

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

TRANSMITTAL SHEET NO. I (68)-I

TO

VOLUME I OF RULES AND REGULATIONS
JANUARY 1968 EDITION

On the new pages, identified with the transmittal sheet number, the new or amended section, or subsection, is followed by a statement of the effective date of the amendment. The nature of the change may be determined by comparing the old and new texts.

The attached substitute pages include the following actions:

<i>Date of adoption</i>	<i>Effective date</i>	<i>FCC Docu- ment No.</i>	<i>Docket No.</i>	<i>Federal Register Date and Citation</i>
1-17-68	3-15-68	68-61	17780	1-25-68, 33 F.R. 913 Sections affected: 1.1117(a), 13.3, 13.8 and Appendix to Part 13 (1.1117).
1-24-68	2-2-68	68-88	-----	2-1-68, 33 F.R. 2445 Section affected: 0.281(11).
2-21-68	3-1-68	68-206	-----	3-1-68, 33 F.R. 3637 Sections affected: 0.292(b) and 0.311(a)(12).
3-13-68	4-22-68	68-275	16297	3-20-68, 33 F.R. 4738 Section affected: 1.1115(a).
3-27-68	4-5-68	68-329	-----	4-3-68, 33 F.R. 5302 Sections affected: 0.51(c), 0.53, 0.332(n) and 0.453(a)(1).
ERRATA	9-5-67	#15834	16474	5-10-68, 33 F.R. 7039 Section affected: 17.35(a)(3).
5-8-68	5-17-68	68-498	-----	5-15-68, 33 F.R. 7152 Sections affected: 0.371(a)(1) & (4), and 1.45(d).
5-8-68	6-17-68	68-500	17989	5-15-68, 33 F.R. 7153 Section affected: 0.331(b)(10).
5-15-68	5-17-68	68-552	-----	5-21-68, 33 F.R. 7490 Section affected: 1.502(c).
5-15-68	6-4-68	68-542	-----	6-1-68, 33 F.R. 8227 Sections affected: 0.5(b)(5), 0.51(a), 0.204, 0.214, 0.215, 0.247, 0.257, 0.261(c), 0.287, 0.289(b), 0.305, 0.307, 0.313, 0.337, 0.357, 0.361(h), 0.371, 0.381 and 0.383(d).
6-12-68	7-31-68	68-627	15627	6-20-68, 33 F.R. 9075 Sections affected: 1.613(b)(3) and 1.615(d).
6-26-68	7-29-68	68-681	-----	7-3-68, 33 F.R. 9657 Section affected: 1.227(b)(3).

(OVER)

INSTRUCTIONS

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CORRECTION

Page 143 is included in this Transmittal Sheet to correct printing error which occurred in the Revised Edition in § 1.1111(a).

File this transmittal sheet at the front of the volume. It will provide a reference authority for changes, a method of determining that all amendments have been received, and a check for determining if the volume contains the proper pages.

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SUBPART A—ORGANIZATION

AUTHORITY: §§ 0.1–0.186 issued under sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155. Additional authority is cited in parentheses following the sections affected.

GENERAL

§ 0.1 The Commission.

The Federal Communications Commission is composed of 7 members, who are appointed by the President subject to confirmation by the Senate. Normally, one Commissioner is appointed or reappointed each year, for a term of 7 years.

§ 0.3 Chairman.

(a) One of the members of the Commission is designated by the President to serve as Chairman, or chief executive officer, of the Commission. As Chairman, he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views or supplemental reports.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.

(b) The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation has been eliminated or corrected.

§ 0.4 Standing committees of Commissioners.

There are 3 standing committees of Commissioners; the Telegraph Committee, the Telephone Committee, and the Subscription Television Committee, each composed of 3 Commissioners. These committees are delegated authority to act or study and report on certain telegraph, telephone and subscription television matters from time to time.

§ 0.5 General description of Commission organization and operations.

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

- (1) Office of Executive Director.
- (2) Office of Chief Engineer.
- (3) Office of General Counsel.
- (4) Broadcast Bureau.
- (5) Common Carrier Bureau.
- (6) Safety and Special Radio Services Bureau.
- (7) Field Engineering Bureau.
- (8) Office of Hearing Examiners.

(9) Review Board.

(10) Office of Opinions and Review.

(11) Office of the Secretary.

(12) Office of Information.

(13) CATV Task Force.

(b) *Staff responsibilities and functions.* The organization and functions of these major staff units are described in detail in §§ 0.11–0.171. The defense and emergency preparedness functions of the Commission are set forth separately, beginning at § 0.181. For a complete description of staff functions, reference should be made to these provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission's organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.) So that the public may more readily inform itself concerning the operations of the Commission as a whole, concerning the staff officials who exercise responsibility over matters in which they are interested and concerning the relationship between the several staff units in such matters, however, a brief overall description of staff functions and responsibilities is set forth in this paragraph.

(1) *The Executive Director.* The Executive Director is directly responsible to the Commission, works under the supervision of the Chairman, and assists him in carrying out the Commission's organizational and administrative responsibilities. His principle role is to see that other staff units work together and promptly dispose of the matters for which they are responsible. He is directly responsible for internal administrative matters such as personnel and budget planning, and supervises implementation of the Public Information Act of 1966.

(2) *The Chief Engineer and the General Counsel.* Though primary responsibility in most established areas of regulation is lodged in other staff units, the Chief Engineer and the General Counsel are responsible for advising the Commission concerning any engineering or legal matter involved in the making and implementation of policy or in the decision of cases. For example, while policies relating solely to broadcasting are primarily the responsibility of the Broadcast Bureau, and the preparation of Commission opinions in hearing cases is primarily the responsibility of the Office of Opinions and Review, the Chief Engineer and the General Counsel may be called upon for advice and assistance in either area. The Chief Engineer and the General Counsel, in addition, exercise primary responsibility in areas of regulation which transcend the responsibilities of a single bureau. Thus, for example, the General Counsel is primarily responsible for the Rules of Practice and Procedure, Part 1 of this chapter, and the Chief Engineer is primarily responsible for frequency allocation and for other areas of regulation under Parts 2, 5, and 15. The General Counsel also represents the Commission in litigation in the courts and coordinates the preparation of the Commission's legislative program. Both the Chief En-

gineer and the General Counsel exercise responsibility in matters pertaining to international communications.

(3) *The operating bureaus.* The principal work load operations of the Commission are conducted by the four operating bureaus.

(i) Three of these bureaus: The Broadcast Bureau, Common Carrier Bureau, and Safety and Special Radio Services Bureau—exercise primary responsibility in the three principal areas of regulation into which the Commission has divided its responsibilities. The Broadcast Bureau, as its name indicates, is responsible for the regulation of broadcast stations (see Part 73 of this chapter) and related facilities (see Part 74). The Common Carrier Bureau is responsible for the regulation of communications common carriers whether carriage involves the use of wire or radio facilities (see Parts 21-66). The Safety and Special Radio Services Bureau is responsible for the regulation of all other radio stations with minor exceptions (e.g., experimental stations licensed under Part 5). These include amateur stations and numerous other categories of stations engaged in communication for safety, commercial or personal purposes (see Parts 81-99). Within its area of responsibility, each of these bureaus is responsible for developing and implementing a regulatory program; for processing applications for radio licenses or other filings; for the consideration of complaints and the conduct of investigations; for participation in Commission hearing proceedings as appropriate; and for the performance of such other functions as may be related to its area of responsibility.

(ii) The fourth operating bureau: The Field Engineering Bureau—maintains field offices and monitoring stations throughout the United States. It is responsible for detecting violations of regulations pertaining to the use of radio and, in this connection, monitors radio transmissions, periodically inspects stations, and investigates complaints of radio frequency interference. It issues violation notices to the station in question, thereby affording it an opportunity to take

corrective measures. If formal enforcement action is appropriate, the proceedings are conducted by the staff unit which exercises primary responsibility over the station in question—usually one of the other operating bureaus. The Field Engineering Bureau, in addition, exercises responsibility over commercial radio operator matters (see Part 13 of this chapter), antenna structures (see Part 17), and the use of radio for purposes other than communication (see Part 18). It also conducts amateur operator examinations.

(4) *Staff units which exercise responsibility for the decision of hearing cases.* The Office of Hearing Examiners, the Review Board, and the Office of Opinions and Review exercise responsibility for the decision of hearing cases. The hearing examiners preside over hearing cases and issue initial decisions. In most cases, initial decisions are subject to review by the Review Board, which is a permanent body composed of three or more senior Commission employees. Initial decisions may also be reviewed by one or more Commissioners designated by the Commission. In such cases, the Board or designated Commissioner(s) issues a final decision, which is subject to possible review by the Commission. In other cases, the initial decision is reviewed directly by the Commission en banc. The Office of Opinions and Review assists and advises the Commission, and any Commissioner(s) designated to review an initial decision, in the decision of cases which come before them.

(5) *The Secretary.* With minor exceptions, the Secretary signs all correspondence and documents adopted by the Commission. He is custodian of the Commission's seal and records. He maintains records of Commission actions and the dockets of hearing proceedings, and is responsible for their accuracy, authenticity, and completeness. Except as otherwise provided in this chapter, he is the proper addressee and recipient of papers filed with the Commission.

(6) *Office of Information.* The Office of Information is responsible for informing the public concerning ac-

tions which have been taken by the Commission and is the contact point for the press, the industry and the public in the matter of general information relating to the Commission and its activities.

(7) *The CATV Task Force.* The CATV Task Force is responsible for the development and implementation of a regulatory program for community antenna television systems and community antenna relay stations (see Subparts J and K of Part 74 of this chapter). The licensing of related microwave radio facilities is coordinated with the Task Force by the Common Carrier Bureau and the Safety and Special Radio Services Bureau.

