

the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4614; Filed, May 10, 1962;
8:50 a.m.]

[Docket Nos. 14585, 14586; FCC 62M-646]

GROSSCO, INC., AND VALLEY BROADCASTING CO.

Order Continuing Hearing

In re applications of Grossco, Inc., West Hartford, Conn., Docket No. 14585, File No. BPH-3222; The Valley Broadcasting Company, Ansonia, Conn., Docket No. 14586, File No. BPH-3241; for construction permits (FM).

To formalize the agreements and rulings made on the record at a prehearing conference held on May 7, 1962, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 7th day of May 1962, that:

Engineering exhibits shall be exchanged on July 16, 1962;

Lay exhibits shall be exchanged on August 13, 1962;

Notification of Witnesses August 31, 1962; and

Hearing presently scheduled for May 31, 1962, is rescheduled for September 11, 1962.

Released: May 8, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4615; Filed, May 10, 1962;
8:50 a.m.]

[Docket No. 14625; FCC 62-483]

HAWKEYE BROADCASTING, INC. (KOEL)

Order Designating Application for Hearing on Stated Issues

In re application of Hawkeye Broadcasting, Inc. (KOEL), Oelwein, Iowa, Docket No. 14625, File No. BP-14012, Has: 950 kc, 500 w, 1 kw-LS, DA-2, U, Class III-B, Req: 950 kc, 500 w, 5 kw-LS, DA-2, U, Class III-B; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the above-captioned and described application:

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the instant proposal of Station KOEL will cause electrical interference to Station KRSI, St. Louis Park, Minnesota, and Station KIOA, Des Moines, Iowa; and

It further appearing, that, in view of the outstanding proposed rule-making proceeding in Docket No. 14419 with respect to presunrise operation with daytime facilities, a grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(c) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KOEL and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station KOEL, would cause objectionable interference to Station KRSI and Station KIOA or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Radio Suburbia, Inc., St. Louis Park, Minn., and Swanco Broadcasting, Inc. of Iowa, Des Moines, Iowa, licensees of Stations KRSI and KIOA respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that the new construction and the adjust-

ment of the daytime directional array has not adversely affected the operation of the nighttime directional array.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4616; Filed, May 10, 1962;
8:50 a.m.]

[Docket No. 14547; FCC 62M-645]

BILL S. LAHM

Order Scheduling Prehearing Conference

In re application of Bill S. Lahm, Wisconsin Rapids, Wis., Docket No. 14547, File No. BMP-9407; for additional time to construct Radio Station WRNE.

The Hearing Examiner having under consideration his order herein of April 26, 1962;

It is ordered, This 7th day of May 1962, that a further prehearing conference for the purpose of establishing the procedures and dates to govern this hearing will be held on May 17, 1962, at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: May 8, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4617; Filed, May 10, 1962;
8:50 a.m.]

[Docket No. 14504; FCC 62M-642]

PIONEER STATES BROADCASTERS, INC.

Order Changing Place of Hearing

In re application of Pioneer States Broadcasters, Inc., West Hartford, Conn., Docket No. 14504, File No. BP-14060; for construction permit.

The Chief Hearing Examiner having under consideration a petition on behalf of the Commission's Broadcast Bureau, filed April 26, 1962, requesting a change in the place of hearing in the above-entitled proceeding from Washington,

D.C., to Torrington, Conn., and an opposition by the applicant filed May 1, 1962;

It appearing, that, in its order of hearing designation herein, the Commission stated that although, in form, the instant application is for a new radio station at West Hartford, Conn., it is, in fact, a proposal to move the applicant's existing facility (WBZY) from Torrington to West Hartford, Conn.;

It appearing further, that, in support of its petition, the Bureau alleges that numerous persons and representatives of civic and school organizations desire to be heard on this application "which would have the effect of removing the only outlet available to them in certain of the areas presently served by the applicant";

It appearing further that the determination of the existence of "good cause" to warrant a field hearing in this proceeding is unaffected by the applicant's opposition thereto which is found to be without merit; and that it is appropriate and in the public interest to permit sessions of the hearings in this proceeding to be held in Torrington, Conn., in order that interested citizens and the representatives of local public service groups who desire to be heard upon the applicant's proposal may be accorded a full opportunity to present their testimony;

It is ordered, This 7th day of May 1962, that the petition is granted and that sessions of the hearings in the above-entitled proceeding will be held in Torrington, Connecticut.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4618; Filed, May 10, 1962;
8:50 a.m.]

