



# DAYTIME BROADCASTERS ASSOCIATION

Ray Livesay, Chairman  
DBA - Board of Directors  
P. O. Box 322  
MATTOON, ILLINOIS 61938  
Phone: (217) 234-6464

February 1, 1979

DEAR U S A DAYTIMER:

This is the organization which has been working for you for the past several years. I am sure you have been reading about our efforts in your behalf in the trade press, such as BROADCASTING Magazine and others. These efforts are really beginning to get results and this is our invitation to you to become a part of this effort and support DBA.

I am not one to brag, so I am enclosing copies of two very important letters which tells better than I can, just how dedicated two outstanding Congressmen are in trying to correct a long over-due situation. Congressman Lionel Van Deerlin is Chairman of the U.S. House Sub-Committee on Communications and has the courage to Re-write the Communications Act of 1934, in spite of the heavy opposition of the "Biggies" of broadcasting such as the Clear Channels and other fulltimers who would like to keep the status quo so that Daytimers will continue to leave the air at sunset so that the present fulltimers will have less competition. It is very simple to understand their opposition.

NAB has been doing a considerable bit of floundering on the Clear Channel vs Daytimer issue but from the Resolution they passed at their Board meeting in Maui this month, I believe NAB is coming around to some sensible thinking. There are some 1000 Daytimers who are members of NAB. We should be considered.

In 1978, I developed the details of a Nine (9) kHz Separation Plan which has become known as the DBA NINE KHZ PLAN. It was pretty well detailed in the Dec. 18th issue of BROADCASTING, page 78. It is the most practical way to find 14 new channels in the existing "AM" broadcast band from 530 to 1610 kHz. We are insisting that these 14 new channels all be classified as Class IV Fulltime channels and allow a period of at least 3 years for existing Daytimers to move to the new channels and go non-directional fulltime, if they so desire. Some of the higher power daytimers may desire to remain as they are now. The plan will cause the least inconvenience to the existing fulltimers in that they would only need to move 4 kHz or less from their present frequency.

We are most thankful that Henry Geller, Administrator of the NTIA (National Telecommunications and Information Administration) saw the advantages possible in our Nine kHz Plan and filed a petition with the FCC for Rule Making in the matter. I am sure it will be coming up later this year.

DBA won a victory in the Super-Power Clear Channel Docket 20,642 which the FCC has set for further rulemaking, looking toward forever keeping the maximum power at 50 kw in "AM" radio. DBA will be filing again in your behalf in this Docket. Comments are due Apr. 9th with reply comments due May 9, 1979.

Our ALL RADIO RALLY AGAINST OVER-REGULATION is set for Feb. 28, 1979. More details are enclosed herewith on a separate sheet. I do hope you can attend and will plan to stay over for the special meeting of DAYTIMERS the next morning at 10:00 AM. AGAIN, I want you to join DBA and support your share of our efforts. Please sign and fill out the enclosed yellow application blank and mail it to me along with your check for \$100. This will pay you up in full for at least a year or more. We do not waste money.

Sincerely,

  
Ray Livesay, Chairman DBA

**"LOCAL" Community Radio Broadcast Service Needs "Fulltime" For Daytime Stations**

DAYTIME  
BROADCASTERS  
ASSOCIATION

# THE DAYLIGHTER

DAYTIME  
BROADCASTERS  
ASSOCIATION

SPECIAL BULLETIN

## BROADCASTERS' RALLY AGAINST OVER-REGULATION

Washington, D. C.

February 28, 1979

TO: American Broadcasters

January 19, 1979

FROM: Steering Committee — Broadcasters' Rally Against Over-Regulation

Community Broadcasters Association — Roger Jeffers  
Daytime Broadcasters Association — Ray Livesay  
National Association of Broadcasters — Bill Carlisle  
National Radio Broadcasters Association — Abe Voron  
Radio-Television News Directors Association — Len Allen

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The **Broadcasters' Rally Against Over-Regulation** will take place in Washington, February 28, 1979. The Steering Committee, on behalf of the above-listed broadcast associations urges every broadcaster who can get to Washington on February 28 to do so, and to make your own reservations **immediately**.