(c) *Delegations of authority to the staff.* Pursuant to section 5(d) of the Communications Act, the Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature and those in which immediate action may be necessary. See Subpart B of this Part. Actions taken under delegated authority are subject to review by the Commission, on its own motion or on an application for review filed by a person aggrieved by the action. Except for the possibility of review, actions taken under delegated authority have the same force and effect as actions taken by the Commission. The delegation of authority to a staff officer, however, does not mean that he will exercise that authority in all matters subject to the delegation. In non-hearing matters, the staff is at liberty to refer any matter at any stage to the Commission for action, upon concluding that it involves matters warranting the Commission's consideration, and the Commission may instruct the staff to do so. In like manner, in hearing cases, pursuant to § 0.361(b) and (c), the Commission may direct that matters pending before the Review Board be certified to the Commission for decision, and the Board may itself certify such matters to the Commission, with a request that they be acted upon by the Commission.

(d) *Commission action.* Matters requiring Commission action, or warranting its consideration, are dealt

with by the Commission at regular weekly meetings, or at special meetings called to consider a particular matter. Meetings are normally held at the principal offices of the Commission in the District of Columbia, but may be held elsewhere in the United States. In appropriate circumstances, Commission action may be taken between meetings "by circulation," which involves the submission of a document to each of the Commissioners for his approval.

【§0.5(b)(5) amended eff. 6-4-68; I(68)-1】

OFFICE OF EXECUTIVE DIRECTOR

§ 0.11 Functions of the Office.

The Executive Director is designated by the Commission and is directly responsible to the Commission under the supervision of the Chairman. He has the following duties and responsibilities:

(a) To provide sustained administrative leadership and coordination of staff activities in carrying out the policies of the Commission, through overall supervision and coordination, but not control, of such staff activities. In this capacity, he coordinates the activities of policy making staff officers to assure that adequate information and recommendations in important policy areas are expeditiously considered by the staff and brought promptly to the attention of the Commission.

(b) To review with the Commission and with heads of the several bureaus and offices, the program and procedures of the Commission and to make recommendations thereon as may be necessary to administer the Communications Act most effectively in the public interest.

(c) To assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency and, in connection therewith, to plan, direct, coordinate, and manage the administrative affairs of the Commission with respect to the functions of personnel, budget, planning, office services, mail and files,

messenger and chauffeur services, and international telecommunications settlements.

(d) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, the Executive Director coordinates the defense activities of the Commission, and has the following duties and responsibilities:

(1) To act as Alternate Defense Coordinator in representation with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and serves as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Office of Emergency Planning.

(2) To serve as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Office of Civil Defense, Department of the Army.

(3) To keep the Defense Commissioner informed as to significant developments in this area.

(e) With the concurrence of the General Counsel, to interpret the rules and regulations pertaining to application filing fees.

§ 0.12 Units in the Office.

- (a) Immediate Office of the Executive Director.
- (b) Budget and Fiscal Division.
- (c) Manpower Utilization and Survey Division.
- (d) Data Processing Division.
- (e) Office Services Division.
- (f) Mail and Files Division.
- (g) Office of Emergency Communications.
- (h) Office of Security.

§ 0.13 Immediate Office of the Executive Director.

The Immediate Office of the Executive Director plans, directs, and coordinates the functions of the Office. It is composed of the immediate offices of the Executive Director and of the Deputy Executive Director.

§ 0.14 Budget and Fiscal Division.

The Budget and Fiscal Division develops and recommends to the Executive Director, Chairman, and Commission policies and procedures governing administration of the budget and fiscal activities of the Commission; issues suitable instructions and provides advice and assistance to the constituent units of the Commission concerning preparation of budget estimates, supporting data, systems of records and reports, and workload data; develops, recommends, and maintains formalized instructions such as the Budget, Finance, and Travel Manuals; coordinates budgets and justifications for presentation to the Bureau of the Budget and Congressional appropriations committees; prepares and recommends to the Executive Director, Chairman, and Commission proposed allotments and apportionments of the Commission's appropriations, and maintains prescribed fiscal controls; audits obligations and authorizes by certification expenditures of Commission funds; maintains its central fiscal and leave records; prepares financial reports; performs the payroll functions of the Commission; and makes settlements with foreign administrations for radiotelegraph traffic to and from ships under U.S. registration through foreign coastal stations.

§ 0.15 Manpower Utilization and Survey Division.

The Manpower Utilization and Survey Division advises, assists and makes recommendations to the Executive Director, Chairman, and Commission on matters dealing with personnel management, manpower utilization, and management analysis; administers all phases of the personnel program including recruitment, placement, classification, compensation, training, employee utilization, employee services and similar programs; develops, recommends and implements policies and programs; develops, and recommends to the Executive Director, Chairman, and Commission, a program of manpower utilization and con-

trol; provides advice and assistance to the operating bureaus on personnel management and techniques for improving management and manpower utilization; develops and recommends to the Executive Director, Chairman, and Commission a program of management analysis and administers such segments thereof as organization analysis, general management studies, systems and procedures studies, and management control programs in such areas as directives, reports, forms, correspondence and communications, and organization; and provides advice and assistance to the operating bureaus on organizational and functional arrangements.

§ 0.16 Data Processing Division.

The Data Processing Division reviews and analyzes the data processing system requirements of the Commission; develops and recommends electronic or other data processing systems needed to fulfill the objectives of the Commission; operates the computer installation and associated peripheral and tabulating equipment in accordance with approved systems and manuals of procedure; measures the effectiveness of the installed systems against anticipated results; and continuously re-evaluates changing Commission responsibilities and information needs to determine the data processing systems most advantageous for the Commission's use.

§ 0.17 Office Services Division.

The Office Services Division acts for the Commission in the procurement, maintenance, disposal, and administration of supplies, equipment, real and personal property, contractual services, and printed matter; develops, recommends and maintains the Service, Supplies and Property Manual; establishes and maintains duplicating facilities and performs or secures all duplicating required for Commission activities; determines the need for, acquires and maintains telephone facilities and service; and provides building management services and related facilities at the seat of Government.

§ 0.18 Mail and Files Division.

The Mail and Files Division receives and records incoming and outgoing Commission mail, maintains central correspondence files, and operates intra-agency messenger and chauffeur services.

§ 0.19 Office of Emergency Communications.

The functions of the Office of Emergency Communications are set forth as § 0.183, in connection with other defense and emergency functions of the Commission.

§ 0.20 Office of Security.

The Office of Security is responsible for the management and security of records; for office space management and office security; and for personnel security. The Chief of the Office serves as the Security Officer, the Personnel Security Officer, and the Records Officer.

OFFICE OF CHIEF ENGINEER

§ 0.31 Functions of the Office.

The Office of the Chief Engineer has the following duties and responsibilities:

(a) To plan and direct broad programs to develop information on the progress of communication techniques and equipment, radio wave propagation, and new uses for communications, and to advise the Commission and bureaus in such matters.

(b) To represent the Commission on various national and international organizations devoted to the progress of communications and the development of information and standards relative thereto.

(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications and to conduct special projects to obtain theoretical and experimental data on new or improved techniques.

(d) To develop and administer procedures to acquire, store, and retrieve scientific and technical information useful in the engineering work of the Commission.

(e) To advise and represent the Commission on the allocation of radio frequencies, including international agreements pertaining to frequency allocations and usage.

(f) In cooperation with the General Counsel, to render advice to the Commission, participate in and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(g) To collaborate with the bureaus in the formulation of the technical requirements of the rules and regulations, and to advise the Commission on such matters.

(h) To administer Part 5 of this chapter, including licensing, record keeping, and rule making.

(i) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval, type acceptance, and certification of radio equipment for compliance with the Commission's rules.

(j) To maintain liaison with other agencies of government and with technical experts representing foreign governments, and to deal with members of the public and of the industries concerned.

(k) To calibrate and standardize technical equipments and installations used by the Commission.

(l) To exercise such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.32 Units in the Office.

The Office of Chief Engineer comprises the following units:

(a) Immediate Office of the Chief Engineer.

usually upon recommendations submitted by the operating bureaus, as to civil and criminal proceedings to enforce the Communications Act, the rules and regulations of the Commission, and Commission orders in the courts of the United States.

(b) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform the functions of the Office of General Counsel involving implementation of such statutes and executive orders.

(c) To perform all legal functions involved in administering and enforcing the rules and regulations of the Commission pertaining to the Experimental Radio Service (Part 5 of this chapter), Radio Frequency Devices (Part 15 of this chapter), the Industrial, Scientific, and Medical Service (Part 18 of this chapter), and type approval and type acceptance of radio equipment, including educational functions directed to obtaining voluntary compliance with the provisions of Parts 15 and 18 of this chapter.

(d) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(e) To prepare the bound volumes of the FCC Reports.

(f) To review the national security aspects of applications for commercial operator licenses or permits submitted for review by the Field Engineering Bureau, and of applications for amateur operator and station licenses submitted for review by the Safety and Special Radio Services Bureau.

(g) To perform any additional functions assigned to it by the General Counsel.

OFFICE OF THE SECRETARY

§ 0.51 Functions of the Office.

The Office of the Secretary has the following duties and responsibilities:

(a) To maintain minutes and records of official Commission actions and, with minor exceptions, to sign all correspondence and documents adopted by the Commission.

(b) Upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make nonsubstantive, editorial revisions of the Commission's rules and regulations.

(c) To maintain dockets of all Commission hearing proceedings, except that dockets are not to be established in revocation proceedings concerning licenses in the Safety and Special Radio Services unless and until respondents file timely notices of appearance and requests for bearing.

(d) To maintain library and reference facilities.

(e) To direct and supervise the development and execution of a technical assistance program in co-operation with the Foreign Operations Administration and other Government agencies.

【§0.51(a) amended eff. 6-4-68 and (c) amended eff. 4-5-68; I(68)-1】

§ 0.52 Units in the Office.

The Office of the Secretary is divided into the following units:

(a) Dockets Division.

(b) Minute and Rules Division.

(c) Library Division.

(d) Technical Assistance Division.

§ 0.53 Dockets Division.

The Dockets Division maintains the official dockets of all Commission hearing cases, except that dockets are not to be established in revocation proceedings concerning licenses in the Safety and Special Radio Services unless and until respondents file timely notices of appearance and requests for hearing.

【§0.53 amended eff. 4-5-68; I(68)-1】

§ 0.54 Minute and Rules Division.