[Docket Nos. 14626, 14627; FCC 62-487]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Redding-Chico Television, Inc., Redding, Calif., Docket No. 14626, File No. BPCT-2875; for a construction permit for a new Commercial Television Broadcast Station; Northern California Educational Television Association, Inc., Redding, Calif., Docket No. 14627, File No. BPCT-2890; for a construction permit for a new Non-Commercial Educational Television Broadcast Station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the above-captioned applications, each requesting a construction

permit for a television broadcast station to operate on Channel 9 assigned to Redding, Calif.; and

It appearing that the above-captioned applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

The proposal of Redding-Chico Television, Inc. (BPCT-2875).

(1) The cash requirements for construction and initial operation, based on information contained in the application, cannot be determined, since it is unknown what portion of the \$50,000 for "miscellaneous and initial operation" will be available for the latter. In addition, the terms of repayment of the \$25,000 note held by the bank cannot be determined. Applicant proposes to finance the construction and initial operation by means of loans from stockholders of \$50,000, stock subscriptions of \$90,000 and existing capital of \$26,000; a total of \$166,000. However, it cannot be determined that the parties who have entered into subscription and loan agreements have sufficient current and liquid assets, in excess of current liabilities, to meet their commitments (with the exception of Messrs. Goodwin and Smullin); nor can it be determined that Mr. Spight is financially qualified to construct the tower and transmitter building. Therefore, it cannot be determined that the applicant is financially qualified.

(2) Mr. William B. Smullin, Secretary-Treasurer and a Director of applicant, is (a) President, Director and a 78.5 percent stockholder of Redwood Broadcasting Company, Inc. (licensee of KIEM and KIEM-TV, Eureka, Calif.; KRED (FM), Eureka, California; 50 percent stockholder of Southern Oregon Broadcasting Company, and 50 percent stockholder of Oregon Broadcasting Company (CATV)—all stock holdings are voted by Mr. Smullin); (b) Secretary-Treasurer and a Director of Southern Oregon Broadcasting Company (licensee of KBES-TV, Medford, Ore.; KOTI (TV), Klamath Falls, Ore.; KGPO (FM), Grants Pass, Oregon; KAGI (AM), Grants Pass, Oregon; Television Broadcast Translator Stations K70AU, Cave Junction, Ore., and K71AK and K73AK, Cow Creek, Ore.; and, holds 50 percent of the stock of South West Oregon Television Broadcasting Corporation—the stock is voted by Mr. Smullin); (c) Vice-President, Secretary-Treasurer and a Director of South West Oregon Television Broadcasting Corporation (licensee of KPIC-TV, Roseburg, Ore.); and, (d) Vice-President and a Director of Oregon Broadcasting Company (owns and operates community antenna television systems in Grants Pass, Klamath Falls, Medford, and Roseburg, Ore.). Mr. G.

Edward Goodwin, 12.5 percent stockholder of applicant, is Vice-President, Assistant Secretary, Director and 4 percent stockholder of Redwood Broadcasting Company, Inc. Mr. Earl D. Cothran, Assistant Secretary-Treasurer of applicant, is Treasurer of Redwood Broadcasting Company, Inc., and a Director of Southern Oregon Broadcasting Company. Redwood Broadcasting Company, Inc., 20 percent stockholder of applicant, is a 50 percent stockholder of both Southern Oregon Broadcasting Company and Oregon Broadcasting Company. In view of the above-mentioned interests, it appears appropriate to consider the size, extent and location of the areas served, the number of people served, and the extent of other competitive services to the areas in question; and such other factors as will tend to demonstrate that the concentration of control involved will or will not be in contravention of § 3.636(a)(2) of the Commission's rules.

