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THE FEDERAL COMMUNICATIONS COMMISSION AUTHORIZED TO  
GRANT SPECIAL TEMPORARY AUTHORIZATIONS FOR 60 DAYS  
FOR CERTAIN NONBROADCAST OPERATIONS

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APRIL 27, 1964.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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MR. HARRIS, from the Committee on Interstate and Foreign Commerce, submitted the following

**R E P O R T**

[To accompany S. 1005]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1005) to amend paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended (47 U.S.C. 309(c)(2)(G)), by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

This bill would amend paragraph (2)(G) of subsection (c) of section 309 of the Communications Act so as to permit the Federal Communications Commission to grant special temporary authorizations (STA), for 60 days in those cases where the application for the special temporary authorization is filed pending the filing of an application for regular operation.

Under the present provisions of the act the Commission may grant such authorization for a 30-day period only.

REASONS FOR LEGISLATION

This bill was introduced at the request of the FCC. On February 20, 1964, a hearing was held thereon at which Commissioner Rosel H. Hyde testified in support thereof. No witness appeared in opposition to the bill.

Under the provisions of the Communications Act, applications filed with the Commission must be on file for 30 days before the Commission

can act on them. In order to permit the Commission to authorize immediate operation or short-term operations where facts warrant such action, paragraph (2)(G) of subsection (c) of section 309 exempts from this requirement those applications made for a special temporary authorization for nonbroadcast operations not to exceed 30 days where no application for regular operation is contemplated to be filed or pending the filing of an application for regular operation.

The Commission has found the 30-day limitation on special temporary authorizations inadequate in those cases where the short-term operation involves a radio system for which an application for regular operation is filed later. When the application for regular operation is filed, the 30-day waiting period automatically takes effect and the Commission must, therefore, wait the 30 days before it can act on the application.

The Federal Communications Commission's proposal will not change the 30-day limitation on those special temporary authorizations in cases not contemplating a subsequent application for regular operation. It is in this area that the 30-day limitation is appropriately applied, since its purpose is to permit short-term radio operation in the non-broadcast field without the delay of a 30-day waiting period (as provided in subsec. 309(b)), after the issuance of public notice by the Commission of the acceptance for filing of such application.

In those cases where the short-term operation relates to a radio system for which an application for regular operation is filed later, however, this purpose is frustrated because the provisions of section 309(b) are applicable and a 30-day waiting period is required before the Commission can act on the application for regular operation. As a result, there is a hiatus between the expiration of the special temporary authorization and the Federal Communications Commission's grant of the application for regular operation during which the applicant is unlicensed and, as a consequence, he is unable to operate his radio. Moreover, it does not appear that the Federal Communications Commission has authority to remedy this statutory defect by renewing the special temporary authorization until it can grant the application for regular operation.

The bill herein reported would permit the Commission to grant special temporary authorizations for 60 days in those cases where the application for the special temporary authorization is filed pending the filing of application for regular operation while leaving unchanged the 30-day limitation on those special temporary authorizations in cases not contemplating a subsequent application for regular operation. Thus, the hiatus which now exists in those cases where an application for regular operation is subsequently filed would be eliminated.

AGENCY COMMENTS

Departmental reports have not been requested on S. 1005 but such reports have been received on an identical House bill—H.R. 5550.

The reports are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington, D.C., May 23, 1963.*

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, New House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on H.R. 5550, a bill to amend section 309 of the Communications Act of 1934, as amended, in order to grant to the Federal Communications Commission authority to grant special temporary authorizations for up to 60 days for certain nonbroadcast operations.

H.R. 5550 would permit the Federal Communications Commission to grant special temporary authorizations for 60 days in those cases where the application for the special temporary authorization is filed pending the filing of an application for regular operation.

This legislation was proposed by the Federal Communications Commission in an effort to better achieve the purposes for which Congress made special provision for granting special temporary authorizations. The Bureau of the Budget concurs in the recommendation of the Commission that H.R. 5550 be enacted.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

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FEDERAL COMMUNICATIONS COMMISSION,  
*Washington, D.C., April 22, 1963.*

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR CHAIRMAN HARRIS: This will acknowledge receipt of your letter of April 12, 1963, enclosing for the Commission's comments, H.R. 5550, a bill to amend section 309 of the Communications Act of 1934, as amended, in order to grant to the Federal Communications Commission authority to grant special temporary authorizations up to 60 days for certain nonbroadcast operations.

This bill is part of the Commission's legislative program for the 1st session of the 88th Congress and was transmitted to the Speaker of the House on February 20, 1963. We have no further comment to make other than that contained in our memorandum of explanation which accompanied our proposal, a copy of which is enclosed.

Sincerely yours,

NEWTON N. MINOW, *Chairman.*

#### 4 TEMPORARY AUTHORIZATIONS FOR NONBROADCAST OPERATIONS

### EXPLANATION OF PROPOSED AMENDMENT TO THE COMMUNICATIONS ACT TO PERMIT THE FEDERAL COMMUNICATIONS COMMISSION TO GRANT SPECIAL TEMPORARY AUTHORIZATIONS FOR PERIODS OF 60 DAYS IN CERTAIN CASES (47 U.S.C. 309(c)(2)(G))

Paragraph (2)(G) of subsection (c) of section 309 of the Communications Act of 1934, as amended (47 U.S.C. 309(c)(2)(G)), now exempts from the public notice and 30-day waiting period requirements of subsection 309(b) those applications for "a special temporary authorization for nonbroadcast operation not to exceed 30 days where no application for regular operation is contemplated to be filed or pending the filing of an application for such regular operation, or \* \* \*."

The Commission believes that this subsection should be amended to permit it to grant special temporary authorizations (STA) for 60 days in those cases where the application for the STA is filed pending the filing of an application for regular operation. We are not suggesting any changes in the 30-day limitation on those STA's in cases not contemplating a subsequent application for regular operation.

The purpose of paragraph (2)(G) of subsection 309(c) is to permit short-term radio operation in the nonbroadcast field without the delay of a 30-day waiting period (as provided in subsec. 309(b)) after the issuance of public notice by the Commission of the acceptance for filing of such application. The Commission has found that this purpose is frustrated by the 30-day limitation on STA's in those cases where the short-term operation relates to a radio system for which an application for regular operation is filed later. In those cases, the provisions of subsection 309(b) are applicable and a 30-day waiting period is required before the Commission can act on the application for regular operation. As a result, there is a hiatus between the expiration of the STA and the Commission's grant of the application for regular operation. During the period of the hiatus, the applicant would be unlicensed and would, as a consequence, be unable to operate his radio. This defeats the purpose for which Congress made special provision for granting special temporary authorizations. Moreover, it does not appear that the Commission has authority to remedy this statutory defect by renewing the STA until it can grant the application for regular operation.

The Commission believes that this deficiency in the statutory scheme can be corrected by its proposed amendment. Therefore, we recommend that paragraph (2)(G) of subsection 309(c) be amended to give us this additional authority.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934, AS AMENDED

ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS ATTACHED TO LICENSES

SEC. 309. (a) \* \* \*

(b) \* \* \*

(c) Subsection (b) of this section shall not apply—

(1) \* \* \*

(2) to any application for—

(A) \* \* \*

(B) \* \* \*

(C) \* \* \*

(D) \* \* \*

(E) \* \* \*

(F) \* \* \*

(G) a special temporary authorization for non-broadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or *not to exceed sixty days* pending the filing of an application for such regular operation, or

(H) \* \* \*

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