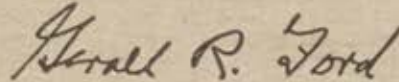


Executive Order 11854

April 24, 1975

**Waiver Under the Trade Act of 1974 With Respect to the Socialist Republic of Romania**

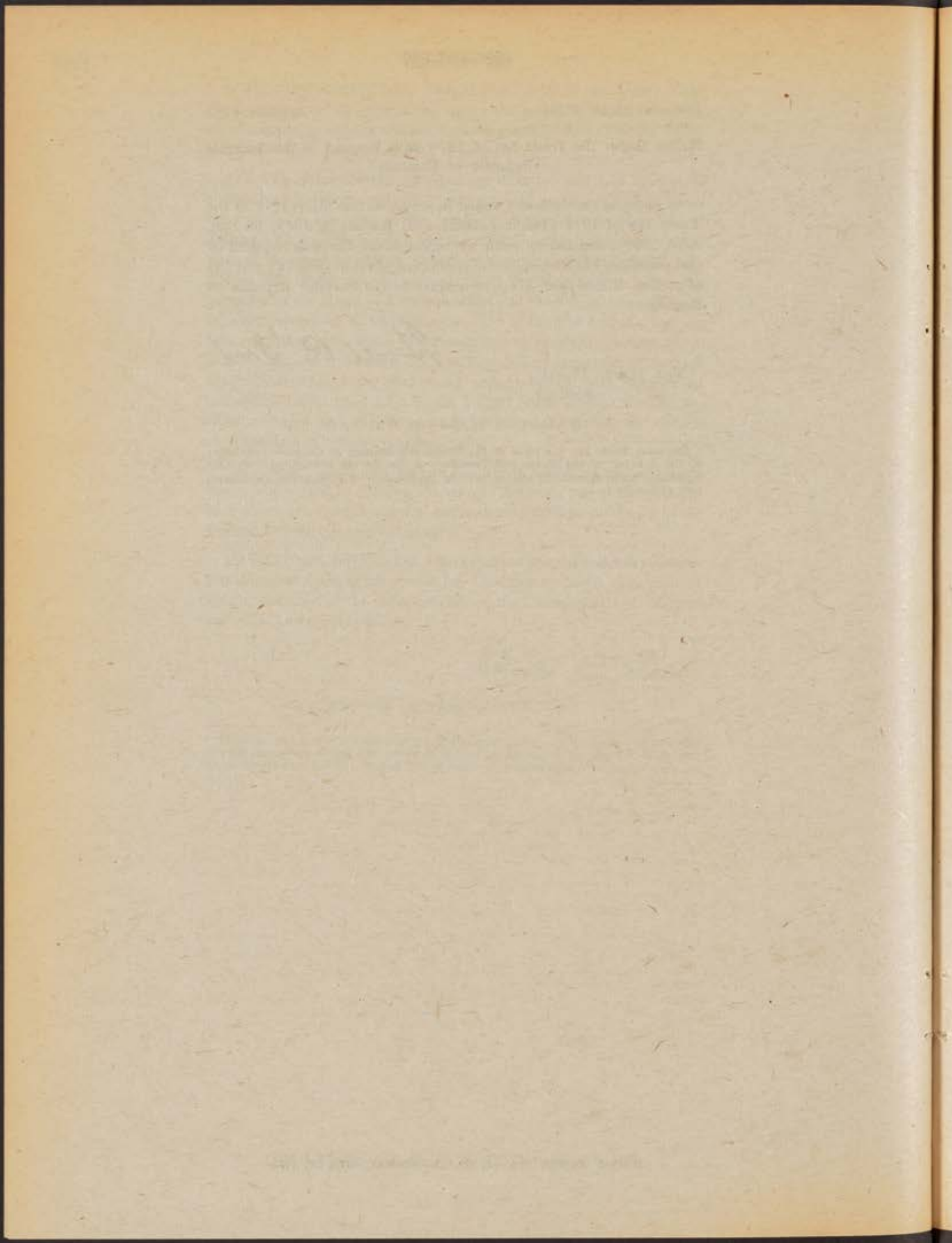
By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978, 2057), and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act with respect to the Socialist Republic of Romania.



THE WHITE HOUSE,  
April 24, 1975.

[FR Doc.75-11171 Filed 4-24-75;1:01 pm]

EDITORIAL NOTE: For the texts of the President's message to Congress and letter to the Speaker of the House and President of the Senate concerning the U.S.-Romanian trade agreement, see the Weekly Compilation of Presidential Documents (vol. 11, no. 17).



Memorandum of March 31, 1975

**Finding and Determination Under Sections 103(d) (3) and (4) of the  
Agricultural Trade Development and Assistance Act of 1954, as  
Amended—Egypt**

[Presidential Determination No. 75-12]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, March 31, 1975.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d) (3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act, of 300 thousand metric tons of wheat/wheat flour (wheat grain equivalent) is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d) (4) of the Act, that the sale to Egypt of wheat/wheat flour in furtherance of such an agreement is in the national interest of the United States.

This Determination shall be published in the *Federal Register*.

