

Union Calendar No. 556

88TH CONGRESS
2D SESSION

S. 1193

[Report No. 1351]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1963

Referred to the Committee on Interstate and Foreign Commerce

APRIL 27, 1964

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To amend section 309 (e) of the Communications Act of 1934,
as amended, to require that petitions for intervention be
filed not more than thirty days after publication of the
hearing issues in the Federal Register.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 309 (e) of the Communications Act of 1934,
4 as amended, is amended to read as follows:

5 “(e) If, in the case of any application to which sub-
6 section (a) of this section applies, a substantial and material
7 question of fact is presented or the Commission for any
8 reason is unable to make the finding specified in such sub-
9 section, it shall formally designate the application for hearing

1 on the ground or reasons then obtaining and shall forthwith
2 notify the applicant and all other known parties in interest
3 of such action and the grounds and reasons therefor, specify-
4 ing with particularity the matters and things in issue but not
5 including issues or requirements phrased generally. When
6 the Commission has so designated an application for hearing,
7 the parties in interest, if any, who are not notified by the
8 Commission of such action may acquire the status of a
9 party to the proceeding thereon by filing a petition for
10 intervention showing the basis for their interest not more
11 than thirty days after publication of the hearing issues or
12 any substantial amendment thereto in the Federal Register.
13 Any hearing subsequently held upon such application shall
14 be a full hearing in which the applicant and all other parties
15 in interest shall be permitted to participate. The burden of
16 proceeding with the introduction of evidence and the burden
17 of proof shall be upon the applicant, except that with respect
18 to any issue presented by a petition to deny or a petition
19 to enlarge the issues, such burdens shall be as determined by
20 the Commission."

Passed the Senate September 25, 1963.

Attest:

FELTON M. JOHNSTON,

Secretary.

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