

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-1

PART 1 - PRACTICE AND PROCEDURE.

(The first amendment to the December 1955 Edition.)

Directions for altering text:

1. Section 1.387 (b) (3) of the Commission's rules and regulations is amended to read as follows:

(3) Any person who has filed a mutually exclusive application, which, under § 1.724 (b) will be consolidated with a prior application, or applications. (Eff.: See NOTE, Amdt. 1-1)

2. Section 1.724 (b) of the Commission's rules and regulations is amended to read as follows:

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled provided, however, that in broadcast matters a mutually exclusive application will be consolidated for hearing with such other application or applications only if the later application has been filed not later than ten days after public notice has been given by the Commission of its order designating a prior application or applications for hearing. If the later application is filed after said ten days it will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket. If, in non-broadcast matters the scheduled date is changed, the date last set shall govern in determining the timeliness of an application.

(Eff.: See NOTE, Amdt. 1-1)

3. A new § 1.370 is enacted to immediately follow the subtitle "The Manner In Which Applications Are Processed" and which reads as follows:

§ 1.370 *Thirty-day waiting period for action on certain applications.* The Commission will not act on applications for construction permit for new broadcast stations, or for renewal thereof, or modification of broadcast construction permits requesting changes of transmitter site, antenna height or operating power, until 30 days have elapsed since the date on which public notice has been given by the Commission of the acceptance of such application or applications for filing.

(Amdt. 1-1)

NOTE: The above amendment was adopted by the Commission on December 21, 1955 (FCC 55-1264); published in the Federal Register December 31, 1955 (20 FR 10161); to be effective as follows: Amendments to §§ 1.387 (b) (3) and 1.724 (b) are " . . . effective January 1, 1956, and that these amendments shall apply only to applications designated for hearing on or after the effective date."; § 1.370 is effective immediately.

(For convenience, there is attached hereto a form for recording amendments to Part 1. Space has been provided to record pertinent information as may be desired.)

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENIMENT NO. 1-2

PART 1 - PRACTICE AND PROCEDURE

(The second amendment to the December 1955 Edition.)

Directions for altering text:

Section 1.387 (a) of the Commission's rules and regulations is amended to read as follows:

§ 1.387 *Procedure when case is designated for hearing.* (a) When an application has been designated for hearing, the Secretary of the Commission will mail an order to the applicant setting forth the reasons for the Commission's action and the issues upon which the application will be heard. In addition, notice of hearing involving matters under Part I of Title III of the act will be given by publishing the notice of hearing in the FEDERAL REGISTER. The Commission will, when possible, give at least 30 days advance notice of a hearing in cases other than those involving broadcast applications and at least 60 days advance notice on comparative hearings involving applications for authority to construct broadcast facilities. In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for the hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified and has not filed prior to the expiration of that time period a petition to dismiss without prejudice pursuant to § 1.366, or a petition to accept, for good cause shown, such written appearance after expiration of said 20 days, his application will be dismissed with prejudice by the Chief Hearing Examiner for failure to prosecute.

[Rules Amdt. 1-2]

NOTE: This amendment was adopted by the Commission February 16, 1956, effective immediately (FCC 56-133); published in the Federal Register February 25, 1956 (21 FR 1270).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-3

PART 1 - PRACTICE AND PROCEDURE

(The third amendment to the December 1955 edition)

Directions for altering text:

1. Section 1.370 is deleted.
2. Section 1.373 is amended to read as follows:

§ 1.373 Procedure with respect to processing of standard broadcast applications. (a) Applications for standard broadcast facilities are divided into two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations (such as changes in frequency, power, hours of operation, station location, or substantial change in directional antenna system). The applications in the first group are acted on by the Commission.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. The types of applications in the second group are listed in section 0.241 of the Statement of Organization, Delegations of Authority and Other Information and are acted upon by the Chief of the Broadcast Bureau under delegated authority.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days have elapsed since the date on which public notice is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such amendment.

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number strictly determines the order in which the staff's work is begun on a particular application. There is one exception thereto; the Broadcast Bureau is authorized to group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding.

(d) Applications which are acted upon under delegated authority are not placed on the processing line but are handled as expeditiously as the availability of personnel permits.