(3) Redwood Broadcasting Company, Inc., is licensee of Television Station KIEM-TV, Eureka, Calif., and, in the event the subject application were to be granted, the City Grade field intensity contour of the proposed station would overlap the City Grade field intensity contour of KIEM-TV by approximately 12 miles; the Grade A field intensity contour of the proposed station would overlap the Grade A field intensity contour of KIEM-TV by approximately 29 miles; and, the Grade B field intensity of the proposed station would overlap the Grade B field intensity contour of KIEM-TV by approximately 81 miles. Southern Oregon Broadcasting Company is licensee of Television Station KBES-TV, Medford, Ore., and, in the event the subject application were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of KBES-TV by approximately 12 miles. Southern Oregon Broadcasting Company is also the licensee of Television Station KOTI (TV), Klamath Falls, Ore., and, in the event the subject application were to be granted, the Grade A field intensity contour of the proposed station would overlap the Grade B field intensity of KOTI (TV) by approximately 11 miles; and, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of KOTI (TV) by approximately 24 miles. In view of the foregoing an issue is included with respect to a possible violation of § 3.636(a)(1) of the Commission's rules.

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Redding-Chico Television, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except with respect to issues "2" and "3" below; and that Northern California Educational Television Association, Inc., is

legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Redding-Chico Television, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether a grant of the Redding-Chico Television, Inc., application would be consistent with the provisions of § 3.636(a)(2) of the Commission's rules.

3. To determine whether a grant of the Redding-Chico Television, Inc. application would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules.

4. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-mentioned applications.

5. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the pub-

lication of such notice as required by § 1.362(g) of the rules.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 62-4619; Filed, May 10, 1962; 8:50 a.m.]

[Docket No. 14510 etc.; FCC 62-478]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Application for Con- solidated Hearing on Stated Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company, Blauvelt, N.Y., Docket No. 14510, File No. BP-13477, Requests: 1300 kc, 500 w, DA-D; Delaware Valley Broadcasting Co. (WAAT), Trenton, N.J., Docket No. 14511, File No. BP-14054, Has: 1300 kc, 250 w, Day (Class IV), Requests: 1300 kc, 5 kw, DA-2, U (Class III); Rockland Radio Corporation, Spring Valley, N.Y., Docket No. 14512, File No. BP-14461, Requests: 1300 kc, 500 w, DA-D; Rockland Broadcasters, Inc., Spring Valley, N.Y., Docket No. 14513, File No. BP-14462, Requests: 1300 kc, 1 kw, DA-D; Asbury Park Press, Inc. (WJLK), Asbury Park, N.J., Docket No. 14514, File No. BP-14469, Has: 1310 kc, 250 w, U (Class IV), Requests: 1310 kc, 250 w, 1 kw-LS, DA-D, U (Day: Class III; Night: Class IV); City of Camden (WCAM), Camden, N.J., Docket No. 14616, File No. BP-14638, Has: 1310 kc, 250 w, U (Class IV), Requests: 1310 kc, 250 w, 1 kw-LS, U (Day: Class III; Night: Class IV); for construction permits.

1. The Commission has before it for consideration (a) a "Petition for Reconsideration and Other Relief", filed March 12, 1962 by The City of Camden, (WCAM or petitioner, hereinafter); (b) an opposition to the petition filed March 22, 1962, by Asbury Park Press, Inc. (WJLK, hereinafter); and (c) a reply to the opposition submitted March 29, 1962 by WCAM. Petitioner, licensee of Station WCAM, Camden, N.J., requests that the Commission reconsider its action of February 6, 1962, designating for hearing the first five applications captioned above. Upon such reconsideration, petitioner requests that its own application for an increase in the daytime power of Station WCAM be consolidated in the hearing proceeding and, additionally, that WCAM be made a party respondent in that hearing with regard to its existing operation.

2. The facts upon which petitioner bases its asserted right to have the WCAM application consolidated with that of WJLK are, briefly, as follows: On September 21, 1960, the Commission issued a public notice, commonly known as a "cut-off list," announcing that certain applications, including that of Rockland Broadcasting Company (Rock-

land, hereinafter) would be ready and available for study on November 4, 1960. The notice further stated, in relevant part, that any conflicting proposal "in order to be considered with any application appearing in the attached list", must be filed prior to the close of business on November 3, 1960. Petitioner's application, which was not filed until January 19, 1961, does not involve interference with the Rockland proposal. It does, however, involve slight interference with a proposal to increase the power of Station WAAT, Trenton, N.J., and extensive interference with a power increase application for Station WJLK, Asbury Park, N.J. The latter two proposals, which involve interlinking interference conflicts with the Rockland application, were filed on or before November 3, 1960, and were, therefore, consolidated for hearing with the Rockland proposal. Petitioner's application, not having been timely filed with the Rockland application, was not consolidated in the hearing proceeding.