*Gerald R. Ford*

**STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST**

Egypt is central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country 300 thousand metric tons of wheat/wheat flour (wheat grain equivalent) financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). Added to previous allocations, the total amount of wheat/wheat flour (wheat grain equivalent) provided to Egypt under Title I in FY-75 will be 600 thousand metric tons. This amount is based on Egypt's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Egypt for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d) (3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. Section 103(d) (4) also prohibits sales of commodities under Title I to Egypt

unless the President determines such sales are in the national interest of the United States.

The considerations noted above, however, make the proposed sale important to the national interest of the United States notwithstanding the prohibitions contained in Sections 103(d) (3) and (4) of P.L. 480.

Section 410 of P.L. 480 prohibits sales under Title I of P.L. 480 to a country in violation of Section 620(e) of the Foreign Assistance Act of 1961, as amended, which concerns expropriation or nationalization of property of Americans without taking appropriate steps to discharge its obligations under international law. Egypt agreed to the establishment of a Joint Committee to discuss compensation of American nationals and, on July 15, Secretary Kissinger determined that such an agreement constituted appropriate steps under Section 620(e). The Department is currently verifying and developing valid United States claims for negotiation in the Joint Committee. Therefore, no waiver of that provision is required to permit this additional sale of wheat/wheat flour to Egypt under Title I of P.L. 480.

[FR Doc.75-11173 Filed 4-24-75; 2:09 pm]

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 47—Telecommunication

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

#### PART 0—COMMISSION ORGANIZATION

##### Copies of Materials on Inspection

1. The Commission recently awarded a contract for the duplication of Commission records to Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202-452-1422). It is therefore appropriate to amend § 0.465 of the Rules, to identify the new copy contractor.

2. Authority for the amendment to the Rules set forth below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in § 0.231(d) of the rules and regulations, 47 CFR 0.231(d). Because the amendments are strictly informational and editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. In view of the foregoing, Part 0 of the rules and regulations is hereby amended effective May 2, 1975 as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1966, 1982; 47 U.S.C. 154, 303)

Adopted: April 17, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] R. D. LICHTWARDT,  
Acting Executive Director.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.465 (a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lowest cost to the public. Currently, the contractor is Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202-452-1422). Except as provided in paragraphs (b) and (c) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455, and those made available for inspection under § 0.461, should be directed to the contractor.

[FR Doc. 75-10991 Filed 4-25-75; 8:45 am]

[Docket No. 19513; FCC 75-417]

## PART 73—RADIO BROADCAST SERVICES

## PART 76—CABLE TELEVISION SERVICES

### Sponsorship Identification Rules

1. This proceeding was begun on May 17, 1972, when the Commission adopted a notice of proposed rule making (37 FR 10583; 34 F.C.C. 2d 1104) proposing amendments of the "Sponsorship Identification" rules for the broadcast services and for cable television service. The Commission here considers that notice and the comments responsive thereto.<sup>1</sup>

2. The sponsorship identification rules of the Commission implement section 317 of the Communications Act of 1934, as amended.<sup>2</sup> Broadly speaking, these rules are designed to assure that all broadcast matter for which any money, service or other valuable consideration is provided by a person or group to the station broadcasting it shall be announced at the time of broadcast as having been paid for or furnished by that person or group.<sup>3</sup> Although the rules apply to all kinds of broadcast matter—that which advertises commercial products or services, political broadcasts, and broadcasts involving controversial issues of public importance—the present proceeding deals primarily with the rules as they apply to political broadcasts and broadcasts involving controversial issues of public importance.

3. The Notice proposed two principal amendments. The first deals with the

<sup>1</sup> Comments and/or reply comments were filed by the following: Columbia Broadcasting System (CBS); National Broadcasting Company, Inc. (NBC); National Association of Broadcasters (NAB); National Association of Educational Broadcasters (NAEB); Metro-media, Inc. (Metromedia); Storer Broadcasting Company (Storer); and five broadcasters (including some multiple owners) and the Radio Television News Directors Associations filing jointly (Joint Comments); Cohn & Marks, a communications law firm; Black Hawk Broadcasting Company (Black Hawk); and Friends of the Earth (FOE).

<sup>2</sup> Section 317 applies, by its terms, only to broadcast stations. However, sponsorship identification rules have also been adopted for cable television systems insofar as they engage in origination cablecasting.

<sup>3</sup> Both the Act and the rules also require that such announcements be made if the consideration is paid not to the station but to others, e.g., to an employee of the station, and the station is notified of such payment as required by Section 508 of the Act.

type of identification required for political and controversial issue broadcasts. This proposal was made as a result of an interpretation given to existing rules by the court in "United States v. WHAS, Inc.," 385 F. 2d 784 (6th Cir. 1967). The second proposal concerns a relaxation of the present list retention requirements for noncommercial broadcast matter. This proposal is based on a petition for declaratory ruling filed by Marcus Cohn, Esquire, a communications attorney, which it was decided should be treated as a petition for rule making (RM-1381). These proposals are discussed below.