(e) Applications for modification of license to change hours of operation of a class IV station or to decrease hours of operation of any other class of station or to change station location involving no change in transmitter site will be considered without reference to the processing line.

(f) If, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application, the same will be granted subject to protest. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.385 will be followed.

(g) When an application which has been designated for hearing has been removed from the hearing docket pursuant to § 1.364 (a), the application will be returned to its proper position (as determined by the file number) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Chief Hearing Examiner in acting on such petitions, will dismiss the request for a grant.

(h) An application will continue to be carried under the same file number unless a major amendment is made which involves the substitution of a different application. (Examples: Change in station location so that essentially a new service area is involved; substitution of new parties in the application so that the original applicant no longer holds a majority control).

(i) When an application is reached for processing and it is necessary to address a letter to the applicant asking further information, the application will not be processed until the information requested is received. In such an event the application is placed in the pending file to await the applicant's response.

(j) When the Commission places applications that are in a particular category of cases in a pending file, it makes a public announcement of its policy and notifies the individual applicant as to why his application is being placed in the pending file.

(Amdt. 1-3; Eff. 3-16-56)

3. Section 1.378 is amended to read as follows:

§ 1.378 Procedure with respect to processing of television broadcast applications. (a) Applications for television broadcast facilities are divided in two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations (such as changes in frequency, significant increases in power and/or antenna height, significant changes in antenna location and changes in station location).

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. These applications will ordinarily be acted upon by the Chief of the Broadcast Bureau under his delegated authority.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days have elapsed since the date on which public notice is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such amendment.

(c) Applications for television stations will be processed as nearly as possible in the order in which they are filed.

(d) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

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(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is processed. If the question concerning transmitter sites is resolved before a decision is rendered in the matter, the application with the higher file number will be returned to its appropriate place on the processing line. In order to be considered mutually exclusive with a lower file number application the higher file number must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission. If the lower file number application is in hearing status at the time the higher file number application is accepted for filing, the 10-day cut-off date specified in § 1.724 (b) will be applicable.

(f) Where a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

(Amdt. 1-3; Eff. 3-16-56)

4. A new § 1.379 is added to read as follows:

§ 1.379 *Procedure with respect to processing FM and noncommercial educational FM broadcast applications.* (a) Applications for FM broadcast stations are divided into two groups:

(1) In the first group are applications for new stations, applications for major modification of authorized facilities, or amendments to such applications requesting a major change in the proposed facilities (such as changes in the class of station, significant increases in power and/or antenna height, and/or a change in station location).

(2) The second group of applications consist of those which involve relatively minor changes in the facilities of authorized stations.

(b) Applications for noncommercial educational FM broadcast stations are divided into two groups:

(1) In the first group are applications for new stations.

(2) In the second group are all applications for changes in the facilities of authorized noncommercial educational FM broadcast stations.

(c) Applications delineated in paragraphs (a) (1) and (b) (1) of this section will be acted upon by the Commission. The Commission, however, will not act on applications delineated in paragraph (a) (1) of this section until 30 days have elapsed since the date on which public notice is given by the Commission of acceptance for filing of such applications. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such an amendment. Applications for noncommercial educational FM broadcast stations delineated in paragraph (b) of this section may be acted upon at any time after public notice is given of acceptance for filing of such applications. Applications delineated in paragraphs (a) (2) and (b) (2) of this section will be acted upon by the Chief of the Broadcast Bureau under delegated authority.

(Amdt. 1-3; Eff. 3-16-56)

(d.) see 1-11
am.

NOTE: This amendment was adopted by the Commission March 7, 1956, effective March 16, 1956 (FCC 56-217); published in the Federal Register March 14, 1956 (21 FR 1594).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-4

PART 1 - PRACTICE AND PROCEDURE
(The fourth amendment to the December 1955 edition)

Directions for altering text:

Footnote 10b to Section 1.371 is amended to read as follows:

^{10b} Pending conclusion of the proceeding in Docket No. 8333 action will be withheld on the following:

(1) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter;

(2) Applications by existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b) of this chapter, proposing (a) a change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (b) proposing a change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel;

(3) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.26 (b) of this chapter, or in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter;