3. Petitioner contends that its proposal must be consolidated in the hearing involving the WAAT and WJLK applications, basing this claim upon the decision of the U.S. Court of Appeals for the District of Columbia in *Ridge Radio Corporation v. F.C.C.*, 292 F.2d 770, 21 R.R. 2060 (1961). Upon consideration of all factors involved, we are of the opinion that WCAM is correct in its contentions.

4. In *Ridge Radio*, supra, the Court held that a cut-off list, of the type here involved,² was inadequate to deprive the applicant in that case of the right to a consolidated hearing, inasmuch as the list failed to give notice that applications not themselves on a cut-off list, but in a chain of conflict with applications thereon, were entitled to "umbrella" protection of the cut-off order. We note that the WCAM application was filed prior to the time that either the WAAT application or the WJLK application appeared on a public notice as ready and available for processing. Petitioner's application was excluded from the hearing proceeding involving those applications only because it was not timely filed with the "lead" application, that of Rockland Broadcasting Company, with which the WCAM proposal involved no direct conflict. Since, under the holding in the *Ridge* case, the cut-off list upon which Rockland appeared was defective with respect to WCAM, and since WCAM has filed a timely petition for reconsideration of the order creating the hearing proceeding from which it was excluded, we hold that petitioner's request for consolidation must be granted.³

¹ FCC 62-151, Adopted Feb. 6, 1962; Released Feb. 12, 1962.

² The wording of the cut-off notices has subsequently been changed, but the wording involved in the Rockland cut-off list antedated substantial change.

³ See also, *Community Service Broadcasters, Inc.*, FCC 61-1204, released Oct. 17, 1961, involving substantially similar circumstances. Cf. *Community Service Broadcasters, Inc.*, 22 RR 849, 851 (1962), in which consolidation was denied owing to the applicant's failure to file a petition for reconsideration of the

5. Petitioner has also requested that WCAM be made a party respondent in the Rockland hearing because, it is argued, WCAM's existing operation will receive substantial interference from the proposed operation of WJLK and this interference would constitute a modification of petitioner's license under section 316 of the Communications Act. It is clear that to make WCAM a "party respondent"—with no enlargement of the designated issues in the proceeding—would give petitioner no further rights than those it obtained through consolidation as a full party in the hearing. What WCAM really seeks is enlargement of issues to include an issue regarding interference to its existing operation and it is in this sense that we have considered the WCAM request.

6. Stations WCAM, WJLK and WAAT are Class IV facilities operating with a power of 250 watts on Class III (regional) channels. Upon an increase of power to one kilowatt daytime, over minimum power for a Class III operation, any one of these three stations would become a Class III facility with regard to its daytime operation. § 3.29 of the Commission's rules provides that Class IV stations presently authorized to operate on regional channels "will not be protected against interference from Class III stations." Accordingly, the existing operation of WCAM is not entitled to protection against Station WJLK, should the latter become a Class III operation. (Conversely, WJLK's existing operation is not protected against a WCAM proposal which would raise that station to Class III status.)

In view of the foregoing: *It is ordered*, This 2d day of May 1962, that the instant petition filed by The City of Camden is granted to the extent indicated herein, and is denied in all other respects.

It is further ordered, That the application of the City of Camden, BP-14638, for an increase in the daytime power of Station WCAM, Camden, New Jersey, is consolidated in the hearing proceeding involving the applications of Delaware Valley Broadcasting Co., Docket No. 14511, and Asbury Park Press, Inc., Docket No. 14514.

It is further ordered, That the issues in the above-mentioned hearing will not be changed or enlarged by reason of the addition of the City of Camden as a party to the proceeding, except that Issue No. 2 shall be amended to read as follows:

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WAAT, Station WJLK, and Station WCAM and the availability of other primary service to such areas and populations.

hearing order within the thirty day period provided by § 1.191 of the rules and section 405 of the Communications Act.