### THE WHAS DECISION

4. In the 1963 campaign for the Democratic nomination for Governor of Kentucky, the two leading candidates were A. B. "Happy" Chandler, a former Governor and U.S. Senator, and Edward T. Breathitt, Television Station WHAS-TV, Louisville, carried a television program entitled "The Chandler Years in Review," critical of Mr. Chandler's past record and thus designed to promote the candidacy of his opponent, Mr. Breathitt. This program was nominally sponsored, and the time paid for, by "The Committee for Good Government," and was so announced over WHAS-TV. However, in reality this Committee was only a straw entity for the Breathitt campaign organization, and that organization was not announced, although WHAS-TV was aware of the fact. The Commission held that WHAS-TV was liable for forfeiture under Section 504 of the Communications Act, for violation of § 73.654(f) of the rules. (WHAS, Inc., 40 F.C.C. 190 (1964)). That section reads as follows (emphasis added):

(f) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

5. WHAS asserted its right to a district court trial upon the matter, and in April 1966 the U.S. District Court (W.D. Ky.) ruled for WHAS, holding in substance that the Commission's Rules do not re-

quire a station to announce the name of the candidate the broadcast is intended to support. In addition to the party sponsoring the program—here the Committee for Good Government ("United States v. WHAS, Inc.," 253 F. Supp. 603 (1966)). This decision was appealed to the U.S. Court of Appeals which affirmed the lower court. ("United States v. WHAS, Inc.," 385 F. 2d 784 (6th Cir. 1967)). The Court of Appeals opinion was somewhat more explicit as to the theory used in construing the rules. It relied heavily on paragraph (g) of § 73.654 (paragraph (f) of the radio rules), which reads as follows (emphasis added):

(g) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (d) of this section are furnished, by a corporation, committee, association, or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association, or other unincorporated group. In each case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the program in each community in which the program is broadcast. Such lists shall be kept and made available for a period of 2 years.

This Court concluded that this section is more particularly applicable to the facts of the situation involved than is the preceding paragraph quoted earlier above, and that paragraph (g) required simply that:

In the case of any program \* \* \* which is sponsored, by a committee \* \* \* the announcement required by this section shall disclose the name of such \* \* \* committee. (385 F. 2d 784, 787)

The Court stated that it did not by any means wish to preclude the FCC from adopting a rule requiring a station to make reasonable efforts to go beyond a named "sponsor" to find and announce the real party in interest; but

Whatever the difficulties may be, it seems obvious to us that the Commission should seek to face and resolve them in a published Regulation rather than relying on the intuition of its licensees. (Id. at 788)

Thus the Court, although differing with us as to the meaning to be given to the rules as written, clearly indicated its view that Section 317 of the Communications Act, which the "sponsorship identification" rules are designed to implement, could encompass the requirement which the Commission contended the rules did in fact contain.

6. Because of the "WHAS" decision, this proceeding was instituted to revise the rules in question. As stated in the Notice, our purpose was

\* \* \* to clear up any misunderstanding about whether the statute and rules require a licensee, who knows or has reason to know the facts, to adequately identify the person or persons paying for or furnishing

the material broadcast. We believe it clear that the requirement for full and fair descriptions of the person or persons paying for or furnishing the consideration for the matter broadcast is reasonable and dictated by the public interest; and that where a political broadcast is presented, promoting one candidate directly or through criticism of his opponent, by a committee which is really a campaign instrumentality for a candidate or a political organization, the public should be made plainly aware of the latter fact. The public's basic right to know by whom it is being informed, particularly as to a political matter or controversial public issue, is too basic to need lengthy discussion here. (34 F.C.C. 2d at 1105)

7. Additionally, we observed in the Notice that there might be some uncertainty about the meaning of the term "sponsored" under the "WHAS" decision, and we accordingly proposed to dispel this by defining the word "sponsor" for purposes of the sponsorship identification rules. We stated in the Notice that the effect of "WHAS" was to allow a licensee that knew or should have known that the committee had not paid for the broadcast time and had not prepared the material broadcast to be announced as the sponsor of the program. Paragraph (g) of the rule on which the Court relied contained the words "sponsored, paid for, or furnished." Since the Court in its decision used the word "sponsored," (see para. 5, supra) it may be that the Court was careful to select that word in the belief that "sponsored" could mean merely lending the name of the committee to the program that was broadcast without paying for or preparing material for the broadcast. Viewed in that light, the court may then have decided that paragraph (g) was applicable to the set of facts before it. To make clear that such meaning is not intended to attach to the term "sponsor," we proposed to define the term, for purposes of the present rules, to mean "paid for" in accordance with accepted usage.

#### THE LIST RETENTION REQUIREMENT

8. As indicated above, paragraph (g) of the sponsorship identification rules for television (paragraph (f) in the radio rules) provides that for other than advertising of commercial products or services, identification announcements must be made of the name of a "sponsoring" corporation, committee, association, or other unincorporated group. That paragraph also provides that in such cases the station must require that a list of the chief executive officers or members of the executive committee, or of the board of directors of the corporation, committee, association or other group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the broadcast material in each community in which the material is broadcast.