(4) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or proposing unlimited time Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different; and it is either (a) proposed to change daytime operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (b) it is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

(Amdt. 1-4; Eff. 4-11-56)

NOTE: This amendment was adopted by the Commission April 11, 1956, effective April 11, 1956 (FCC 56-322; Docket No. 8333); published in the Federal Register April 18, 1956 (21 FR 2521).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-5

PART 1 - PRACTICE AND PROCEDURE
(The fifth amendment to the December 1955 edition)

Directions for altering text:

Amend subparagraphs (1) and (2) of § 1.333 (f) to read as follows:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on an existing man-made structure other than an antenna structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

(Amdt. 1-5; eff. 6-25-56)

NOTE: This amendment was adopted by the Commission June 19, 1956, effective June 25, 1956; published in the Federal Register June 22, 1956, 21 FR 4406.

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-6

PART 1 - PRACTICE AND PROCEDURE

(The sixth amendment to the December 1955 edition)

Directions for altering text:

Amend § 1.312 (e) to read as follows:

(e) FCC Form 486, "Application for Civil Air Patrol Radio Station Authorization."

(Amdt. 1-6; Eff. 9-17-56)

NOTE: The above amendment was adopted by the Commission August 15, 1956, effective September 17, 1956 (FCC 56-789); published in the Federal Register August 21, 1956 (21 FR 6276).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-7

PART 1 - PRACTICE AND PROCEDURE.

(The seventh amendment to the December 1955 edition)

Directions for altering text:

Delete Section 1.527 in its entirety. (Superseded by new Part 66)

NOTE: This amendment was adopted by the Commission December 5, 1956, effective January 15, 1957 (FCC 56-1217; Docket No. 11809); published in the Federal Register December 13, 1956 (21 FR 9947).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-8

PART 1 - PRACTICE AND PROCEDURE.

(The eighth amendment to the December 1955 edition)

Directions for altering text:

1. Delete footnote designator 1 after the title to Subpart D and delete footnote 1.

2. Delete the text of footnote 1 to the title of Subpart G and substitute the following:

¹ See § 1.300.

3. Insert the attached new Section 1.300 following the title of Subpart D.

NOTE: This amendment was adopted by the Commission March 20, 1957, effective March 20, 1957 (FCC 57-263); published in the Federal Register March 28, 1957 (22 FR 2045).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-9

PART 1 - PRACTICE AND PROCEDURE.

(The ninth amendment to the December 1955 edition)

Directions for altering text:

1. Section 1.329 (a) is amended to read as follows:

§ 1.329 *Application for radio operator license.* (a) Application for a new, renewed, replacement or duplicate commercial radio operator license, for a verification card, or for a verification of operator license (For additional posting), FCC Form 759, shall be filed on FCC Form 756, entitled "Application for Radio Operator License": except that, if a restricted radiotelephone operator permit is being applied for, Form 756 shall not be used but application shall in all cases be filed on FCC Form 753-1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration."
(Amdt. 1-9; Eff. 5-8-57)

2. Section 1.329 (c) is deleted.

3. The Table of Contents of Part 1, Rules Relating to Practice and Procedure, is amended by making the following change in "Table showing forms currently in effect and where they are referred to in Part 1 of this chapter": Change the entry: "759--1.329 (c)" to read "759--1.329 (a)."

NOTE: This amendment was adopted by the Commission April 3, 1957, effective May 8, 1957 (FCC 57-350); published in the Federal Register April 10, 1957 (22 FR 2359).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-10

PART 1 - PRACTICE AND PROCEDURE.

(The tenth amendment to the December 1955 edition)

Directions for altering text:

1. The text of § 1.365 (b) is deleted and the expression "(Reserved)" is substituted.

2. A new § 1.367 is added to read as follows:

§ 1.367 *Retention of applications in hearing status after designation for hearing.* (a) After an application for a broadcast facility is designated for hearing, it will be retained in hearing upon the dismissal or amendment and removal from hearing of any other application or applications with which it has been consolidated for hearing.

(b) Where the applicants in a consolidated hearing for a broadcast facility by option, merger, or like arrangement effect a consolidation of their respective interests, the application which is to be prosecuted should be amended to reflect the arrangements between or among the applicants, and as amended will be retained in hearing along with the other applications, which will be dismissed by the hearing examiner's initial decision.

