and Order* is contained in Sections 4(i), 303(c), 303(e), 303(r) and 307(b) of the Communications Act of 1934, as amended.

6. Accordingly, IT IS ORDERED That, effective April 17, 1981,

Section 73.99 of the Rules IS AMENDED as set forth in the Appendix.¹

7. IT IS FURTHER ORDERED, That proceedings in BC Docket No. 80-244 ARE HEREBY TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO, *Secretary*.

Appendix

In Section 73.99 of the Commission's Rules, subparagraphs (b)(1) and (2) and paragraph (c) are revised to read as follows:

- (a) ***
- (1) ***
- (2) ***
- (b) ***

- (1) Clear II stations operating on Mexican and Bahamian I-A clear channels may commence PSA operation with their daytime antenna systems at 6 a.m. local time, and continue this operation until the sunrise times specified in their basic instruments of authorization. Class II stations situated outside the respective 0.5 mV/m-50 percent contours of co-channel domestic Class I-B clear channel stations, may commence PSA operation at 6 a.m. local time, and continue this operation until the sunrise times specified in their basic instruments of authorizations. Other Class II stations, where eligible under paragraph (a)(1) of this Section, may commence PSA operation either at 6 a.m. local time, or at the time of sunrise at the nearest Class I station located east of the Class II station (whichever is later), and continue this operation until the sunrise times specified in their basic instruments of authorization. The permissible PSA power shall not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts), or such lesser power as may be determined by computations made pursuant to paragraph (c) of this Section.
- (2) Class III stations may commence operation with their daytime antenna systems at 6 a.m. local time, and continue this operation until local sunrise. The permissible PSA power shall not exceed 500 watts or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this Section.
- (c) PSA requests shall be treated as proposals for minor changes in existing facilities and, as such, are not subject to the procedural requirements or remedies applicable to applications for new facilities and major changes. PSA requests shall be submitted by letter, signed in the manner specified in Section 1.513 with the following information:
 - (1) Name, call letters, and station location.
 - (2) Class II stations operating on clear channels other than Class I-A clear channels, must show that objectionable interference as determined by the AM Technical Standards (Sections 73.182 to 73.190), or by the engineering standards of the NARBA (whichever is controlling), will not be caused within the 0.5 mV/m-50 percent skywave contour of any domestic Class I-B stations, or of a Class I-B station in any country signatory to the NARBA. Both Class II

¹ In the interest of clarity, we are also making certain nonsubstantive changes in Sections 73.99(b) and (c).

stations operating on Mexican Class I-A clear channels and Class II stations located east of co-channel Mexican Class I-B stations must show that under the engineering standards of the United States/Mexican Agreement that the Class II station does not produce a signal in excess of 25 $\mu\text{V}/\text{m}$ -10 percent skywave at any point on the co-channel Mexican Class I station's 0.5 mV/m -50 percent skywave contour which falls on Mexican territory, or more than 50 $\mu\text{V}/\text{m}$ -10 percent skywave at any point on the Mexican border where the signal of the Mexican Class I station exceeds 0.5 mV/m -50 percent skywave in strength. In addition, the applicant must show that foreign Class II stations (if any) assigned to the same channel as the U.S. Class II station will receive full protection under the standards for nighttime operation set forth in the applicable agreement. If the foregoing protections cannot be achieved by the Class II station while operating with 500 watts, a showing may be submitted to establish the level to which power must be limited to preclude objectionable interference, provided: That, in relation to Canadian Class II stations, the permissible power level may be established in the manner described in paragraph (c)(3) of this Section by the use of Figure 12 of §73.190. NOTE: PSA applicants for the Bahamian I-A clear channel (1540 kHz) need not submit the nighttime interference study required of other PSA applicants under this subparagraph. Instead, the FCC will assign a power and time of commencement of presunrise operation consistent with the provisions of the U.S.-Bahamian presunrise agreement (1974) and the protection requirements of U.S. I-B and foreign Class II full-time station assignments on this frequency.

- (3) Class III stations must show that co-channel stations in foreign countries will receive full treaty protection. If such protection cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference, provided: That, with respect to Canadian Class III stations, such power level may be established by a showing that the radiation at the pertinent vertical angle toward co-channel Canadian stations does not exceed that defined in Figure 12 of §73.190. If the latter showing cannot be made on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced in order to limit radiation at the pertinent vertical angle to the values specified in Figure 12 of §73.190.

(4) ***

(d) ***

(e) ***

(f) ***

(g) ***

(h) ***

(i) ***