9. Although this list retention requirement had been in the sponsorship identification rules since they were first adopted in 1944, attention appears to have been drawn to it when by Order adopted November 26, 1968, a two-year retention period was specified (FCC 68-

1149; 33 Fed. Reg. 18032). In December 1968, Marcus Cohn, Esquire, filed a formal Petition for Declaratory Ruling which we decided to treat as a petition for rule making (RM-1381). That petition, averring that the retention provision is unclear and overly broad, set forth a list of five situations concerning which it asked whether lists of officers, etc., would have to be retained. In response to that petition, we stated the following in the Notice:

\* \* \* [W]e are of the view that with respect to getting and maintaining lists of groups furnishing other than commercial material, the rule in its present form may well be too broad and unduly burdensome on stations. It appears simply unimportant for the public to be able to ascertain the names of officers and directors of the Red Cross, United Givers Fund, the American Cancer Society and similar groups, just because they furnish material for broadcast, such material often of a completely non-controversial nature. Therefore, we believe that the petition is essentially correct in urging that this requirement should be limited to material covered by paragraph (d) of the rules—that relating to political broadcasts or controversial issues of public importance. (34 F.C.C. 2d at 1107)

10. While we thus proposed to relax the list retention provision, we expressed the view that insofar as the Cohn petition requested a relaxation of the announcement requirements such a relaxation was not warranted. Thus, although we proposed that list retention not be required for groups in certain types of cases, identifying announcements of such groups would still be required.

11. Moreover, although proposing to relax the rule in the manner mentioned above, we also proposed to tighten it in one respect. Under the present television rule the lists must be kept only in one TV station in each community in which the material has been televised. (A similar rule applies to the radio services.) We proposed to amend the rule to require that the lists be maintained at each station that telecast the material.

12. Present paragraph (d), referred to in the quotation above (see para. 9 and footnote 4 supra), requires identification announcements in the case of "any political program or any program involving the discussion of controversial issues." In proposing to amend the list retention requirement we also proposed

\* Paragraph (d) of the present rules reads as follows: (d) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: Provided, however, That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, either at the beginning or conclusion of the program.

to amend paragraph (d) to apply in the case of "broadcast matter which is or relates to a political broadcast or does or may involve the discussion of public controversial issues." The list retention requirement in the proposal was to be applied to material covered by the proposed revision to paragraph (d).

# THE PROPOSAL

13. Although the sponsorship identification rules are identical for all of the broadcast services, the paragraph designations for § 73.654 (television) differ in some respects from those for §§ 73.119, 73.289 and 73.789 (radio). Thus while paragraph (d) is the same for all services, paragraphs (f) and (g) for television correspond to paragraphs (e) and (f) for radio. In the Notice we proposed to combine the rules for the different broadcast services into one new section in Subpart H, and substitute for the present sections of the rules a cross reference to the combined rule. (We also proposed to amend the cable television sponsorship identification rules to accord with the revisions proposed for the broadcast services.)

14. In order to prevent future interpretations like that which the court made in the "WHAS" case and to relax the list retention requirement, we proposed a single paragraph (e) in the combined rule to replace paragraphs (f) and (g) in the television rule and paragraphs (e) and (f) of the radio rules. The separate paragraph describing the requirements for committees was thus eliminated and portions thereof were combined with the paragraph treating the agency situation. We also proposed to add a new subparagraph (a) (1) defining the word "sponsored," and proposed paragraph (d) in the combined rule to replace paragraph (d) of the existing rules. The new paragraph (d) contained the revised language mentioned above (see para. 12). The text of the proposed new paragraphs (a) (1), (d), and (e) was as follows (the other paragraphs of the combined new rule were to reflect, unchanged, the contents of the corresponding paragraphs of the present rules): \*

(a) (1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(d) In the case of broadcast matter which is or relates to a political broadcast or does or may involve the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such matters, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or services are used that such films, records, transcription, talent, scripts, or other material or services have been furnished to such station in

\*The underscored language in the proposed new paragraphs is that toward which commenting parties directed most of their arguments.

connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or should be known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is or relates to a political broadcast, or a matter which is or may be a controversial issue of public importance and the person or persons paying for or furnishing the program matter belong to a committee, association or other unincorporated group, the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at the studios or general offices of the station. Such lists shall be kept and made available for a period of two years.

15. A discussion of the arguments of commenting parties follows, together with our evaluation of them and our decision as to the rules to be adopted.

## OR SHOULD BE KNOWN

16. Present paragraph (f) of the television rule and paragraph (e) of the radio rules require a disclosing announcement when a party is acting on behalf of another if "such fact is known" to the station. The proposal would require such an announcement when "such fact is known or should be known" to the station. CBS argues that the phrase "or should be known" is unnecessary because the present requirement in conjunction with the requirement of diligence provided by paragraph (b) of the rules (and by section 317 of the Act) adequately insures that there will be effective disclosure. Paragraph (b) of the rules (which repeats the statutory language) reads as follows:

(b) The licensee of each \* \* \* broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for broadcast, information to enable such licensee to make the announcement required by this section.