We have been asked... what is the purpose of these planned Congressional visits? No angry confrontations are contemplated. Instead, we would like broadcasters to come here on behalf of their publics and themselves to ask that the government reverse the longtime trend of inserting itself into nearly every aspect of life — for the citizen, from cradle to grave; for the businessman, from formation or incorporation to yards and yards of government red tape. What are we asking the Congress to do? To recognize that broadcasters, as enforced "ascertainers" all of the time, have a finger on the American pulse that tells them that the public wants less, not more, regulation. And that broadcast licensees, as important members of the communities they serve, are probably more burdened than any other business. We want our elected representatives to support the beginning deregulatory steps outlined recently by Commissioner Tyrone Brown and being contemplated by Chairman Ferris and other Commissioners to **deregulate broadcasting**, beginning immediately with radio! We want them to support similar legislative efforts by Cong. Van Deerlin, Sen. Hollings and others. That's the message we want you to come here and deliver to your Senators and Congressmen. And February 28 is the day to do it!

A number of state associations have made inquiry as to whether they are being asked to abandon previously adopted plans for mass Washington visitations, Board visits, annual Congressional breakfasts, luncheons or banquets, etc. The answer is, not at all! This **Rally** is an exciting add-on, with broadcasters individually resolving to stand to be counted here in Washington on February 28! This will be an all-industry effort with participating organizations completely burying any philosophical differences for the good of all broadcasters.

(continued)

**THE DETAILS:**

**Your Hotel Reservations:** We hope that each arriving broadcaster will have successfully made his own hotel room booking for arrival Feb. 27. Your yellow pages should be consulted for the "800" number of the desired hotel or hotel chain. In case of serious difficulties, NAB and NRBA will make every effort to secure accommodations for you. But the earlier you reserve, the better your chances.

**Kick-Off:** 8:00 - 9:30 am, February 28, 1979

**Place:** Capitol Hill Quality Inn, 415 New Jersey Ave., N.W. Washington, D.C. 20001

**Breakfast:** A continental breakfast will be served courtesy of sponsoring organizations. Phone; (202) 638-1616

**Briefing:** Short talks on "why we are here." Speaker to be announced.

**Schedule:** WEDS. Feb. 28, 1979

9:30 — Departure for Senate and/or House of Representatives. (A short walk to either.)

9:45 - 12:15 — Visits with Congressmen and Senators (by your pre-arranged appointments). NAB and/or NRBA will help, subject to time and other constraints.

12:30 — Reassemble at Quality Inn for "dutch treat" buffet luncheon with FCC officials. No FCC speeches or comments expected (though they would be welcome). Short individual broadcaster "for instance" talks on various examples of over-regulation.

1:45 — Adjourn for departure from Washington or business in the city.

THURSDAY - March 1, 1979 10:00 AM

DAYTIMERS only will meet at 10:00 AM in Room 2255. Adjourn by 12:00 Noon.  
RAYBURN BLDG.

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**RALLY AGAINST OVER-REGULATION  
ON FEBRUARY 28!**

**TO:** RALLY STEERING COMMITTEE

YES, I'll be at the Quality Inn, Capitol Hill at 8:00 am, February 28, 1979.

**FROM:** \_\_\_\_\_

**MAIL TO: Broadcasters' Rally Against  
Over-Regulation**

**CALL LETTERS:** \_\_\_\_\_

**Box 57314**

**CITY & STATE:** \_\_\_\_\_

**Washington, D.C. 20037**

**(Zip Code)** \_\_\_\_\_

**BROADCASTERS' RALLY AGAINST OVER-REGULATION, BOX 57314, WASHINGTON, D.C., 20037**

LIONEL VAN DEERLIN, CALIF., CHAIRMAN

M. M. MURPHY, N.Y.  
RICHARD J. CARNEY, OHIO  
DOROTHY E. WIRTH, COLO.  
FRANK RUSSELL, ILL.  
WARD J. MARKEY, MASS.  
MARTIN A. LUKEN, OHIO  
FRANK GORE, JR., TENN.  
BARBARA A. MIKULSKI, MD.  
FRANK A. WAXMAN, CALIF.  
FRANK O. STAGGERS, W. VA.  
(EX OFFICIO)LOUIS FREY, JR., FLA.  
W. HENSON MOORE, LA.  
CARLOS J. MOORHEAD, CALIF.  
MARC L. MARKS, PA.  
SAMUEL L. DEVINE, OHIO  
(EX OFFICIO)

**Congress of the United States**  
**House of Representatives**  
Subcommittee on Communications  
of the  
Committee on Interstate and Foreign Commerce  
Washington, D.C. 20515

December 22, 1978

Honorable Paul Findley  
House of Representatives  
Room 2113 Rayburn House Office Building  
Washington, D. C. 20515

Dear Paul:

I have reviewed both the Federal Communications Commission's proposal for the World Administrative Radio Conference that urges adoption of a wider AM band for radio use, and the Commission's press release describing its proposal in the AM Clear Channel Proceeding. I must say that I was deeply disappointed with the extremely limited nature of the latter proposal, which only provides for a maximum of 125 additional fulltime AM radio stations on the clear and adjacent channels.