The Minute and Rules Division maintains official minutes of all Commission actions and notations of Commission meetings; submits to the Office of the Federal Register all official Commission documents, which require publication; maintains the Commission's

official copy of the rules and regulations with history and background; and acts as provided for in § 0.51(b).

§ 0.55 Library Division.

The Library Division catalogues and maintains books, periodicals, and other reference material; provides reading and reference room facilities and service; and provides library research and reference service to Commissioners and staff members.

§ 0.56 Technical Assistance Division.

The Technical Assistance Division develops, in co-operation with the Agency for International Development, technical assistance programs with respect to communications in accordance with Commission policies, and maintains liaison with the Agency for International Development and other government agencies concerning technical assistance.

OFFICE OF INFORMATION

§ 0.61 Functions of the Office.

The Office of Information is responsible for releasing public announcements of the Commission; is the central depository of this material for reference and call; prepares certain informational publications and material, including annual reports; provides an internal information service for the Commissioners and staff; and is the contact point for the press, industry and public in the matter of general information relating to the Commission and its activities.

BROADCAST BUREAU

§ 0.71 Functions of the Bureau.

The Broadcast Bureau assists, advises, and makes recommendations to the Commission with respect to the development of a regulatory program for the broadcast services and is responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations, and policies of the Commission. The Bureau performs the following functions:

(a) Receives, examines, files, indexes, records and

processes applications in the broadcast services, makes recommendations to the Commission thereon and issues authorizations in accordance with Commission instructions and directions.

(b) Processes petitions in broadcast matters (protests and orders of designation) not specified in § 0.171.

(c) By notification in accordance with the procedures set forth in the North American Regional Broadcasting Agreement establishes priorities for United States stations under this and associated agreements. Receives and examines notifications of assignments in other North American countries, and resolves conflicts by negotiation.

(d) Participates in hearings involving applications, rule making, and other matters which pertain to the radio broadcast services, including proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

(e) Makes recommendations to the Commission concerning the promulgation of rules and standards in the broadcast services.

(f) Participates in international conferences with respect to broadcast services, and in implementation of international broadcast agreements.

(g) Studies frequency requirements in the broadcast services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

(h) Confers with government and industry groups interested in the problems of broadcast services.

(i) Studies and establishes technical requirements for equipment in the broadcast services in accordance with standards established by the Commission.

(j) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.72 Units in the Bureau.

The Broadcast Bureau is divided into the following units:

- (a) Office of the Bureau Chief.
- (b) Broadcast Facilities Division.
- (c) Renewal and Transfer Division.

- (d) Hearing Division.
- (e) Rules and Standards Division.
- (f) License Division.
- (g) Research and Education Division.
- (h) Office of Network Study.
- (i) Complaints and Compliance Division.

§ 0.73 Office of the Bureau Chief.

The Office of the Bureau Chief is composed of the immediate offices of the Chief and the Assistant Chiefs of the Broadcast Bureau, and of the Administrative Assistant. It assists the Chief of the Broadcast Bureau in planning, directing, coordinating and executing the functions of the Bureau.

§ 0.74 Broadcast Facilities Division.

The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to standard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in §§ 0.75, 0.76, 0.77, and 0.81.

§ 0.75 Renewal and Transfer Division.

The Renewal and Transfer Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to applications for renewal or assignment of a license or construction permit, or for transfer of control of a corporate licensee or permittee.

§ 0.76 Hearing Division.

The Hearing Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to applications which have been designated for hearing or to proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

§ 0.77 Rules and Standards Division.

The Rules and Standards Division is responsible for all functions indicated in the statement contained in

§ 0.71, insofar as such functions relate to the development or revision of rules and standards, to international conferences, and to special projects in the broadcast services.

§ 0.78 License Division.

The License Division exercises responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast services; the clerical functions with respect to the issuance of broadcast authorizations; and for the maintenance of a public reference room in cooperation with the Dockets Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

§ 0.79 Research and Education Division.

The Research and Education Division compiles data and prepares reports to the Commission on the condition and status of the broadcast industry; studies the social and economic factors affecting communications; and advises the Bureau and the Commission with respect to the development and promotion of the educational broadcasting and the commercial broadcasting services.

§ 0.80 Office of Network Study.

The Office of Network Study conducts studies and compiles data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

§ 0.81 Complaints and Compliance Division.

The Complaints and Compliance Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to complaints concerning the conduct of radio and television broadcast operations and compliance with statutes, international agreements, and policies and rules of the Commission, except insofar as functions are specifically delegated to other bureaus and staff offices of the Commission.

in the event of a national emergency; and performs such other duties related to the Commission's continuity of Government activities and responsibilities as directed.

(viii) Prepares data and information with respect to continuity of the essential functions of the Commission in a national emergency (except for the Field Engineering Bureau as set forth in § 0.111), for use by the Defense Coordinator and Alternate Defense Coordinator at Interagency Emergency Planning Committee meetings, as directed, and prepares initial drafts of documents to implement any required actions as a result of such meetings.

(h) Executive Secretariat of the National Industry Advisory Committee: The Executive Secretary of the National Industry Advisory Committee provides secretariat service to the National Industry Advisory Committee and its subcommittees at the Regional, State and Local level and special working groups as may be formed for specific purposes by the Defense Commissioner, in accordance with the provisions of Executive Order 11007, as follows:

(1) Preparation of appointments to Committees or Working Groups as directed by the Defense Commissioner and maintenance of membership rosters, records and files of all committees and requests for appropriate security clearance for selected members.

(2) Preparation, certification, and appropriate distribution of agendas and associated material for meetings of all committees.

(3) Arrangements for preparation of appropriate minutes of meetings, and distribution thereof.

(4) Preparation of interagency coordination of National Industry Advisory Committee recommendations as directed.

(5) Coordinates preparation of the required agenda items for consideration by the Commission to effect implementation of National Industry Advisory Committee recommendations.

§ 0.184 Regional Liaison Officers of the Office of Executive Director, Emergency Communications Division.

(a) Field Liaison officers of the Office of Emergency Communications (OEC) are designated as FCC representatives to Regional Civil Defense Coordinating Boards of the Office of Civil Defense, Department of the Army (DOA). (Engineers in Charge of Field Engineering Bureau (FEB) district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington are designated as alternates.)

(b) Field Liaison officers of the OEC are designated to serve as alternate FCC representatives to the OEP Regional Preparedness Committees. (The Engineers in Charge listed in paragraph (a) of this section are principal representatives.)

(c) The field offices of the Office of Emergency Communications are located at the following addresses:

OCD/ OEP Region	Address of the FCC Regional Liaison Officer	States
1	OCD Region One, Oak Hill Road, Harvard, Mass., 01451.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont.
2	OCD Region Two, Olney, Md., 20832.	Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, West Virginia.
3	OCD Region Three, Thomasville, Ga. 31792.	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico.
4	OCD Region Four, Federal Center, Battle Creek, Mich., 49016.	Illinois, Indiana, Michigan, Minnesota, Wisconsin.
5	OCD Region Five, Denton Federal Center, Denton, Tex. 76201.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
6	OCD Region Six, Denver Federal Center, Bldg. 50, Denver, Colo. 80228.	Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming.
7	OCD Region Seven, Post Office Box 1300, Santa Rosa, Calif. 95403.	American Samoa, Arizona, California, Guam, Hawaii, Nevada, Utah.
8	OCD Region Eight, Everett, Wash., 98201.	Alaska, Idaho, Oregon, Montana, Washington.

FCC Field Supervisor, Eastern United States (OCD Regions 1, 2, 3, 4) located at OCD Region 3, Thomasville, Ga.

FCC Field Supervisor, Western United States (OCD Regions 5, 6, 7, 8) located at OCD Region 7, Santa Rosa, Calif.

(d) The FCC Field Liaison officers listed in paragraph (c) of this section are designated as the FCC representatives to attend and supervise all Regional and State Industry Advisory Committee meetings within their respective Regions and States pursuant to the requirements of Executive Order 11007.

§ 0.185 Responsibilities of the bureaus and staff offices.

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Director in the performance of his duties with respect to defense activities, will have the following duties and responsibilities:

(a) To keep the Executive Director informed of the instigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Executive Director on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission's policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them by the Commission.

§ 0.186 Emergency Relocation Board.

(a) An Emergency Relocation Board, to be convened at the Commission's relocation headquarters, performs

the functions of the Commission in the event of the inability of the Commission to function at its offices in Washington, D.C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(1) At the time of or under circumstances specified in a directive from the President.

(2) In the absence thereof, upon receipt of a warning signal indicating that an attack on the Capital is likely.

(3) In the absence of either a directive or warning signal, immediately following an actual attack.

(b) The Board shall comprise such Commissioners as may be present and able to act or, if no Commissioner is present and able to act, the occupant of the following positions, in the order listed, who is present and able to act:

(1) The Chief, Field Engineering Bureau.
(2) The General Counsel.
(3) The Chief Engineer.
(4) The Chief, Safety and Special Radio Services Bureau.

(5) The Chief, Broadcast Bureau.
(6) The Chief, Common Carrier Bureau.
(7) The Executive Director.
(8) The Deputy Chief, Field Engineering Bureau.
(9) The Deputy General Counsel.
(10) The Associate Chief Engineer.
(11) The Assistant Chief, Safety and Special Radio Services Bureau.
(12) An Assistant Chief, Broadcast Bureau.
(13) The Associate Chief, Common Carrier Bureau.
(14) The Chief of Division, ranking in the same order as indicated in subparagraphs (1) to (7) of this paragraph.

SUBPART B—DELEGATIONS OF AUTHORITY

AUTHORITY: §§ 0.201–0.387 issued under sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155. Additional authority is cited in parentheses following the sections affected.

GENERAL

§ 0.201 General provisions.

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in*

hearing proceedings. Delegations in this category are made to the Review Board and to the Chief Hearing Examiner.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Hearing Examiner are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.341.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners, or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.291–1.298 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.301. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.303. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.276–1.279.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the **FEDERAL REGISTER** and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the **FEDERAL REGISTER** and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

§ 0.203 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.102 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

§ 0.204 The exercise of delegated authority.

