

F.C.C. 75-1226

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

TEMPORARY SUSPENSION OF CERTAIN
PORTIONS OF SECTIONS 73.313, 73.333, 73.684
AND 73.699 OF THE COMMISSION'S RULES
AND REGULATIONS.

ORDER

(Adopted: October 30, 1975; Released: November 5, 1975)

BY THE COMMISSION: COMMISSIONER REID ABSENT.

1. On August 1, 1975, pursuant to a *Report and Order* in Dockets 16004/18052, adopted May 29, 1975, amendments to Part 73 of the Commission's Rules and Regulations became effective which:

- (a) Provided revised charts for the prediction of field strengths of FM and TV broadcast stations.
- (b) Prescribed the employment of a procedure for refining the results obtained by application of the field strength charts to reflect the effects of abnormally rough terrain.
- (c) Amended the procedure set forth in the rules for conducting field strength measurements of TV stations, and, for the first time, adopted a parallel procedure for measuring field strengths of FM stations.

2. The aforementioned *Report and Order* required TV station licensees to submit showings of service contours revised with the use of the new charts, and as modified by the application of roughness corrections, with renewal applications filed after the effective date of the rule amendments.

3. Existing FM stations were not required to submit revised contours, except when applications contemplating modification of authorized operating conditions were submitted. However, applications for new stations were fully subject to the new rules.

4. Because those TV stations whose renewal applications were due for submission on August 1 and October 1 were afforded insufficient time to include revised contour information with timely filed applications, the Commission, by a Public Notice adopted August 28, 1975 (FCC 75-980) extended the time for filing such information by these applicants until December 1, 1975. In the same Notice, because substantial questions had arisen as to the application of terrain roughness corrections to field strength predictions in developing contour information in FM applications, the Commission suspended the requirement that such corrections be employed until further notice.

5. While the Commission believes that, in the great majority of

cases, the application of terrain roughness corrections to field strengths predicted with the use of the revised field strength charts produces results which are closer to reality than if such corrections are not made, there appear to be other instances involving atypical terrain configurations in which the use of the roughness correction procedures produces clearly erroneous results.

6. Recognition that such results not infrequently occur, in part prompted the Commission's decision to suspend the employment of roughness corrections in FM cases. However, the problem also is encountered when contours for TV stations are predicted in areas where the terrain is atypical.

7. Alternative methods of contour prediction are possible when the prescribed method produces specious results. However, appropriate alternatives are not set forth in the rules, and, if they are to be employed, some consistent procedure must be established for their use.

8. In view of the immediacy of the problem, as it affects the filing of renewal applications, the Association of Federal Communications Consulting Engineers (AFCCE), a body which represents many of the engineers involved in the preparation of the engineering showings for TV and FM stations, filed a petition on October 21, 1975, requesting that the application of terrain roughness corrections to field strength predictions for TV stations be suspended for six months, to afford a period of time in which to study the problem and develop procedures for resolving it.

9. We are in agreement with AFCCE that the problem presented is of sufficient magnitude that the relief requested should be granted. We also believe it appropriate at this time to formalize the provision of similar relief for FM broadcast stations, previously afforded by the August 28 Public Notice.

10. Accordingly, IT IS ORDERED, That showings of service contours for FM and TV broadcast stations, which are tendered for filing prior to May 1, 1976, either in applications for new or modified facilities, or as required with respect to TV renewal applications, shall be prepared without reference to the following rules, which shall be without force and effect until said date:

Section 73.313, paragraphs (f), (g), (h), (i), and (j).

Section 73.333, Figures 4 and 5.

Section 73.684, paragraphs (h), (i), (j), (k), and (l).

Section 73.699, Figures 10d and 10e.

11. The question remains as to what showings the Commission will accept at this time in those cases placed before us where the location of a predicted signal strength contour is contested. Until the Commission is able to resolve its current terrain roughness difficulties, the Commission will recognize and give *prima facie* weight, in the application of its rules in contested cases, to predicted contours calculated from the new curves without regard to terrain roughness. In those cases where the accuracy of such contours appears in doubt, parties will be free to file supplemental showings in accordance with Section 73.684(f) of the Commission's rules. The use of predicted contours calculated with the new propagation curves is limited, naturally, only to

those regulatory areas not subject to earlier Commission proclamations as to the use of predicted contours.¹

12. The above action is taken pursuant to authority contained in Sections 4(i), 403 and 408 of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS, *Secretary*.

¹ See *e.g.*, *Notice of Proposed Rule Making* in Docket 20496, FCC 75-635, 53 F.C.C. 2d 1009 (1975), where the Commission adopted special procedures for the use of signal strength contours in cases concerning, *inter alia*, cable television broadcast station carriage.