



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
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## COMMISSION POLICY REGARDING PREMATURE OR NONCONFORMING CONSTRUCTION

Since the institution of automatic Program Test Authority pursuant to Section 73.1620, there has been a dramatic increase in situations involving premature or nonconforming construction. These cases require an inordinate expenditure of staff time and divert resources which should be expended elsewhere. Accordingly, we believe that permittees should be aware of our processing guidelines in this area:

1) In cases of pre-construction or nonconformity between the authorized and actually constructed facilities where there is a question of potential interference or where the applicant has not demonstrated FAA approval, no Program Test Authority will be granted until the problem has been resolved. In instances involving automatic Program Test Authority, the station will be required to go off the air. Forfeiture action will also be considered.

2) Those instances of pre-construction or nonconformity which do not involve interference or lack of FAA approval will be evaluated on an individual basis. The nature of the deviation, the applicant's forthrightness in bringing the problem to the Commission's attention, and other public interest factors will be carefully weighed. The possibility of assessing a forfeiture will also be considered.

3) Applications to correct deficiencies and pre-construction will not be expedited routinely at the expense of properly filed applications, despite possible loss of service to a community. Special Temporary Authority, however, will be granted in category 2 cases if technically appropriate.

For further information, contact Raymond LaForge, Chief, FM Branch, (202) 632-6908.