In addition to believing the new phrase to be unnecessary, CBS states that it is confusing and asks whether it will be possible for a licensee to have exercised "reasonable diligence" and still be in a position where he "should have known" of the existence of an agency relationship. CBS concludes that because the new language is unnecessary and confusing it is counter-productive to the purpose of this proceeding which is to clarify the rule. Moreover, it is stated,

the proposed new combined paragraph (e) without the "or should have known" language suffices to eliminate the ambiguities which resulted from the "WHAS" decision.

17. NBC avers that the added language substitutes vagueness for precision. It states that it would place an impossible burden on the licensee because it will no longer be able to accept at face value a statement that a group is a sponsor if on hindsight the Commission could decide that the licensee should have known who the real party in interest was. It asks how far a licensee must penetrate the political fund-raising process to ferret out the person or group whom the Commission will deem to be the "principal" of the "agent." In addition, it argues that such a requirement would increase the administrative burdens of the agency. In lieu of the language objected to, NBC suggests that the Commission give consideration to achieving its objective not by a rule that would impose investigative burdens on licensees but by a practical requirement that would directly associate announcements with candidates whom the announcements are intended to support, a requirement which appears in the NBC political broadcast manual. It states that in recent years that manual has contained a requirement that if there is a political broadcast in support of a specific candidate and the candidate's name is not included in the name of the sponsoring group, the sponsorship identification must state the name of the sponsoring group and must also state that the broadcast is on behalf of a named candidate unless the sponsoring group is a recognized branch of a registered political party. Finally, NBC also avers that the proposed "or should be known" language may be in contravention of the Communications Act. In this regard it observes that the District Court in the "WHAS" case did not limit its ruling solely to its interpretation of the Commission rules, but went further, stating:

3. A licensee dealing with an established and responsible advertising agency is not required to independently investigate the actual role of a political committee whose name is furnished by the agency to the licensee as the "sponsor" of a political telecast. The use of such committees, desirable or undesirable as it may be, has long been countenanced by those in the Federal and State Governments having authority therefor and I find no basis for substituting the Commission as a self-appointed [sic] arbiter of political morality through a novel interpretation of the Commission's Rules and Regulations. (253 P. Supp. 603, 606 (W.D. Ky. 1966))

18. Storer is of the view that the new language would create unreasonable burdens of both compliance and enforcement. Like NBC, it argues that the language would place an impossible burden on licensees of deciding how far they must go behind each transaction without risking future criticism based on hindsight and additional information that was not reasonably available at the time of the transaction. It states that a station would no longer be entitled to rely

on formal certifications by a person or group placing the order. It is of the view that the new language goes beyond the statutory reasonable diligence test of section 317(c) of the Act. (Metromedia appears to hold a similar view.) It points out that a licensee would have to distinguish between supporters who are formally allied with a candidate and supporters who are in fact independent of the candidate; and that it would have to decide whether a broadcast that is critical of one candidate supports an opposing candidate to a degree sufficient to impute an agency/principal relationship. As to burdens of enforcement, it states that such a rule would require time and money to investigate and to process at a decisional level and that the Commission would have an impossible burden or proving what a station "should have known." It states that aside from the WHAS case there has been little controversy as to this subject and it is questionable whether there is a need for such an undertaking. It therefore suggests that the Commission should delete the "should be known" language from the proposed rule or at the most adopt the alternative suggested by NBC.\*

19. Black Hawk suggests that the language be changed to provide that if the station knew or suspected that a party was contracting with the station on behalf of another it would have the responsibility of reviewing all facts at its disposal so that the announcement would disclose the principal.

20. NAB agrees that broadcast licensees should make every reasonable effort to ascertain the identity of a person or group behind an organizational name and announce the name of the person or group if it is clear that the name of the organization does not fully and fairly disclose the true identity of the persons paying for the broadcast. However, it believes that the "should be known" language is abstract and subjective and that it is a stricter standard than that of reasonable diligence provided for in the Act and in paragraph (b) of the rules and questions whether the Commission can adopt rules that require a higher standard than the enabling legislation. NAB agrees with the proposed combining of two paragraphs to overcome the effect of the "WHAS" decision, but states that the proposed "should have known" language is unnecessary to achieve this end since in the "WHAS" case the licensee knew that the group was an instrumentality of the candidate. In any event, NAB states that if the Commission wishes to clarify the rule further it should adopt language which incorporates the reasonable diligence standard of paragraph (b) of the rules. It suggests, therefore, that the Commission give consideration to changing the language in

paragraph (e) from the proposed "such fact is known or should be known" to "such fact is known or by the exercise of reasonable diligence as specified in paragraph (b), could be known."

21. Finally, FOE expresses the view that the proposed language is an attempt to impose a "reasonableness" standard of conduct, but it believes that some of the obligations imposed on licensees remain murky. Therefore, it suggests that "is known or should be known" be changed to "is known to the station, through use of the Sponsorship Identification Report or otherwise, or should be known to the station." The Sponsorship Identification Report is a report suggested by FOE to ensure that licensees obtain correct information and to aid the Commission in enforcing its rules. FOE suggests a rule providing that before broadcasting any matter furnished for broadcast which does or may require sponsorship identification as provided for in the rules, each licensee be required to obtain from all parties who provide such matter a completed Sponsorship Identification Report containing information concerning the true identity of persons paying for the matter included in the broadcast. It also submits a list of questions which it believes would be appropriate to appear on such a form.