(c) In all cases arising under paragraphs (a) and (b) of this section, the hearing examiner will consider in the initial decision the issue of whether a grant of the remaining application or applications to be prosecuted would be in the public interest in the light of the arrangement whereunder the parties effected a consolidation of their respective interests or the competing applications were either dismissed or amended and removed from hearing.

(d) An application for a broadcast facility which has been designated for hearing and which is amended so as (1) to eliminate the need for hearing or further hearing on the issues specified, or (2) to change the original parties to the application, other than as provided for in paragraph (b) of this section, will be removed from hearing status.

(Amdt. 1-10; Eff. 5-9-57)

3. The text of § 1.373 (g) is amended by substituting § 1.367 for the present reference § 1.365 (b). Section 1.373 (g), as amended, reads as follows:

(g) When an application which has been designated for hearing has been removed from the hearing docket pursuant to § 1.367, the application will be returned to its proper position (as determined by the file number) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Chief Hearing Examiner in acting on such petitions, will dismiss the request for a grant.

(Amdt. 1-10; Eff. 5-9-57)

4. The text of § 1.378 (e) is amended by deleting therefrom the second sentence. Section 1.378 (e); as amended, reads as follows:

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is processed. In order to be considered mutually exclusive with a lower file number application, the higher file number must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission. ~~If the lower file number application is in hearing status at the time the higher file number application is accepted for filing, the 10-day cut-off date specified in § 1.724~~ *am 1-13*
(b) will be applicable.

(Amdt. 1-10; Eff. 5-9-57)

NOTE: This amendment was adopted by the Commission April 24, 1957, effective May 9, 1957 (FCC 57-414); published in the Federal Register May 2, 1957 (22 FR 3113).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-11

PART 1 - PRACTICE AND PROCEDURE.
(The eleventh amendment to the December 1955 edition)

Directions for altering text:

Add the following new paragraph (d) to Section 1.379:

(d) Regardless of the number of applications filed for Class B channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 230, 238, 242, and 250 have been assigned to City X and there are pending two applications for Channel 230 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 230 will be designated for hearing. If there are two pending applications for Channel 230 and two applications for Channel 238, separate hearings will be held.

(Amdt. 1-11; Eff. 5-10-57)

NOTE: This amendment was adopted by the Commission May 1, 1957; effective May 10, 1957 (FCC 57-449); published in the Federal Register May 8, 1957 (22 FR 3229).

F.C.C. - Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-12

PART 1 - PRACTICE AND PROCEDURE.

(The twelfth amendment to the December 1955 edition)

Directions for altering text:

Paragraph (d) of Section 1.367 is amended to read as follows:

(d) An application for a broadcast facility which has been designated for hearing and which is amended so as to eliminate the need for hearing or further hearing on the issues specified, other than as provided for in paragraph (b) of this section, will be removed from hearing status.

(Amdt. 1-12; Eff. 5-9-57)

NOTE: This amendment was adopted by the Commission May 8, 1957, effective May 9, 1957 (FCC 57-473); published in the Federal Register May 14, 1957 (22 FR 3368).

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

AMENDMENT NO. 1-13

PART 1 - PRACTICE AND PROCEDURE

(The thirteenth amendment to the December 1955 edition)

Directions for altering text:

1. Section 1.724 (b) of the Commission's rules and regulations is amended to read as follows:

(b) (1) In broadcast cases, no application will be consolidated for hearing with a previously filed application or applications unless such application is substantially complete and tendered for filing not later than the close of business on the day preceding the day the previously filed application or applications are designated for hearing.

(2) In nonbroadcast cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application.

(3) Any mutually exclusive application filed after the date prescribed in subparagraphs (1) or (2) of this paragraph will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

(Amdt. 1-13; Eff. 12-10-57)

2. The last sentence of § 1.378 (e) is deleted.

NOTE: This amendment was adopted by the Commission October 23, 1957, effective December 10, 1957 (FCC 57-1165); published in the Federal Register October 29, 1957 (22 FR 8536).

F.C.C. - Washington, D.C.