

FEDERAL COMMUNICATIONS COMMISSION,
Washington 25, D.C.

May 25, 1945.
82426

The Federal Communications Commission today released copies of two letters which interpret the Statement of Policy issued on January 16, 1945, with respect to new construction of standard broadcast stations, where an application is made for the frequency assigned to an existing station or a frequency made available by the Commission's refusal to renew a license. The letters follow:

Mr. Andrew G. Haley
Earle Building
Washington 4, D.C.

Dear Mr. Haley:

This will reply to your letter of May 12, 1945 requesting information regarding the procedure which the Commission proposes to follow in the consideration of applications for the operating assignment made available by the Commission's refusal to renew the license of Station WOKO, Albany, N.Y.

The Statement of Policy issued on January 16, 1945, restricting the construction of new standard broadcast facilities does not preclude the consideration on the merits of an application for a frequency made available by the refusal of the Commission to renew the license of an existing station. Such an application will not be placed in the pending file but will be given current consideration on all aspects of the proposal.

You are also advised that in such a case the policy on new construction does not require specification as to availability of equipment.

By direction of the Commission

T.J. Slowie
Secretary"

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"Missionary Society of St. Paul the Apostle
415 West 59th Street
New York 19, N.Y.

Gentlemen:

An examination has been made of the application which you have submitted for a standard broadcast station to operate on 1130 kc with 10 kw unlimited time in New York City. It is noted that this application requests the operating assignment now used by the Greater New York Broadcasting Corporation, licensee of Station WNEW.

(over)

Since you have requested the facilities of an existing station, a determination of your application will necessarily involve a comparison of the service which you propose to render with that now being furnished by that licensee. An essential part of this comparison will necessarily be engineering considerations, such as the area and population to be served, the interference that may result to stations on the same or adjacent channels, and the general conformance of your proposal to the Standards of Good Engineering Practice and the engineering phases of the Commission's Rules and Regulations.

A review of your application reveals that no engineering data have been furnished which would enable the Commission to make the foregoing comparative examination. No specification has been made of the transmitter site or the directional antenna pattern, if any to be employed, and as a result it will not be possible to compute the proposed coverage, the interference effects, 'blanketing' areas and many similar matters. Since these omissions are of material consequence your application cannot be regarded as complete within the meaning of Section 1.72 of the Rules and Regulations and therefore cannot be accepted for filing at this time.

With respect to the question as to whether or not the applicant must have necessary materials on hand you are advised that the policy announced on January 16, 1945, does not require specification as to availability of equipment where the request is for the frequency of an existing station. Such an application would not be placed in the pending file but would be given current consideration on all aspects of the proposal.

Due to the omissions previously mentioned, the application is being returned herewith as incomplete.

By direction of the Commission

T.J. Slowie
Secretary."