"Petitioner has filed a concurrent 'Petition to Intervene' in the Rockland hearing, pursuant to § 1.104 of the Commission's rules. Since petitioner would obtain no more rights as an intervenor than it will possess as a full party to the hearing, the petition to intervene may be regarded as moot.

It is further ordered, That, in the event of a grant of the WCAM proposal, the authorization shall be subject to the following conditions:

(1) Permittee shall submit with the application for license measurement data to establish that the proposed transmitter complies with §§ 3.48 and 2.524 of the rules.

(2) Before program tests are authorized, permittee shall submit sufficient filed intensity measurement data to establish that the radiation has been reduced to essentially 175 mv/m/kw, as proposed.

It is further ordered, That, to avail itself of the opportunity to be heard, The City of Camden, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4620; Filed, May 10, 1962;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5656]

COMPANIA ELECTRICA MATAMOROS, S.A. AND CENTRAL
POWER AND LIGHT CO.

Notice of Application

MAY 4, 1962.

Take notice that on April 9, 1962, Compania Electrica Matamoros, S.A. (Matamoros Company), incorporated under the laws of the Republic of Mexico, with its principal place of business at Matamoros, Tamaulipas, Mexico, and Central Power and Light Company (Central), incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Tex., filed a joint application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Matamoros Company and Central (Applicants) are presently authorized to transmit from the United States to Mexico.

By Commission order issued August 2, 1957, in the above docket, (18 FPC 110), Applicants were authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 80,-

000,000 kilowatt-hours per year at a rate of transmission not in excess of 26,000 kilowatts. Applicants now seek authorization to export up to 110,000,000 kilowatt-hours of electric energy per year at a rate not to exceed 35,000 kilowatts.

The amount of electric energy proposed to be exported, like that amount presently exported pursuant to the aforementioned authorization, is to be transmitted by Matamoros Company from points near Brownsville, Tex., to points near Matamoros, Tamaulipas, Mexico, over certain electric facilities specified in three Presidential Permits held by Matamoros Company and signed by the President of the United States on August 26, 1941 (Docket No. IT-5656), on February 18, 1948 (Docket No. IT-6053), and on April 14, 1951 (Docket No. E-6336). Central will continue to be the supplier of the energy to be exported.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 25, 1962, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 62-4570; Filed, May 10, 1962;
8:45 a.m.]

[Docket No. G-4715]

SOUTHERN NATURAL GAS CO. AND
TENNESSEE GAS TRANSMISSION
CO.

Notice of Petition To Amend

MAY 4, 1962.

Take notice that on March 14, 1962, Southern Natural Gas Company (Southern), P.O. Box 1513, Houston 1, Tex., and Tennessee Gas Transmission Company (Tennessee), P.O. Box 2511, Houston 1, Tex., filed in Docket No. G-4715 a joint petition to amend the certificate of public convenience and necessity heretofore issued in said docket, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order of the Commission issued February 25, 1955, in the subject docket, Petitioners were authorized to exchange natural gas. Southern was authorized to deliver gas from production owned or controlled by it in the Franklin Field, St. Mary Parish, La., to Tennessee's lines in that field, and Tennessee was authorized to return gas by delivering equivalent quantities to Southern at a point approximately 12 miles south of the Franklin Field, near Tennessee's gas receiving station at the end of its Bayou Sale lateral line.

Petitioners request the Commission to amend the certificate issued to them in the subject docket as follows:

(1) To authorize a new delivery point in the immediate vicinity of Southern's existing Eloi Bay receiving station; and to authorize Tennessee to deliver to

Southern at the Eloi Bay delivery point, pursuant to the Franklin Exchange Agreement, up to 4,000 Mcf of gas per day, with a corresponding reduction in the amount of gas redelivered by Tennessee to Southern under the Franklin Exchange Agreement at the Bayou Sale delivery point; and

(2) To authorize Southern to tap its Eloi Bay lateral and to construct and operate measuring and receiving facilities at the Eloi Bay delivery point for the receipt of said gas from Tennessee.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4571; Filed, May 10, 1962;
8:45 a.m.]