(a) *Authority to issue orders and to enter into correspondence.* Any official (or group of officials) to whom authority is delegated in this subpart is authorized to issue orders (including rulings, decisions, or other action documents) pursuant to such authority and to enter into general correspondence concerning any matter for which he is responsible under this subpart or subpart A of this part.

(b) *Authority of subordinate officials.* Authority delegated to any official to issue orders or to enter into correspondence under paragraph (a) of this section may be exercised by that official or by appropriate subordinate officials acting for him.

(c) Signature.

(1) A final decision of the Review Board is signed by the Board member responsible for its preparation.

(2) Other orders made by a committee, board or panel identify the body and are signed by the Secretary.

(3) Upon signing an order, the Secretary affixes the Commission's seal.

(4) General correspondence by a committee or board is signed by the committee or board chairman.

(5) All other orders and letters are signed by the official who has given final approval of their contents.

(6) With the exception of certain license forms also signed by the issuing Engineer in Charge, license forms bear only the signature of the Secretary and the seal of the Commission.

(d) *Form of orders.* Orders may be issued in any appropriate form (e.g., as captioned orders, letters, telegrams) and may, if appropriate, be issued orally. Orders issued orally shall, if practicable, be confirmed promptly in writing.

(e) *Minutes entries.* Except as otherwise provided in this subpart, actions taken as provided in paragraph (d) of this section shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.204 adopted eff. 6-4-68; I(68)-1

COMMISSIONERS

§ 0.211 Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these mat-

ters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. § 2672, upon tort claims directed against the Commission where the amount of damages does not exceed \$5,000.

§ 0.212 Board of Commissioners.

(a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

(b) The Board of Commissioners is authorized to act upon all matters normally acted upon by the Commission en banc, except the following:

(1) The final determination on the merits of any adjudicatory or investigatory hearing proceeding or of any rule making proceeding, except upon a finding by the Board that the public interest would be disserved by awaiting the convening of a quorum of the Commission.

(2) Petitions for reconsideration of Commission actions.

(3) Applications for review of actions taken pursuant to delegated authority.

(c) The Board of Commissioners is authorized to act upon all matters normally acted upon by an individual Commissioner (when he or his alternates are not present or able to act) or by a committee of Commissioners (in the absence of a quorum of the committee).

(d) Actions taken by the Board of Commissioners shall be recorded in the same manner as actions taken by the Commission en banc.

(e) This section has no application in circumstances in which the Commission is unable to function at its offices in Washington, D.C. See §§ 0.181-0.186 and 0.381-0.387.

§ 0.214 Telegraph Committee.

A Telegraph Committee, composed of three Commissioners, designated as such by the Commission or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in record communication, for certificates or authorization for the construction, acquisition, operation, or extension of telegraph wire, cable, or radio facilities, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction, or impairment of telegraph service, except those covered by §§ 0.291 and 0.294.

§ 0.214(b) deleted eff. 6-4-68; I(68)-1

§ 0.215 Telephone Committee.

A Telephone Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in telephone communication, for certificates or authorizations for the construction, acquisition, operation, or extension of telephone or telegraph wire, cable, or radio facilities, for temporary or emergency telephone service, for supplementing existing telephone or telegraph facilities, or for discontinuance, reduction, or impairment of telephone or telegraph service, except those covered by §§ 0.291 and 0.294.

【§0.215(b) deleted eff. 6-4-68; I(68)-1】

§ 0.216 Delegation to Subscription Television Committee.

(a) A Subscription Television Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all requests and other matters pertaining to trial subscription television operations authorized in accordance with the provisions of the Third Report in Docket No. 11279, with the exception of applications for authority to conduct trial subscription television operations on stations not previously engaged in such operations.

(b) All actions which are taken by the Subscription Television Committee which dispose of requests or applications shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.218 Authority of, and delegated to, an individual Commissioner or Commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The Commissioner or Commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

(c) Except for actions taken during the course of a hearing and upon the record thereof, actions taken by a Commissioner or Commissioners pursuant to the provisions of this section shall be recorded in writing and filed in the official minutes of the Commission.

EXECUTIVE DIRECTOR**§ 0.231 Authority delegated.**

(a) The Executive Director, or his designee, is delegated authority to exempt Standard, FM, and

Television broadcast licensees from the requirement of installing and maintaining the necessary equipment to receive Emergency Action Notifications and Terminations and arranging for either an associated listening watch, or automatic alarm, or both. (See § 73.922 of this chapter.)

(b) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to radio station licensees for national defense purposes.

(c) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver of the filing fee requirements for modification applications occasioned by natural disasters.

CHIEF ENGINEER**§ 0.241 Authority delegated to the Chief Engineer.**

The Chief Engineer is delegated authority to act upon the following matters which are not in hearing status:

(a) With respect to type approval of radio frequency equipment and certification of radio frequency equipment as acceptable for licensing, to exercise all functions of the Commission pertaining to the:

(1) Examination of all applications for type approval of radio frequency equipment as provided for in this chapter; performance of tests, analysis of data, and determination of compliance with the provisions of this chapter; issuance of type approval certificates for radio frequency equipment which complies with the provisions of this chapter; and issuance of lists of type approved equipment.

(2) Examination of all applications for certification of radio frequency equipment as acceptable for licensing as provided for in this chapter; notification to the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the equipment does or does not appear to be acceptable for licensing in the particular radio service or services involved; and issuance of lists of radio frequency equipment certified as acceptable for licensing.

(b) With respect to stations operating in the Experimental Radio Service that are not engaged in the development of an established service and administered by a single Bureau, to act upon the following matters:

(1) Applications to assign frequencies, power, emission, and types of equipment and to approve the apparatus to be employed by these radio stations so as to provide the maximum results from the experimentation which can reasonably be expected of the licensee.

(2) Applications from existing licensees which involve a change in frequency, power, or type of emission.

(3) Applications which involve only a change in location, type, model, design or number of transmitters.

(4) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorizations.

(5) Applications for license or modification of license to cover construction permit.

(6) Applications for renewal of licenses.

(7) Applications for extension of the expiration date of construction permits.

(8) For addition, modification, or coordination of programs of research or experimentation so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensee.

(9) Requests for operation with a modified antenna system where formal application is not required.

(10) Requests for extension of time within which to comply with technical requirements specified in authorizations, orders, rules, or releases of Commission.

(11) Representation of compliance with technical requirements specified in authorizations, orders, rules, or releases of the Commission (except formal applications).

(12) Requests to operate at a temporary location with a temporary antenna system.

(13) Request for special conditions of operation necessary to comply with technical requirements specified in authorizations, orders, rules, or releases of the Commission.

(14) Request for special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(15) Request for exemption from station identification requirements.

(16) Request for exemption from transmitter control requirements.

(17) Request for exemption from limitation on authorized points of communication.

(e) To assign new or modified call signs to stations in all of the radio services except the Citizens and Amateur Radio Services. See §§ 0.332(a) and 1.550 of this chapter.

§ 0.243 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.

(a) The Chief Engineer, upon securing concurrence of the General Counsel, is delegated authority with respect to stations operating in the experimental radio services, other than experimental and developmental stations operating in established services under the

jurisdiction of a single bureau, to act upon the following matters:

(1) Applications for construction permits for new stations.

(2) All requests for withdrawal of papers in accordance with § 1.8 of this chapter.

(3) Applications for consent to assignment and transfer of control of station authorizations.

(4) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

(b) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to determine under § 1.80 of this chapter whether forfeiture liability has been incurred in connection with the operation of any station governed by Part 5 of this chapter, and to issue notices of apparent liability as provided in § 1.80.

(c) The Chief Engineer, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver of the all-channel television receiver rules contained in Part 15 of this chapter where the receiver involved in such requests is an integral part of a hospital communications system. In such cases, a grant may be made when there is no danger of adversely affecting the audience potential of present or future UHF television stations, and benefits are to be derived from the grant of the requests.

(d) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(e) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

§ 0.247 Record of actions taken.

The application and authorization files and other appropriate files of the Office of the Chief Engineer are designated as the official minute entries of actions taken pursuant to §§ 0.241 and 0.243.

[§ 0.247 headnote and text amended eff. 6-4-68; I(68)-1]

GENERAL COUNSEL

§ 0.251 Authority delegated.

(a) [Reserved]

(b) Insofar as authority is not delegated to any other Bureau Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority to act upon requests for exten-

sion of time within which briefs, comments or pleadings may be filed.

(c) The General Counsel is delegated authority to dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(d) The General Counsel is delegated authority to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

§ 0.257 [DELETED]

【§ 0.257 deleted eff. 6-4-68; I(68)-1】

SECRETARY

§ 0.261 Authority delegated.

(a) The Secretary is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(b) The Secretary is delegated authority, upon securing the approval of the Field Engineering Bureau, to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in § 0.485 and in the appendix to Part 97 of this chapter.

【§ 0.261(c) deleted eff. 6-4-68; I(68)-1】

CHIEF, BROADCAST BUREAU

§ 0.281 Authority delegated.

The Chief of the Broadcast Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to broadcast services as follows:

(a) Formal applications for broadcast authorizations:

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator, and UHF television booster facilities, or for modification thereof; for licenses or modification thereof; or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.580 of this chapter or other substantial objection has been filed.

(2) For assignment of broadcast licenses or permits or for transfer of control of broadcast licensees or permittees, which applications comply fully with the requirements of the Communications Act and the

provisions of this chapter, accord with Commission policy and standards, and concerning which no petition to deny pursuant to § 1.580 of this chapter or other substantial objection has been filed.

(3) For new or modified experimental, developmental, and auxiliary broadcast authorizations covered by Part 74 of this chapter, or for renewal of authority for such facilities.

(4) For reinstatement of expired construction permits.

(5) For new or modified Subsidiary Communications Authorizations, or for renewal of such Authorizations.

(b) Designate for hearing, upon appropriate issues, mutually exclusive applications for new or modified standard, FM, noncommercial FM, and television facilities.

(c) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary site with a temporary antenna system when in case of an emergency it becomes impossible to continue operating at the regularly authorized site.

(8) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 74 of this chapter.

(9) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission, which require immediate action during such hours.

(10) For authority for television broadcast stations to operate with visual-to-aural power other than that specified in this chapter.