22. We now turn to a discussion of the foregoing arguments. As mentioned above, NBC argues that the Commission has no authority to require licensees to go behind an ostensible sponsor to search out the real sponsor of a political broadcast. In support it cites the position of the District Court in the "WHAS" case (see para. 17, supra). However, we note that the Court of Appeals, in affirming the decision of the District Court, stated:

In affirming that decision we are by no means precluding the FCC from adopting a Regulation calculated to require a station to make reasonable efforts to go beyond a named "sponsor" for a political program in order to ascertain the real party in interest for purposes of announcement. (385 F.2d at 788)

We accordingly dismiss that argument without further comment.

23. As to the question of whether the "or should be known" standard is a more stringent one than the "reasonable diligence" standard of the Act and of paragraph (b) of the rule, and one which is vague and which imposes an impossible burden upon the licensee, it was not our intent to create a different standard. Rather, we intended that the proposed language be read in connection with the reasonable diligence requirement of paragraph (b). It was inserted in proposed paragraph (e) to stress the importance of attempting to ascertain the true identity of a party on whose behalf payment is being made, and was meant to be understood (much as NAB suggests it be changed to read) "by the exercise of reasonable diligence as specified in paragraph (b) should be known." Although it may be argued that placing such language in paragraph (e) when a reasonable diligence standard already exists in

paragraph (b) is redundant, we are of the view that the importance of emphasizing the duty of licensees to look beyond ostensible sponsors warrants such repetition.

24. Concerning any burden that this duty might place on licensees, what we said in our recent Fairness Report (48 F.C.C. 2d 1, 8 (1974)) is equally applicable here:

[W]e find it difficult to believe that these policies add significantly to the overall administrative burdens involved in operating a broadcast station. It is obvious that any form of governmental regulation will impose certain costs or burdens of administration on the industry affected. The point is not whether some burden is involved, but rather whether that burden is justified by the public interest objective embodied in the regulation. Broadcasters are licensed to act as trustees for a valuable public resource and, in view of the public's paramount right to be informed, some administrative burdens must be imposed on the licensee in this area. These burdens simply run with the territory.

25. We are aware that problems may arise concerning whether a broadcast critical of one candidate is necessarily supportive of an opposing candidate, and concerning situations where the source of funds for a broadcast is claimed to be independent of a candidate. However, it suffices to recognize that there are differences depending on whether a sponsor of a political broadcast in some way is allied with the opposing candidate and that there may be different degrees of relationship.<sup>7</sup> In those instances, a licensee must exercise reasonable diligence to ascertain the facts. We do not require more of him. But we do not condone less. (See S. Rept. 1857, 86th Cong., 2d Sess., p. 6.)<sup>8</sup> See also Albuquerque Broadcasting Co., 40 F.C.C. 1 (1946) and Identification on Broadcast Station, 40 F.C.C. 2d (1950).)

26. Since our primary concern here is with political broadcasts, and since use of a Sponsorship Identification Report suggested by FOE goes far beyond that to all kinds of broadcasts, we believe that proposal, and others made by FOE, are outside the scope of this proceeding and do not here discuss the possible use of

<sup>7</sup> It is because we recognize that there are degrees of relationship and in some cases no relationship at all, as in the case where the source of funds for a broadcast is actually independent of a candidate supported in the broadcast, that we do not adopt the suggestion of NBC that the sponsorship identification shall always contain the name of the sponsoring group and state that the broadcast is on behalf of a named candidate. However, we find no fault with the practice of NBC in such cases. We note, too, that as to broadcasts critical of one candidate being supportive of another candidate, this was exactly the situation in the WHAS case.

<sup>8</sup> "The term 'reasonable diligence' would require the licensee to take appropriate steps to secure such information, but it would not place a licensee in the position of being an insurer, nor does this condition permit a licensee to escape responsibility for sponsorship announcements by inactivity on his part."—statement of Senate Interstate and Foreign Commerce Committee.

\* Storer mentions that the NBC alternative does not entirely eliminate problems since, for example, it would still be necessary to make judgments as to whether a program critical of one candidate is "on behalf of" another.

such a report in connection with ascertaining the true sponsors of programs.

27. In view of the foregoing, we are changing the disputed language, to read "such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known." As is evident, this change is that suggested by NAB.

