F.C.C. 62–1027

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

In the Matter of AMENDMENT OF SECTIONS 3.111, 3.112, 3.114, 3.281, 3.282, 3.284, 3.581, 3.582, 3.584, 3.663(a), 3.664 (a) AND (c), 3.781, 3.782, AND 3.784 OF THE COMMISSION'S RULES GOVERNING LOGGING REQUIREMENTS FOR BROADCAST STATIONS.	Docket No. 14187

MEMORANDUM OPINION AND ORDER

BY THE COMMISSION: COMMISSIONER LEE ABSENT; COMMISSIONER HENRY NOT PARTICIPATING.

1. Several parties have filed comments in the above-captioned docket requesting that whatever action is taken include provision for automatic program logging. The decisions to be made in this docket are largely dependent upon a resolution of the more basic considerations posed in Docket No. 13961 dealing with program information required by certain broadcast forms.

2. The Commission now has before it for consideration a petition filed August 16, 1962, by ITA Electronics Corporation asking that the proposals looking toward automatic program logging be severed from this proceeding and that rules permitting such operation be adopted forthwith. This Memorandum Opinion and Order will be addressed solely to this issue and the other problems in Docket No. 14187 will be dealt with at a later date.

3. In support of its requests petitioner notes the passage of more than a year since rule making was initiated, that the issue here is non-controversial and should not be further delayed pending resolution of these proceedings which involve basic and complex questions which have been the subject of conflicting views.

4. Petitioner contends that it is practicable, through automatic logging, to retain complete program transcripts from which any desired information could be extracted and compiled. It is argued that such automatic logging could be used in conjunction with any new application forms, and consequently that it is not necessary to postpone authorization of automatic program logging until adoption of revised application forms. It is probable that other automatic methods exist which would similarly meet the requirements of any forms which may be adopted.

5. The petitioner recites a number of alleged advantages of automatic program logging. Because we have been asked simply to provide for automation on a permissive basis, it is unnecessary for

us to evaluate specific features of various automated systems or to determine their usefulness.

6. The Commission is of the view that the request has merit and its adoption would be in the public interest. Accordingly, we are amending pertinent sections of the program logging rules, as set forth in the attached Appendix, to permit automatic logging under prescribed conditions.

7. Because the rule changes adopted herein are procedural in nature, the notice and effective date provisions of Section 4 of the Administrative Procedure Act are inapplicable and the rule changes will be made effective immediately.

8. Authority for the amendments adopted herein is contained in Sections 4(i) and (j) and 303 of the Communications Act of 1934, as amended.

9. In view of the foregoing, the petition of ITA Electronics Corporation IS GRANTED with certain changes in suggested language, and IT IS ORDERED, This 3rd day of October, 1962, That the Commission's Rules ARE AMENDED as set forth in the attached Appendix effective October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

BEN F. WAPLE, *Acting Secretary.*

NOTE: Rules changes herein will be covered by T.S. III(61)-5.

APPENDIX

Sections 3.111, 3.281, 3.581 and 3.663 are amended by adding to each a new subsection (d) as follows:

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§ 3.111 *Logs.*

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(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

§ 3.281 *Logs.*

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(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time

or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

§ 3.581 *Logs.*

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(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

§ 3.663 *Logs; maintenance of.*

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(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged:

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.