(d) Miscellaneous applications and requests:

(1) For temporary operation, for a lesser period of time than specified by §§ 73.71, 73.261, and 73.651 of this chapter, or to remain silent for temporary periods.

(2) For extension of time within which a transfer of control or assignment of license may be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 73.266 of this chapter.

(4) For authority to rebroadcast when authorization is required under Parts 73 and 74 of this chapter.

(5) For any permit required by the provisions of section 325(b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For withdrawal of papers in accordance with § 1.8 of this chapter.

(8) For extension of time within which to file briefs, comments and pleadings in rulemaking proceedings.

(9) For conducting equipment and program tests.

(10) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(11) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(12) For television site survey.

(13) For standard broadcast special field test authorizations.

(14) For authority to relocate the main studio outside the corporate limits of the community to which the station is assigned, when no change in station location or identification is involved.

(15) For waiver of the transmitter inspection requirements imposed by §§ 73.93(e), 73.265(e), and 73.565(e) of this chapter.

(16) To waive the provisions of the note to §§ 1.571 and 73.37 of this chapter to the extent necessary to accept for filing an application by an existing standard broadcast facility for change of site or antenna efficiency, which would result in new or increased co-channel or first adjacent channel overlap, if it is found that good cause for the change exists, and such overlap is not in excess of 2 miles along the line of maximum penetration.

(17) For waiver of the provisions of § 73.652(a) of this chapter to permit multiple-city identification, where the additional community or communities with which identification is sought, are provided with the requisite field intensity specified in § 73.685(a) of this chapter by the station seeking such authority.

(e) Applications or requests concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to

provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(f) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(g) Requests for modification of tower painting and lighting specifications.

(h) To issue such National Defense Emergency Authorizations as may be required to permit stations licensed by the Commission to participate in approved National Defense Plans during a national emergency, and to issue such further authorizations as may be appropriate under Executive Order 11092.

(i) To dismiss applications without prejudice (1) as provided in § 1.568 (a) and (b) of this chapter, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

(j) To give written consent to applicants who request authority to make minor changes in effecting transfers of control, or assignment of licenses, previously authorized by the Commission.

(k) To advise licensees to cease operation in the event renewal applications are not filed with the Commission prior to the expiration date of the particular license.

(l) To defer action on those renewal license applications received subsequent to the fifteenth day of the month prior to the expiration date of the particular license.

(m) To grant, for good cause shown, requests for temporary authority to continue operation for a period not to exceed 90 days, where an application for renewal of license has been filed subsequent to the expiration of the particular license.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

(p) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

(q) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and if no application for extension of construction permit has been granted

by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

(r) With respect to international broadcasting, to act upon requests for the use of frequencies and frequency hours for transmission to specific target areas subject to the conditions set forth in Part 73 of this chapter.

(s) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(t) To direct standard broadcast stations to refrain from pre-sunrise operation with their daytime facilities pursuant to § 73.87 of this chapter.

(u) To dismiss petitions and other pleadings which have clearly been rendered moot.

(v) To extend the time to file responses to official correspondence.

(w) With the concurrence of the General Counsel, to issue rulings and interpretations with respect to, and to act upon complaints arising under, section 315 of the Communications Act and §§ 73.120, 73.290, 73.590, or 73.657 of this chapter.

(x) To issue Notices of Apparent Liability in amounts not in excess of \$250, under Section 503(b) of the Communications Act and § 1.621 of this chapter.

(y) To issue lists of applications for standard broadcast facilities establishing a "cut-off" date pursuant to the provisions of § 1.571(c) of this chapter.

(z) To dismiss, subject to request within 30 days for reinstatement and hearing, applications for extensions of time in which to construct a station where it appears that the failure to complete was due to causes under the control of the grantee.

(aa) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(bb) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(cc) To act on requests for temporary exemption from the provisions of § 73.242 (a) of the Commission's rules and regulations, and if good cause is shown to grant temporary exemption for a period of no more than 3 months.

(dd) To accept and grant reinstatement applications beyond the 30-day period in § 1.534(b) of this chapter.

(ee) To grant temporary operation by remote control pending receipt and consideration of a formal application.

(ff) To waive the provisions of the note to §§ 1.571 and 73.37 of this chapter to the extent necessary to accept and grant an application by an existing standard broadcast facility for change of site or antenna efficiency, which would result in new or increased co-channel or first adjacent channel overlap, if it is found that good cause for the change exists, and such overlap is not in excess of 2 miles along the line of maximum penetration.

(gg) To grant, grant in part, or dismiss, as appropriate, informal applications for Presunrise Service Authority (PSA) in accordance with § 73.99 of this chapter, and to suspend, modify, or withdraw such authority under the circumstances outlined therein.

(hh) To grant temporary authority for subchannel operation.

(ii) In conjunction with the Office of Chief Engineer, to rule on objections based on claimed phonetic similarity arising under § 1.550 of this chapter.

(jj) In conjunction with the Office of Chief Engineer, to waive the provisions of § 1.550(d)(1) of this chapter if an examination of the call signs of the broadcast stations notified by applicant clearly indicates that no significant likelihood of public confusion could arise and that no purpose would be served by the waiting period prescribed.

(kk) For waiver of the provisions of §§ 73.117 and 73.287 of this chapter to permit multiple-city identification, where the additional community or communities with which identification is sought are provided with the minimum principal city signal intensity specified in §§ 73.188(b) and 73.315(a) of this chapter for AM and FM broadcast stations, respectively.

(ll) To act on requests for waiver of § 73.651(c) of this chapter, where operation under such requests will not exceed ten hours per week, to permit operation by a noncommercial educational television broadcast station of its aural transmitter to broadcast music accompanied by slides, films or other visual transmissions.

【§ 0.281(l) amended eff. 2-2-68; I(68)-1】

§ 0.287 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Broadcast Bureau.

【§ 0.287 headnote and text amended eff. 6-4-68; I(68)-1】

CHIEF, CATV TASK FORCE

§ 0.289 Authority delegated.

(a) The Chief, CATV Task Force, in coordination with the Broadcast Bureau, is delegated authority to act upon the following applications for Community Antenna Relay station authorizations, if such authorizations comply fully with the requirements of the

Communications Act, the provisions of this chapter (see, in particular, Subpart J of Part 74 of this chapter), and Commission policy and standards; if no mutually exclusive application has been filed; and if no petition to deny or other substantial objection to the application has been filed:

(1) Applications for construction permits for new or changed stations.

(2) Applications for licenses to cover construction permits.

(3) Applications for modification, assignment, transfer of control, or renewal.

(b) All minutes of actions taken by the Chief of the CATV Task Force pursuant to the authority delegated in this section shall be maintained for public inspection by the CATV Task Force.

(c) The Chief, CATV Task Force, is delegated authority to act upon the following matters:

(1) Requests for extensions of time in which to comply with Commission orders directing carriage and/or program exclusivity by a CATV system for a reasonable period of time upon a showing of good cause.

(2) For withdrawal of papers in accordance with § 1.8 of this chapter.

(3) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(4) For extension of time within which to file briefs and comments with respect to rule making.

(5) To extend the time to file pleadings related to waiver requests or applications not designated for hearing.

(6) To dismiss petitions and other pleadings which have clearly been rendered moot.

(7) To initiate official correspondence where appropriate, and to extend the time to file responses to official correspondence.

(8) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(9) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(10) To dismiss premature requests for waivers of the Commission's rules.

(11) To grant requests for waiver of §§ 74.1037 and 74.1067 of this chapter.

■§0.289(b) amended eff. 6-4-68; I(68)-1■

CHIEF, COMMON CARRIER BUREAU

§ 0.291 Authority concerning radio matters.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing

status, involving the use of radio, insofar as they apply to common carrier services (except marine and aeronautical), where the estimated construction cost is less than \$2,000,000:

(a) From existing licensees for instruments of authorization, for the fixed public or fixed public press radio services, except applications in the international services involving:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit or special temporary authorization; unless the application for a new point of communication is for the transmission or control of transmission or reception of addressed program or facsimile material.

(2) Changes in transmitter location other than local in character.

(3) The establishment of a new type of service.

(b) For the domestic public radio services, and for the fixed public services, in the possessions of the United States and in the State of Hawaii.

(c) For developmental stations which render or propose to render a common carrier service.

(d) For special temporary authorizations, including those filed at times outside of the regular office hours of the Commission in emergency cases.

(e) For operation with new or modified equipment pending repair of existing equipment, or pending receipt of and action upon formal applications; operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location; and, special operations necessary to facilitate equipment and service tests, or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(f) For a change in location, type or model, design or number of transmitters; representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(g) For equipment and service tests, or extensions thereof.

(h) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(i) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(j) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(k) To waive the requirement of § 21.23(a) of this chapter that amendments to applications be served by the applicant upon persons who have filed petitions to deny the application or to designate it for hearing, upon a showing by the applicant that the requirement is unreasonably burdensome, and to prescribe such alternative procedures as may be appropriate under the circumstances to protect petitioners' interests and to avoid undue delay in the proceeding. Requests for waiver shall be served on petitioners. Oppositions to the petition may be filed within 5 days after the petition is filed and shall be served on the applicant. Replies to oppositions will not be entertained.

§ 0.292 Additional authority concerning radio matters.

The Chief of the Common Carrier Bureau is delegated authority to act on the following matters:

(a) To designate for hearing all mutually exclusive applications for radio facilities filed pursuant to Parts 21 and 23 of this chapter.

(b) To determine under § 1.80 of this chapter whether forfeiture liability has been incurred in connection with the operation of any station governed by Parts 21 and 23 of this chapter, to issue notices of apparent liability in such cases, and to act in such cases upon requests that the forfeiture be cancelled or reduced.

¶ 0.292(b) amended eff. 3-1-68; I(68)-1

§ 0.293 Authority concerning position of officer.

The Chief of the Common Carrier Bureau is delegated authority to act upon applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the Act, and to act upon applications for a finding that a carrier owns more than fifty percent of the stock of another or other carriers, or that a person owns fifty percent or more of the stock of two or more carriers.