OR RELATES TO \* \* \* OR MAY BE

28. The Notice did not specifically comment on the phrases "or relates to" a political broadcast or "may be" a controversial issue of public importance, for the reason that no change in substance of present paragraph (d) was intended. The purpose was to make the rule state what the Commission already had interpreted the sponsorship rule to mean as concerns political and controversial issue broadcasts. Section 317 was not implemented by a rule until 1944 and then only because of abuses as concerns broadcasts of political and controversial issues. The "relates to" language was intended to reflect the Commission's interpretations to the effect that a broadcaster should be especially diligent in complying with the Act and rule as concerns political broadcasts in order that the listening public will be fully and fairly given information. See, for example, *Identification on Broadcast Station*, 40 F.C.C. 2, 4 (1950); *Wichita Television Corporation, Inc.*, 40 F.C.C. 40, 42 (1959); see also Revella M. Bone, 40 F.C.C. 86, 87 (1960).

29. Similarly, there was no intent on the part of the Commission to change the substance of paragraph (d) of the present rule concerning broadcast matter involving controversial issues. Cohn & Marks and NBC read "may be" a controversial issue in effect to say "may become" controversial. This, indeed, would be burdensome. We wish to make it clear that the same criteria as to controversial issues apply both to the sponsorship identification rule before us here and the Fairness Doctrine. What we said in the Fairness Report (48 F.C.C. 2d at 11-12) concerning the determination of what is "controversial" and of "public importance" is equally applicable to making a sponsorship identification and complying with the list retention requirements as concerns a controversial issue of public importance. In view of the apparent confusion that the proposed language change has caused, we have decided not to adopt the "related to" or "may be" language. The rule will therefore speak only in terms of political broadcasts and broadcasts involving controversial issues.

30. Some parties question the need for a list retention requirement. It is appropriate to discuss the purpose of that provision and in particular why it should be preserved for political and controversial issues broadcasts. The list retention requirement is fundamental to the objective of preserving the audience's right to know by whom it is being persuaded. Political campaigns are periodic, and often hectic, manifestations coincident to

the democratic mode for attaining elective office. Active participants are a medley of office seekers, supportive or opposition groups, political parties, and many others. Attention is focused on controversial issues. Frequently, except for the political party, the groups and organizations are temporary and short-lived, while at the same time there are many candidates for different offices, all vying for support with the result that the public may be confused as to the identity of the persuader. With respect to a controversial issue, if it is not part of the political campaign, the public often lacks knowledge of the true identities of the protagonists. The list retention requirement is designed to make information available about the sponsor's identity at the source of the broadcast, should someone desire it, while at the same time minimizing the amount of time that need be used for identification.

31. Some parties question the utility of the list retention requirement. It is variously alleged that there have been few requests to see lists, that the list retention requirement is only marginally useful, and that the continued burden is not offset by any public benefit that may be derived. One party even questions constitutionality. These issues are not before us as they would be if the list retention requirement were being proposed for the first time. What is before us is a proposal to make list retention less stringent while still maintaining the requirement for those instances where we feel there is a high public interest in protecting the public's right to know.

32. It is urged that the lists retention requirement has an inhibitory effect and is particularly detrimental to a licensee's journalistic function in selecting, editing, and broadcasting newsworthy material. Thus, it is said that the listing requirement distorts the journalistic judgment about newsworthiness because of the need to obtain necessary list requirement data since broadcast material frequently comes only from interested parties who have no knowledge of the record keeping requirements. In the circumstances, it is suggested that there be an exemption from the record keeping requirements for bona fide newscasts and news documentaries in the fashion that Section 315 of the Act exempts such broadcasts. In the First Report and Order in Docket No. 19260 (Fairness Doctrine), 36 F.C.C. 2d 40, 53-4 (1972), we discussed the matter of requiring identification announcements for such broadcasts and held that they were required under the rules. For similar reasons, we hold now that the list retention requirement as well as the announcement requirement should apply to such broadcasts.\*

\* However, as we pointed out in a footnote on page 53 of the First Report and Order in Docket No. 19260, the disclosure requirement is not applicable to "mere mimeographed news releases or typed advance copies of speeches," as contrasted to audio or video tape or film, since Example 11 of House Report 1800 (86th Cong., 2d Sess.) states

33. Finally, as to our proposal that such lists be kept for public inspection at each station, it is urged that this should not be the case for network programming. Thus, it is suggested by NBC that it would be simpler for one network-owned station to obtain and maintain the lists, which would then be available to any affiliate that requests the information. It is said that to do this would accord with other regulations where an exception is made for network broadcasts, e.g., Section 73.670(b) which pertains to program information for the composite week. CBS states that since it originates in separate network facilities rather than at a station, it prefers that record retention be at its headquarters. We think there is merit to these suggestions and accordingly the rule will permit lists for network originated programs to be maintained at the headquarters offices of the network or at the place designated by the originating station as the location of its public inspection file (Section 1.526).

MISCELLANEOUS MATTERS

34. *Definition of "sponsored."* As previously mentioned, to dispel uncertainty that may have been created by the "WHAS" decision as to the meaning of the term "sponsored" we proposed to define it in the rule as "paid for." Parties commenting on this did not object to such an amendment. However, Metro-media was of the view that this might cause some confusion because in the instance where no charge is made by a licensee for the broadcast of material, it could air the material for a political candidate or as to a controversial issue and no announcement would be required since the licensee was not paid for the use. However, we would point out that under the provisions of paragraph (d) of the rule, if the material were furnished by a party for political or controversial broadcasts as an inducement to the station, an announcement would be required.