[Docket No. G-16584 etc.]

UNITED PRODUCING CO., INC., ET AL.

Notice of Severance

MAY 4, 1962.

Notice is hereby given that the matter of Everard W. Marks, Sr., et al., Docket No. CI62-476, heretofore scheduled for a hearing to be held in Washington, D.C., on May 8, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled United Producing Company, Inc., et al., Docket Nos. G-16584, et al., is severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4572; Filed, May 10, 1962;
8:45 a.m.]

[Docket No. E-6582]

U.S. DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

MAY 7, 1962.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission for confirmation and approval, pursuant to the Flood Control Act of 1944 (58 Stat. 887), certain proposed rates and charges for the sale of electric power generated at the Whitney Project for the 5-year period beginning June 1, 1962, all such rates and charges having been set forth in an agreement dated November 17, 1953, between the United States of America, represented by SWPA, and Brazos Electric Power Cooperative, Inc. (Cooperative). The proposed rates and charges represent a continuation for an additional 5-year period of rates and charges herein approved by the Commission for an initial 5-year period commencing December 23, 1954 (13 FPC 1632), and subsequently extended for a period ending May 31, 1962 (23 FPC 310).

The agreement provides inter alia for the delivery to Cooperative of the entire output of the Whitney Project, which includes 30,000,000 kwh per year of primary energy and an average of 51,760,000 kwh per year of secondary energy. Cooperative will pay an annual charge of \$441,000 in equal monthly payments of \$36,750, and will receive credit at specified rates in the event that SWPA fails to deliver the scheduled primary energy or spills water through no fault of the Cooperative.

The agreement, which extends for 35 years from the date of the commencement of service, provides that the rates and charges contained therein shall remain in force for a period of five years from the date of initial approval by the Commission, at which time and at the end of each succeeding 5-year period thereafter they shall be reviewed and redetermined.

The Secretary of the Interior states that current repayment studies indicate that all costs associated with the Whitney Project power operation will be repaid within a 53-year period beginning with the fiscal year 1956.

The contract agreement in its entirety is on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rates and charges should submit the same in writing on or before May 21, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4590; Filed, May 10, 1962;
8:47 a.m.]

[Docket No. CP62-195]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

MAY 7, 1962.

Take notice that on February 16, 1962, as supplemented on February 27, 1962, and April 20, 1962, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Ky., filed in Docket No. CP62-195 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant expects to increase the contract demands of 49 of its existing customers by 92,639 Mcf per day and requests certificate authorization to construct and operate the following facilities therefor:

- (1) Approximately 78.61 miles of 30-inch pipeline in Louisiana, Tennessee, and Kentucky;
- (2) Approximately 18.64 miles of 26-inch pipeline in Louisiana, Indiana, and Ohio;

- (3) Approximately 17.60 miles of 12-inch pipeline in Indiana;
- (4) Approximately 46.20 miles of 10-inch pipeline in Kentucky;
- (5) Approximately 1.47 miles of 8-inch pipeline in Kentucky;
- (6) One 1,500 horsepower compressor unit at the Jeffersonton, Kentucky, compressor station;
- (7) One 2,000 horsepower compressor unit at the Lake Cormorant, Mississippi, compressor station; and
- (8) One 2,000 horsepower compressor unit at the Greenville, Mississippi, compressor station.

Applicant further seeks authorization to operate the Leesville Field, Lawrence County, Ind., as a gas storage field and, in connection therewith, to construct and operate a meter and control station and approximately 8.5 miles of 16-inch pipeline connecting existing facilities of Applicant with the Leesville Field. Applicant was authorized by the Commission's order of May 3, 1961, in Docket No. CP61-73 (25 FPC 916), to construct and operate facilities for the evaluation of the characteristics and capabilities of the field. Applicant states that such testing facilities have been constructed and that they are inadequate for the proposed storage service. Therefore, Applicant requests permission and approval to abandon by removal a test meter station, together with approximately five miles of 4-inch pipeline and approximately 2 miles of 2-inch pipeline.

The total estimated cost of the proposed facilities is \$17,103,000, which Applicant proposes to finance through the issuance of long-term debt securities.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4591; Filed, May 10, 1962;
8:48 a.m.]