§ 0.294 Authority concerning section 214 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications or requests under section 214 of the Communications Act:

(a) For a certificate authorizing the construction, acquisition, operation, or extension of lines, or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than \$2,000,000, or an annual rental of less than \$100,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment

or modification involves an estimated construction or purchase cost of less than \$2,000,000 or an annual rental of less than \$100,000.

(c) For authority to discontinue, reduce, or impair telephone service where the applications are filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of this chapter.

(d) For an authorization for temporary or emergency closure of telegraph offices, for any closure of a telegraph office at a military establishment, for closure of railroad-operated agency offices, for closure of company-operated main offices where substitute service is to be provided by telephone, teleprinter or facsimile-operated agency office in the same community and for any reduction in the hours of telegraph service in a community or part of a community in those cases where applicable Commission policy has been established.

(e) For informal requests for authority to discontinue, reduce or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, and 63.66 through 63.69 of this chapter.

(f) For reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted but will not be used by applicant because of conditions arising subsequent to the filing of the application.

§ 0.295 Authority concerning section 220 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to interpret the regulations and to act upon the administration of such regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

§ 0.296 Authority concerning section 221(a) of the Act.

The Chief of the Common Carrier Bureau is delegated authority:

(a) To determine upon consideration of all relevant factors whether hearings shall be held on applications filed under section 221(a) of the Communications Act where no request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority;

(b) To fix the time and place for hearings he determines shall be held under paragraph (a) of this section or where a request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority; and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State Commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable; and

(c) To act in all other cases upon applications filed under section 221(a) where the proposed expenditure for consolidation, acquisition or control is less than \$500,000.

§ 0.297 Authority concerning tariff regulations.

The Chief of the Common Carrier Bureau is delegated authority to act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and, in connection with the administration of that section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

§ 0.298 Authority under Communications Satellite Act.

(a) The Chief of the Common Carrier Bureau is delegated authority to act upon applications from communications common carriers for authorization to purchase stock in the Communications Satellite Corporation, pursuant to the provisions of section 304(b) of the Communications Satellite Act and of Subpart H of Part 25 of this chapter.

(b) The Chief of the Common Carrier Bureau is delegated authority to act upon notification statements required to be filed under § 25.166 of this chapter by the Communications Satellite Corporation, other communications common carriers, and their respective prime contractors with respect to the procurement of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations. This delegation is limited to taking the following actions:

(1) Determination that no action should be taken to prevent the proposed contracts from being awarded at any time subsequent to 10 days after the filing of the statements with the Commission;

(2) Notice that such statements are defective;

(3) Issuance of a public notice announcing a 30-day investigation period to determine whether the rules have been complied with;

(4) Determination that no action should be taken to prevent the proposed contract from being awarded at any time subsequent to 30 days after the date of the public notice.

§ 0.302 Authority concerning records and papers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following matters insofar as they apply to records or papers involving common carriers:

(a) To dismiss petitions and other pleadings relating to matters not in hearing status which have clearly been rendered moot.

(h) Requests for withdrawal of papers in accordance with § 1.8 of this chapter.

§ 0.303 Authority concerning extension of time and waivers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following requests:

(a) For the extension of time in which to file annual, monthly and special reports required by the Commission pursuant to section 219 of the Communications Act.

(b) For the extension of the time prescribed in § 43.51 of this chapter for the filing of documents specified therein.

(c) For the extension of time within which briefs, comments and pleadings may be filed in common carrier rulemaking proceedings.

(d) For extension of time previously ordered by the Commission within which the transfer of control or assignment of license be effectuated insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(e) For extension of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(f) For waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to common carrier operations but requiring action under § 2.102 of this chapter, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule making proceeding with a view to establishing it on regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

(g) For extension of time within which to file pleadings concerning applications filed in the fixed public, fixed public press, domestic public, or common carrier experimental radio services which are not in hearing status.

§ 0.304 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications involving common carrier matters in the maritime mobile service, aeronautical mobile service, and

in the fixed service in Alaska. (For record of actions taken under this section, see § 0.337.)

§ 0.307 Record of actions taken.

§ 0.305 [DELETED]

【§ 0.305 deleted eff. 6-4-68; I (68)-1】

The application and authorization files in the License Branch and the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief of the Bureau pursuant to authority delegated to him. In the case of joint authority exercised by the Chief, Common Carrier Bureau, and the Chief, Safety and Special Radio Services Bureau, § 0.337 applies.

【§ 0.307 amended eff. 6-4-68; I (68)-1】

FIELD ENGINEERING BUREAU

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.

(a) The Chief of the Field Engineering Bureau is delegated authority to act upon the following matters which are not in hearing status:

(1) Except as otherwise provided in § 1.61 of this chapter, with respect to the construction, marking, and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of this chapter: *Provided, however, That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Engineering Bureau advises the bureau concerned in order that it may submit the application to the Commission for appropriate action.*

(2) Waiver of rules, regulations and orders of the Commission relating to the proper time for filing of renewals of commercial and amateur radio operator licenses.

(3) Temporary operation by radio station licensees, except licensees of standard and FM broadcast stations, with a licensed operator of lower grade than normally required or for waiver of other technical requirements for operators.

(4) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of this chapter, to issue, in accordance with section 312 (c) of the Act, (i) orders to show cause why a cease and desist order pursuant to section 312(b) should not be issued; and (ii) cease and desist orders after waiver of hearing and certification of the proceeding to the Commission pursuant to § 1.92 of this chapter.

(5) To suspend commercial operator licenses and to designate the matter for hearing, as provided for in § 1.85 of this chapter.

(6) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in Puerto Rico and vicinity, and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(7) To dismiss without prejudice applications for new and renewal commercial radio operator licenses in cases where prior to designation of such applications for hearing an applicant has failed to answer official correspondence or a request for additional information from the Commission.

(8) To act on requests for a provisional radio operator certificate.

(9) To act on requests by holders of a pilot certificate issued by the Civil Aeronautics Administration, the Federal Aviation Agency or the Federal Aviation Administration for a waiver of the U.S. citizenship requirement under section 303(1) of the Communications Act of 1934, as amended.

(10) To act on requests for waiver of the written examination requirements of §§ 13.21 and 13.22 of this chapter and to authorize oral examination in lieu thereof.

(11) To reject certifications of industrial heating equipment as provided in § 18.118(a) of this chapter and to accept certifications of industrial heating equipment as provided in § 18.118(d) of this chapter.

(12) To determine under § 1.80 of this chapter whether forfeiture liability has been incurred by any licensed commercial radio operator (except where the operator is also subject to liability as licensee of the station in question); to issue notices of apparent liability in such cases; and to act in such cases on requests that the forfeiture be cancelled or reduced.

NOTE: Where the operator is also subject to liability as licensee of the station, these matters are acted on by the Bureau or Office which exercises authority over the class of station involved. See §§ 0.243(b), 0.292(b), and 0.332 (d) and (e).

(13) To act on requests for a waiver of the geographical restriction in § 13.4(c) of this chapter on the validity of operator licenses issued to alien aircraft pilots.

(14) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(15) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(b) The Chief and the Deputy Chief of the Field Engineering Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

【§ 0.311(a)(12) amended eff. 3-1-68; I (68)-1】

§ 0.313 [DELETED]

【§ 0.313 deleted eff. 6-4-68; I (68)-1】

§ 0.314 Authority delegated to the Engineers in Charge.

The Engineers in Charge at each headquarters office of the 24 Districts of the Field Engineering Bureau are delegated authority to act upon the following applications, requests, or other matters which are not in hearing status:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) For temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

(c) In cases of informal requests from broadcast stations to extend temporary authority for operation without any of the following: modulation monitor, frequency monitor, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial radio operator license may take an examination after having failed a previous examination (§§ 13.27 and 97.33 of this chapter).

(e) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 83.512 of this chapter.

(f) Applications, in any acceptable form, filed at Commission field offices located in Alaska, for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such authorization for use in connection with the protection of life or property during an emergency period.

(g) Requests for interim ship station and for interim radar ship station licenses as provided by Part 83 of this chapter governing stations on shipboard in the maritime services.

(h) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(i) Operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362(b) of the Communications Act of 1934, as amended.

(k) For a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(m) Issuance of notices and orders to operators of industrial heating equipment, as provided in §§ 18.120 and 18.121 of this chapter.

(n) Requests for permission to resume operation of industrial heating equipment on a temporary basis, as provided in §§ 18.120 and 18.121 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.122(b) of this chapter.

(o) Informal applications filed in accordance with the provisions of § 83.47 of this chapter for temporary waivers of annual inspection of vessels as required by section 362(b) of the Communications Act of 1934, as amended.

§ 0.315 Authority delegated to Engineers in Charge who serve as FCC representatives to Office of Civil Defense (OCD) Regional Civil Defense Coordinating Boards and Regional Preparedness Committees of the Office of Emergency Planning (OEP).

(a) Engineers in Charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington, are designated as the principal FCC representatives to Regional Preparedness Committees. (FCC Field Liaison Officers of the Office of Emergency Communications are designated as alternates. The authority delegated to FCC representatives to Regional Preparedness Committees is set forth in § 0.385.)

(b) Engineers in Charge of Field Engineering Bureau district offices at Boston, Mass.; Baltimore, Md.; Atlanta, Ga.; Detroit, Mich.; Dallas, Tex.; Denver, Colo.; San Francisco, Calif.; and Seattle, Wash., are designated as the alternate FCC representatives to the Regional Civil Defense Coordinating Boards. (FCC Regional Liaison Officers of the Emergency Communications Division are designated as the principal representatives to the Regional Civil Defense Coordinating Boards.)

(c) The Engineers in Charge listed in paragraph (a) of this section are designated as FCC representatives to State Emergency Telecommunications Task Groups established by the OEP in its Organization and Planning Guide of September 1962 (OEP Circular 3300.1).

§ 0.316 Authority delegated to Marine Supervisors at marine offices, to engineers engaged in ship inspection duties at radio district offices, and to radio engineers at suboffices.

(a) The Radio Engineer at each suboffice of a district headquarters office of the Field Engineering Bu-

reau is delegated authority to act upon all matters contained in § 0.314, except paragraph (b).