35. *Program.* Although the present rules contain the terms "political program" and "program involving the discussion of public controversial issues," we have changed the word "program" to read "matter" throughout the rule. This is in accord with the language in section 317(a)(1) of the Act which says "[a]ll matter broadcast \* \* \* shall be \* \* \* announced \* \* \*" and is also consistent with our interpretation in *Westinghouse Broadcasting Co.*, 40 F.C.C. 28 (1958).

36. *Consolidation of present rules into one rule.* There was no objection to this proposal and some parties affirmatively endorsed it. Accordingly, the consolidation will be carried out. A new rule will

that no disclosure announcement is required when "news releases are furnished to a station by Government, business, labor, and civic organizations, and private persons, with respect to their activities \* \* \*." On the same principle, we believe that lists of the members of the executive committees or boards of directors of organizations furnishing such material need not be retained.

thus appear in Subpart H of Part 73 of the Rules. For the current sponsorship identification rules in the subparts pertaining to each of the broadcast services the present text will be deleted, and substituted therefor will be a cross reference to the rule in Subpart H.

37. *Cable television rules.* No parties filed comments on the sponsorship identification rules insofar as they pertain to origination cablecasting. We see no reason why the rules for such cablecasting should be different from those for broadcasting, for the consideration of keeping the public informed about those who try to persuade it would appear to be the same in both cases. Accordingly, we are amending Section 76.221 of the rules to conform with the new combined rule adopted today for broadcasting.<sup>20</sup>

38. *Editorial changes.* In addition to the foregoing amendments, in carrying over the language of the present rules to the combined rule we have made a few editorial changes when they appeared warranted.

39. Accordingly, *It is ordered*, That the Commission rules and regulations are amended as indicated in the attached Appendix. Authority for this action may be found in sections 4(i), 303(r), and 317(e) of the Communications Act of 1934, as amended effective May 30, 1975.

40. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: April 17, 1975.

Released: April 25, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

The Commission rules and regulations are amended as follows:

1. Section 73.119 and headnote are amended to read as follows:

§ 73.119 Sponsorship identification.

See § 73.1212.

2. Section 73.289 and headnote are amended to read as follows:

§ 73.289 Sponsorship identification.

See § 73.1212.

3. Section 73.654 and headnote are amended to read as follows:

§ 73.654 Sponsorship identification.

See § 73.1212.

4. Section 73.789 and headnote are amended to read as follows:

§ 73.789 Sponsorship identification.

See § 73.1212.

5. New § 73.1212 is added to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

(a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station as required by section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter: *Provided, however*, That in the case of any broadcast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made

or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified by the licensee under § 1.526 of this Chapter. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under § 1.526 of this chapter. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purpose of this section and only one such announcement need be made at any time during the course of the broadcast.

(g) The announcement otherwise required by section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Attach the list to the program log for the day when such broadcast was made; and

(3) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

<sup>20</sup> A single exception is that paragraph (c) which pertains to reports made under Section 508 of the Act (which applies only to broadcasters) will not be made applicable to cable television.

(h) Any announcement required by section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order adopted November 16, 1960 (FCC 60-1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654, the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

6. Section 76.221 and headnote are revised to read as follows:

**§ 76.221 Sponsorship identification; list retention; related requirements.**

(a) When a cable television system engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such system, the system, at the time of the cablecast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied: *Provided, however, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast.*

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for cablecasting, information to enable such system to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a system as an inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other

material or service has been furnished to such system in connection with the transmission of such cablecast matter: *Provided, however, That in the case of any cablecast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.*

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a system on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

(e) In the case of origination cablecast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the system shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(g) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60-1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654(e), the predecessor television rule, went into effect.

(h) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports. The interpretations made for the broadcasting services are equally applicable to origination cablecasting.

[FR Doc.75-10992 Filed 4-25-75; 8:45 am]

[Docket No. 20187; RM-1901; FCC 75-427]

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations; Table of Assignment**

1. The Commission has before it the notice of proposed rulemaking in this docket, adopted September 9, 1974, 39 FR 33239, proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) by assigning Channel 272A to Bullhead City, Arizona, as its first FM channel assignment. The only commenting party is petitioner, Albert C. Freeman.

2. Bullhead City, an unincorporated place with a population of less than 1,000, is located in Mohave County (pop. 24,857). All mileage separation requirements are satisfied by this proposal. Petitioner has adduced evidence to indicate that the public interest would be furthered if a first local aural service were available at Bullhead City. The Director of the County's Emergency Services Division stated in a letter that the FM assignment is necessary in order that natural and attack emergency bulletins can be broadcast to the community. Presently Bullhead City receives local news from daytime-only AM Station KSFE, Needles, California, approximately 20 miles away. Approval of the Mexican authorities has been secured with respect to petitioner's proposal.

3. We believe that Channel 272A should be assigned to Bullhead City, Arizona. Such an assignment is technically feasible and in the public interest.

4. In view of the foregoing and pursuant to authority contained in sections