Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FCC 74-1264
25221

In the Matter of)
)
Amendment of Part 73 of the Commission's)
rules to provide for pre-sunrise opera-)
tion by U.S. class II AM stations assigned)
to the Bahamian I-A clear channel 1540 kHz.)

ORDER

Adopted: **November 19, 1974;** Released: **November 29, 1974**

By the Commission: **Commissioner Robinson absent.**

1. In line with an agreement reached September 4, 1974, by exchange of notes between the governments of the United States and the Commonwealth of The Bahamas, most U.S. class II daytime stations assigned to the frequency 1540 kHz are, for the first time, eligible to operate prior to their licensed sign-on times. In addition, the agreement provides an optional mode of pre-sunrise operation for five class II fulltime stations assigned to 1540 kHz. The purpose of this Order is to implement the terms of that agreement by amending section 73.99 of our rules to provide for the issuance of pre-sunrise service authorization (PSA's) on 1540 kHz.

2. By way of background information, the North American Regional Broadcasting Agreement (NARBA, 1950), to which both governments are parties, confers a Bahamian I-A clear channel priority for the use of 1540 kHz, presently assigned to radio station ZNS, Nassau (20 kW, DA-1, Unl.). The same agreement also recognizes a class I-B clear channel assignment on 1540 kHz at Waterloo, Iowa (KXEL, 50 kW, DA-N, Unl.), but makes no provision for pre-sunrise operation by the class II U.S. daytimers assigned to the same channel.

3. The new agreement permits the use of co-channel class II stations' daytime antenna systems, with reduced power input, on the following basis: (a) operation between 6:00 a.m., local time, and sunrise, Bahama Islands, with 25 uV/m (10% skywave) protection of the Bahamian boundary; and (b) the use of authorized daytime power between sunrise, Bahama Islands, and licensed sunrise times at U.S. class II station locations. However, because of the 500-watt limit on PSA operations imposed by the 1970 U.S.-Mexican "pre-sunrise" agreement (TIAS-7021), such operations by U.S. stations on 1540 kHz must observe the 500-watt power ceiling applying to PSA operations generally under 73.99 of the rules. Moreover, all such operations must, in accordance with section 73.99, protect the 0.5 mV/m 50% skywave contour of co-channel KXEL, Waterloo, Iowa.

4. Overall, the benefits to be derived from this agreement are severely limited because of the KXEL protection requirement, which is the controlling factor in all cases. Specifically, of the 41 U.S. daytimers assigned to 1540 kHz, 15 located east of Waterloo are too close to KXEL's protected nighttime contour to qualify for PSA consideration. Of the additional 23 stations east of Waterloo, permissible PSA powers will range between one (1) watt and 45 watts, again because of the KXEL protection requirement. The remaining three (3) co-channel daytimers are located west of Waterloo, and will therefore be able to sign on (with 500 watts) at 6:00 a.m. local time or sunrise, Waterloo, whichever is later. In these three cases also, KXEL is the limiting factor, but only as to time rather than as to power.

5. Permissible modes of operation for the 31 U.S. stations (26 daytimers and five (5) fulltimers) eligible for PSA's on 1540 kHz are tabulated in Appendix A, which takes into account Bahamian and domestic (KXEL) protection requirements, as well as fulltime foreign class II protection requirements and the antenna characteristics, whether directional or non-directional, of all stations concerned. Because of the relatively few stations on 1540 kHz and the limited operating benefits involved in this situation, permissible powers and sign-on times have already been determined by computer methods. Accordingly, upon receipt of a letter requesting a PSA on 1540 kHz, accompanied by a description of the method to be used to reduce licensed power to the level specified in Appendix A, a PSA will be issued without the interference studies normally submitted in connection with such applications.

6. Authority for the adoption of this Order is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended. Since the changes effected by these amendments reflect international agreements which have already entered into force, and since they relax existing requirements without imposing new burdens on any party, compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required and would serve no useful purpose.

7. Accordingly, IT IS ORDERED, That, effective December 3, 1974, section 73.99 of the rules IS AMENDED in the manner set forth in Appendix B.

FEDERAL COMMUNICATIONS COMMISSION

Vincent J. Mullins
Secretary

Appendices A and B

NOTE: Rules changes herein will be covered by T.S. III(72)-6.

APPENDIX B

Part 73 of Chapter 1, Title 47, Code of Federal Regulations, is amended as follows:

In section 73.99, paragraphs (a)(1) and (b)(1) are amended and a NOTE is added following paragraph (c)(2) to read as follows:

§73.99 Presunrise service authority.

(a) * * *
(1) Class II stations operating on clear channels, except those operating on Canadian I-A clear channels and those located east of co-channel U.S. class I-A stations.

* * * * *

(b) * * *
(1) Class II stations operating on Mexican and Bahamian I-A clear channels to commence operation with their daytime antenna systems at 6:00 a.m. local time, and to continue such operation until the sunrise times specified in their basic instruments of authorization; and other class II stations, where eligible under paragraph (a)(1) of this section, to commence operation with their daytime or critical hours antenna systems either at 6:00 a.m. local time, or at the time of sunrise at the westernmost class I station located east of the class II station (whichever is later), and to continue such operation until the sunrise times specified in their basic instruments of authorization: **Provided**, That the permissible power to be specified in the PSA 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.

* * * * *

(c) * * *
(2) * * *

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 Commission will assign a power and time of commencement of pre-sunrise operation consistent with the provisions of the U.S.-Bahamian pre-sunrise agreement (1974) and the protection requirements of U.S. I-B and foreign class II fulltime station assignments on this frequency.

* * * * *

APPENDIX A

The following stations may, pursuant to a PSA, operate with the power indicated delivered to their daytime or critical hour antenna systems, as appropriate, commencing at 6:00 a.m. local time: (asterisk denotes full-time station)

KBXM	Kennett, Mo.	3 watts
KCTO	Columbia, La.	14 "
KGLA	Gretna, La.	24 "
KLKC	Parsons, Ks.	2 "
KNEX	McPherson, Ks.	2 "
KZRK	Ozark, Ark.	6 "
WADK	Newport, R.I.	2 "
WANL	Lineville, Ala.	5 "
WBRY	Woodbury, Tenn.	2 "
WCOX	Camden, Ala.	8 "
WIFM	Elkin, N.C.	1 "
WJGA	Jackson, Ga.	4 "
WJJT	Jellico, Tenn.	1 "
WKKR	Pickens, S.C.	2 "
WKXR	Exeter, N.H.	3 "
WKYK	Burnsville, N.C.	1 "
WMLR	Hohenwald, Tenn.	2 "
WOGA	Sylvester, Ga.	7 "
*WPTR	Albany, N.Y.	11 "
WRCP	Philadelphia, Pa.	45 "
WRGM	Richmond, Va.	7 "
WRPL	Charlotte, N.C.	2 "
WSWG	Greenwood, Miss.	7 "
WTKM	Hartford, Wisc.	4 "

The following stations may, pursuant to a PSA, operate with 500 watts power delivered to their daytime or critical hour antenna systems, as appropriate, commencing either at 6:00 a.m. local time or at sunrise KXEL, Waterloo, Iowa, whichever is later:

KASA	Phoenix, Ariz.
*KBES	Bellevue, Wash.
*KBUY	Ft. Worth, Tex.
KEDA	San Antonio, Tex.
*KGBC	Galveston, Tex.
*KPOL	Los Angeles, Calif.
KZEL	Eugene, Ore.