(b) The Marine Supervisor at the marine office of the Field Engineering Bureau at Tampa, Fla., is delegated authority to act upon matters set forth in § 0.314 (a), (d), (e), (g), (j), (k), and (o). The Marine Supervisor at the marine office of the Field Engineering Bureau at San Pedro, Calif., is delegated authority to act upon matters set forth in § 0.314 (e), (g), (j), (k), and (o), and to act upon applications for restricted radiotelephone operator permits and requests for provisional radio operator certificates related thereto.

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering Bureau are delegated authority to act upon matters set forth in § 0.314 (e), (j), and (l).

§ 0.317 Record of actions taken.

All actions taken under § 0.314 or § 0.316 shall be recorded in the field office where such action has been taken, and except for actions taken under § 0.314 (c), (d), (h), and (i), a report thereof shall be sent to the Washington, D.C., office of the Field Engineering Bureau quarterly.

§ 0.318 Authority delegated to operator examiner.

The operator examiner at the examination office in Gettysburg, Pa., is authorized to act on requests for waiver of the waiting time requirement applying to applicants for amateur radio operator licenses who have failed a previous examination (§ 97.33 of this chapter).

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

§ 0.331 Authority delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status:

(a) Consistent with and pursuant to the rules governing the Disaster Communications Service and the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, and Citizens Radio Services, and the Fixed Service in Alaska, on all applications for construction permits, modification of construction permits, extension of construction permits, station licenses, modification of station licenses, transfer of control or assignment of construction permits or station licenses, renewal of station licenses, amateur operator licenses, renewal or modification of amateur operator licenses and special temporary authorizations. With respect to applications involving common carrier matters, this authority shall be exercised jointly with the Chief, Common Carrier Bureau pursuant to §§ 0.304 and 0.333.

(h) On the following matters insofar as they involve the Disaster Communications Service or the Mar-

itime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, or Citizens Radio Services:

(1) Requests for extensions of time for equipment or service tests or within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(2) [Reserved]

(3) Requests for withdrawal of papers in accordance with § 1.8 of this chapter.

(4) Requests for extension of time within which briefs, comments and pleadings may be filed in rule-making proceedings.

(5) To make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308(a) of the Communications Act of 1934, as amended.

(6) Cancellation of station licenses, construction permits or other authorizations upon the request of the licensee or permittee or upon abandonment of the station.

(7) Petitions or requests seeking waiver of or exception to any rule, regulation or requirement, and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.102 of this chapter, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceedings with a view to establishing it on a regular basis, (ii) will not exceed 180 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder; *Provided, however,* That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 97.13, 97.27, 97.51, and 97.95 of this chapter, or to the requirements with regard to types of emission set forth in § 97.61.

(8) To issue, in accordance with section 312(c) of the Communications Act of 1934, as amended, (i) orders to show cause why an order of revocation pursuant to section 312(a) of the Act, or a cease and desist order pursuant to section 312(b) of the Act, should not be issued; and (ii) after waiver of hearing and termination of the hearing proceeding in revocation cases and cease and desist cases as prescribed by § 1.92 of this chapter, to issue orders of revocation and orders to cease and desist, and also orders that a revocation or cease and desist order shall not issue.

(9) To grant the authorizations provided for in § 2.102(c) of this chapter.

(10) To cancel amateur operator licenses as provided in § 97.35 of this chapter.

(11) To act upon all requests (to the extent that they relate to qualifications for the various amateur operator licenses) for waiver of the requirement of Part 97 of this chapter where it is alleged that, by reason of a protracted or permanent physical disability, the applicant is unable to meet the requirements of such rules.

(12) To issue, in accordance with section 316 of the Act, orders to modify ship radiotelephone stations by deleting therefrom any frequency when the use thereof has resulted in harmonic emissions found to be capable of causing interference to other radio services, and if a hearing thereon is requested, to designate such matters for hearing.

(13) To grant, in the absence of unusual circumstances, a six month waiver of the type acceptance requirement of § 83.139 of this chapter in cases substantially the same as those in which the Commission en banc has taken similar action.

(14) To deny requests for waiver of the type acceptance requirement of § 83.139 of this chapter and dismiss associated applications for ship station licenses in cases substantially the same as those in which the Commission en banc has taken similar action.

(15) To act on requests for waiver of the type acceptance requirement of § 83.139 of this chapter where the applicant is operating a ship radiotelephone transmitter on frequencies between 4 and 27.5 Mc/s and where authority is needed to operate non-type accepted ship radiotelephone equipment pending conversion to single sideband.

(16) To grant waivers of the type acceptance requirements of § 87.77 of this chapter for a period not to extend beyond January 1, 1970, in cases substantially the same as those in which the Commission en banc has taken similar action.

(17) To grant waivers of the type acceptance requirements of § 89.117 of this chapter for a period not to extend beyond January 1, 1967, in cases substantially the same as those in which the Commission en banc has taken similar action.

(18) To act on requests for waiver of application procedures to allow a licensee to submit a request for the identical modification or assignment of a number of outstanding authorizations without filing a separate application for each station. Action taken under this delegation does not include authority to waive or reduce applicable fee requirements which shall be determined as if separate applications were filed for each station.

(19) To act on requests for waiver of the restrictions of § 1.916 of this chapter subsequent to revocation of a radio station license.

(c) Consistent with the provisions of section 309(f) of the Communications Act of 1934, as amended, to

grant or deny requests for temporary authorizations and to issue orders stating the reasons therefor, but only prior to the time a petition to deny the application involved has been filed or the application has been designated for hearing.

§ 0.331(b)(10) amended eff. 6-17-68; I(68)-1

§ 0.332 Additional authority delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests and other matters:

(a) Requests for assignment of call signs to new stations in the Citizens and Amateur Radio Services and for changes in the call signs of existing stations in those services.

(b) Applications or requests for exemption, pursuant to the provisions of sections 352(b) and 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article 6 of the Great Lakes Radio Agreement:

(1) For emergency and renewal exemption of vessels;

(2) For initial exemption of vessels subject to Title III, Part III of the Act;

(3) For initial exemption of vessels of less than 100 gross tons subject to Title III, Part II of the Act or the Safety Convention;

(4) For exemption from Title III, Part II, of the Act of vessels operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc.

(c) Applications or requests for approval of schedules of transmissions by coast stations of information for the general benefit of mariners to a plurality of mobile stations or to designated fixed locations.

(d) Make determination and notification of incurrence of forfeitures under the provisions of sections 364, 386, 507, and 510 of the Communications Act, with reference to stations governed by the provisions of Parts 81-99 of this chapter.

(e) Applications made pursuant to section 504(b) of the Communications Act of 1934, as amended, for mitigation or remission of forfeitures imposed under sections 364, 386, 507, and 510 of the Act.

(f) Issue orders suspending the licenses of amateur operators in accordance with section 303(m)(1) of the Act and if a hearing thereon is requested, to designate such matters for hearing.

(g) Requests pursuant to the provisions of §§ 81.104(b)(1) and 81.191(c)(1) of this chapter for waiver or exception to the requirements of those sections concerning 2182 kc/s coast station facilities and watch.

(h) To dismiss applications without prejudice in cases where, prior to designation of such application for hearing, an applicant has failed to answer official correspondence or a request for additional information from the Commission.

(i) To grant or deny applications for permits and to modify, suspend, or cancel such permits, pursuant to Subpart G, Part 97 of this chapter.

(j) Requests for extension of time within which to file pleadings concerning applications filed in the Safety and Special Radio Services which are not in hearing status.

(k) To dismiss petitions and other pleadings relating to matters not in hearing status which have clearly been rendered moot.

(l) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(m) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(n) To maintain the official record of hearing proceedings for the revocation of licenses in the Safety and Special Radio Services until such matters are docketed.

【§ 0.332(n) adopted eff. 4-5-68; I(68)-1】

§ 0.333 Authority delegated jointly to the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications involving common carrier matters in the maritime mobile service, aeronautical mobile service, and in the fixed service in Alaska.

§ 0.337 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Safety and Special Radio Services Bureau, in pursuance of the authority delegated to him in §§ 0.331 and 0.332 or jointly to him and the Chief, Common Carrier Bureau, in § 0.333. In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau.

【§ 0.337 amended eff. 6-4-68; I(68)-1】

HEARING EXAMINERS

§ 0.341 Authority of hearing examiner.

(a) After a hearing examiner has been designated

to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another hearing examiner, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except the following:

(1) Those which are to be acted upon by the Commission. See § 1.291(a)(1) of this chapter.

(2) Those which are to be acted upon by the Review Board under § 0.365 (b) and (d).

(3) Those which are to be acted upon by the Chief Hearing Examiner under § 0.351.

(b) Any question which would be acted upon by the hearing examiner if it were raised by the parties to the proceeding may be raised and acted upon by the hearing examiner on his own motion.

(c) Any question which would be acted upon by the Chief Hearing Examiner, the Review Board or the Commission, if it were raised by the parties, may be certified by the hearing examiner, on his own motion, to the Chief Hearing Examiner, the Review Board or the Commission, as the case may be.

(Sec. 7, 60 Stat. 241, 5 U.S.C. 1006; sec. 409, 48 Stat. 1096, as amended, 47 U.S.C. 409)

§ 0.347 Record of actions taken.

Except for actions taken during the course of the hearing and upon the record thereof, actions taken by a hearing examiner pursuant to § 0.341 shall be recorded each week in writing and filed in the official minutes of the Commission.

CHIEF HEARING EXAMINER

§ 0.351 Authority delegated.

The Chief Hearing Examiner shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.251(a) of this chapter. (The hearing examiner named to preside at the hearing may order an initial prehearing conference although the Chief Hearing Examiner may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceed-

ings at that location have not been completed. (See § 1.253 of this chapter.)

(e) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions.

(f) All pleadings filed, or matters which arise, after a proceeding has been designated for hearing, but before an examiner has been designated, which would otherwise be acted upon by the examiner, including all pleadings filed, or matters which arise, in cease and desist and/or revocation proceedings prior to the designation of a presiding officer.

(g) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Hearing Examiner.

§ 0.357 [DELETED]

【§ 0.357 deleted eff. 6-4-68; I(68)-1】

REVIEW BOARD

§ 0.361 General authority.

(a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Board also takes original action on certain interlocutory matters which arise during the course of hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.365. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be acted upon by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be acted upon by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the

Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.273-1.282 of this chapter.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(f) A minimum of three members will participate in each case referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

【§ 0.361(h) deleted eff. 6-4-68; I(68)-1】

§ 0.365 Authority delegated to the Review Board on a regular basis.

(a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of hearing examiners in all adjudicative proceedings (including mixed adjudicative and rule making proceedings), except for proceedings involving the renewal or revocation of a station license in the Broadcast Radio Services or the Common Carrier Radio Services.

(b) *Original action on interlocutory matters.* In adjudicative proceedings conducted by hearing examiners (including mixed adjudicative and rule making proceedings), the Review Board shall take original action on the following interlocutory matters and upon any question with respect to such matters which is certified to it by the presiding examiner (see § 1.291 of this chapter):

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Joint requests for approval of agreements filed pursuant to § 1.525 of this chapter and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications. (In considering such requests, the Review Board may in its discretion, hold informal conferences with counsel for parties to the proceeding.)

(c) *Action on interlocutory appeals from rulings of hearing examiners.* The Review Board shall act on

interlocutory appeals from rulings of hearing examiners in adjudicative proceedings (including mixed adjudicative and rule making proceedings). See § 1.301 of this chapter.

(d) *Action on pleadings filed in cases or matters which are before the Board.* The Review Board shall act on all pleadings filed in cases or matters which are before the Board.

CHIEF, OFFICE OF OPINIONS AND REVIEW

§ 0.371 Authority delegated.

The Chief, Opinions and Review, is delegated authority to act upon the following matters in hearing proceedings which are pending before the Commission en banc:

- (a) Motions or petitions for extension of time.
- (b) Pleadings which are moot.
- (c) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.
- (d) To issue orders, in accordance with Commission instructions, specifying or changing the day or hour of oral argument.

【§ 0.371 amended eff. 5-17-68 and revised eff. 6-4-68; I(68)-1】

DEFENSE AND EMERGENCY PREPAREDNESS DELEGATIONS

§ 0.381 Defense Commissioner.

The authority delegated to the Commission under Executive Order 11092 is redelegated to the Defense Commissioner.

【§ 0.381 amended eff. 6-4-68; I(68)-1】

§ 0.383 Emergency Relocation Board.

(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.186(a), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner, as if made or taken by the Commission.

【§ 0.383(d) deleted eff. 6-4-68; I(68)-1】

§ 0.385 FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning during a wartime emergency period.

Engineers in Charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver Colorado; San Francisco, California; and Seattle, Washington, are designated as FCC representatives to Regional Preparedness Committees. FCC Field Liaison Officers of the FCC Office of Emergency Communications are designated as alternates. These Committees will be activated in wartime emergency periods or during Civil Defense exercises. These FCC representatives will give advice and assistance to Regional Directors of the Office of Emergency Planning and to other Federal agencies within the respective Office of Emergency Planning region on matters relating to the functions and responsibilities of the FCC. They will also coordinate FCC operations within the region in the event of a regional "cut-off" situation. For the purpose of delegating authority to FCC representatives to act for the Commission, a regional "cut-off" situation shall be considered as existing when either no communication to higher authority within the FCC can be effected, or such communication as exists could not be expected to provide an answer from higher authority within the FCC in time to authorize urgent actions that the FCC representative determines cannot be delayed until such answer is received. The delegations of authority set forth in paragraphs (a), (b), and (c) of this section are made to these Engineers in Charge or to their alternates, to enable them to carry out their responsibilities.

(a) *When communication is available to higher authority within the FCC.* When instructions can be obtained from higher authority within the FCC, the authority of FCC representatives assigned to Regional Preparedness Committees shall comprise that delegated to the Engineers in Charge in nonemergency periods under § 0.314. Action under this delegation must be consistent with any defense rules that supersede rules for normal conditions, wartime plans and emergency orders that may be adopted by the Commission, emergency legislation, Executive Orders, and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

(b) *During a temporary "cut-off" period when communication to higher authority within the FCC is disrupted.* When instructions cannot be obtained from higher authority within the FCC and when immediate action must be taken, delegation of authority to FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning shall comprise the following in addition to the delegations included in paragraph (a) of this section:

(1) Matters delegated to the Chief and Deputy Chief of the Field Engineering Bureau under § 0.311(h).

(2) Matters delegated to the Chief, Broadcast Bureau by § 0.281.

(3) Matters delegated to the Chief, Safety and Special Radio Services Bureau by §§ 0.331-0.333, except for the authority to act on requests for waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services.

(4) Matters delegated to the Chief, Common Carrier Bureau by §§ 0.291, 0.294, 0.303 (d)-(f), 0.304, 0.305, and 0.307.

(5) Matters delegated to the Chief Engineer by §§ 0.241 and 0.243.

(6) Authority to act on requests for temporary authorizations for new or modified radio station operations, subject to the provisions of the Communications Act of 1934, as amended.

(7) Authority to act on requests for temporary authorization for all classes of radio operators, subject to the provisions of the Communications Act of 1934, as amended.

(8) Authority to waive temporarily any provisions of this chapter applicable to radio stations and radio operators, subject to the provisions of the Communications Act of 1934, as amended: *Provided, however, That such authority shall not include waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services, nor any of the Emergency Broadcast System Rules.*

(c) *General.* (1) All authorizations granted pursuant to authority contained in paragraph (b) of this section shall be reported to higher Commission authority at the earliest opportunity. Such authorizations shall be subject to review and cancellation or revision, without hearing, by the FCC representatives assigned to Regional Preparedness Committees or by higher Commission authority when the need for such action arises.

(i) Written authorizations granted pursuant to authority contained in paragraph (b) of this section shall show plainly on their face that they are temporary authorizations, not to exceed 30 days from the date of issue, and subject to review and cancellation or revision without hearing.

(ii) Where immediate oral authorizations are necessary, the applicant shall be orally informed of the limitations enumerated above in this subparagraph and the oral authorization shall be followed as soon as possible by a written authorization bearing the same date of issue as the date of oral authorization. If the "cut-off" period exceeds 30 days in duration, such authorizations may be renewed for additional periods of 30 days each.

(2) Actions taken under any delegation of authority must take into full account, and be in conformance with, any defense rules that supersede rules for normal conditions; wartime emergency plans and orders

of the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

(3) No actions shall be taken under any delegation of authority until full consideration is given to the effect of such actions on the continuance of vital radio communications, both Government and non-Government, on a worldwide or nationwide basis and in adjacent regions. If the FCC representative assigned to the Regional Preparedness Committee of the Office of Emergency Planning determines that interference to radio operations outside of a "cut-off" region may result by authorizing new or modified radio facilities (for example, a change of frequency or power of a radio station), he shall withhold such authorization unless directed to grant the temporary authorization by higher authority.

(4) Coordination shall be effected, where possible, with the FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning in adjacent regions before acting to authorize temporary requests for radio operations.

(5) New obligations incurred pursuant to delegation of authority specified in this section for personal service, procurement, contract agreements, and similar items shall not exceed the amount authorized by the Commission's Budget Officer in periodic emergency allotment authorizations.

§ 0.386 Record of actions taken.

Actions taken under § 0.385(b) by FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning shall be reported in writing to the Chief, Field Engineering Bureau at the earliest opportunity.

§ 0.387 Other defense and emergency preparedness delegations; cross reference.

(a) For authority of the Chief of the Broadcast Bureau to issue National Defense Emergency Authorizations, see §§ 0.281(h) and 1.502.

(b) For authority of the Chief and Deputy Chief of the Field Engineering Bureau to declare a general communications emergency, see § 0.311(b).

Subpart C—General Information

GENERAL

§ 0.401 Location of Commission offices.

(a) The main offices of the Commission are located at 1919 M Street NW., Washington, D.C.

(1) Documents submitted by mail to those offices should be addressed to:

Federal Communications Commission, Washington, D.C., 20554

a judgment whether such requests should be granted in the public interest, taking into account the policies of Public Law 89-487, 5 U.S.C. 552. If the records are the property of another agency, the request will be referred to that agency. Procedures governing requests for inspection are set forth in §§ 0.461 and 0.466. Procedures governing demands by competent authority for inspection of records are set forth in § 0.463.

(4) Except as provided in §§ 0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for inspection under § 0.453 or § 0.455, or disclose information contained therein.

(c) *Records not listed in § 0.453 or § 0.455.* To be as helpful as possible to the public, numerous examples of records which are routinely available for inspection are listed in §§ 0.453 and 0.455. Though the examples cover the bulk of the Commission's records and should cover most requests for inspection, the listing is inevitably not complete. If such example listing proves helpful, it may be supplemented from time to time.

(d) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§ 0.453 and 0.455 and those which are made available for inspection under § 0.461. Section 0.467 applies to certified copies of Commission records.

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, D.C.:

(a) *The Broadcast and Dockets Reference Room.* The following documents, files and records are available for inspection at this location:

(1) Files containing the record of all docketed cases. A file is maintained for each docketed hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection in the Dockets Division.

(2) Broadcast applications and related files.

(3) Files containing petitions for rule making and related papers.

(4) Rulings under the fairness doctrine and section 315 of the Communications Act, and related materials.

(b) *The Amateur License Reference Room.* Information concerning amateur radio operators is available for inspection at this location.

(c) *The Library.* Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

【§ 0.453(a)(1) amended eff. 4-5-68; I(68)-1】

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453, 0.457, and 0.459, records are routinely available for inspection in the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those offices upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) *Office of Chief Engineer.* (1) Experimental application and license files.

(2) The Master Frequency Records (Standard Form 128).

(b) *Broadcast Bureau.* (1) Applications for broadcast authorizations and related files are available for public inspection in the Broadcast and Dockets Reference Room. See § 0.453(a)(2). Certain broadcast applications, reports and records are also available for inspection in the community in which the main studio of the station in question is located or proposed to be located. See § 1.526 of this chapter.