The proposal for 125 new fulltime stations does not begin to meet the pressing need to find outlets for minority broadcasters and to find fulltime frequencies for those now relegated to broadcasting during the daytime hours. Indeed, the Commission's proposal, at least as described in their press release, seems to reflect a lack of commitment to these goals.

Practically speaking, the Commission has simply decided to maintain the status quo while giving the appearance of taking bold action. Current clear channel licensees would be permitted to operate without any changes. Licensing of additional fulltime stations would be allowed on Class I-A channels only where those new stations would not interfere with a Clear Channel Station's skywave service. The Commission claims that this will allow operation of 80 to 100 new unlimited-time stations on the Class I-A channels and operation of up to 25 new stations on the adjacent channels.

Regretably, the Commission's proposal lacks the imagination and creativity shown in your recent letter to the National Association of Broadcasters. In that letter, you set forth three different approaches to meeting the conflicting needs of clear channel and local service. The Commission's proposal seems to be a narrow version of one of your proposals.

In my view, your third proposal, (consolidation of the clear channel stations on twelve channels, and creation of thirteen new class IV channels) would serve our nation's needs far better than would the Commission's approach. There are currently only six class IV channels in use in this nation, yet they support more than one thousand stations. There are more stations on each class IV channel than the FCC expects to add on all twenty-five class I-A channels. If the Commission were to consolidate several clear channel stations on one channel, skywave service could be maintained, while allowing far greater opportunity for growth in broadcasting. You also suggested moving to a 9 kHz channel spacing which would free up many new channels. It seems to me that such alternatives should be studied and considered.

You know of my longstanding commitment to increasing the opportunities for minority broadcasting and to providing local nighttime radio service to the tens of millions of Americans who currently are without it, most of whom live in small towns and rural areas. You have shared these goals with me, and Section 412(1) of the Communications Act rewrite reflects my determination to find a way to permit daytime stations to broadcast at night.

Since there are more than 2,000 daytime-only stations serving millions of Americans with, in many cases, their only local radio service, it is clear that the Commission's proposal to provide for up to 125 new fulltime stations will not begin to meet the crying need for more local radio



service. I, for one, will not be satisfied until the Commission finds a way to allow all, or the vast majority, of these stations to provide fulltime service to the millions of Americans who depend upon them daily for local news, weather, emergency reports, and entertainment. I know you join me in hoping that the FCC will not require these people to wait much longer for the local radio service that they need.

In its WARC proposal, the Commission has recommended creation of "a band at 1615-1800 kHz which is shared between broadcasting and various other services, and a band at 1800-1860 which is exclusively allocated to broadcasting." According to the FCC, "this change would result in approximately 700 new AM stations". In my view, this proposal is not an adequate solution to the daytime problem and I share your concern over its implications

Whatever the merits of expanding the AM radio band, I do not believe it would be wise or fair to assign the daytime stations to the new frequencies above 1600 kHz. I trust that the FCC did not propose widening the AM band with this thought in mind, and I believe that their report bears this out. For example, the report states that the new frequencies could accommodate "approximately 700 new AM stations," far fewer than the 2,000 daytime-only stations in the country that seek fulltime operation. The report also states that widening the AM band "would provide new channels for potential diversities in broadcasting and minority ownership." The daytime broadcaster's situation does not fit into either of these categories, so again I cannot conclude that the FCC intends to solve the daytime problem by moving some or all the daytimers to the high end of the AM band.

Strictly from an engineering standpoint, it would make more sense to move the clear channel stations rather than the daytime stations to these 14 new frequencies above 1600 kHz. "Skip" is much more pronounced at the higher frequencies, and the clear channel stations rely upon this skywave effect for much of the claimed service area. If they moved to the high end of the AM band, the enhanced "skip" effect would better enable them to serve their distant listeners. I doubt, however, that many clear channel stations would wish to move, and I would not recommend that action.

In the long run, the FCC's proposal to widen the AM band may be good public policy, I have no doubt that in the coming years additional broadcasting outlets and services will be required by the American people. But it will be many years before radio stations can effectively use the high end of the AM band above 1600 kHz to serve our population, and there is today an urgent and compelling need for local nighttime radio service for millions of Americans. These people and the stations that serve them cannot wait for an entire new segment of the AM band to be developed before fulltime local radio service is available to them. Again, let me state my hope that the FCC will not make them wait much longer.

Let me share one last thought on this topic with you. The Commission's action in the Clear Channel proceeding provides another illustration of the nature of "scarcity" in broadcasting today. The scarcity of frequencies is more the result of bureaucratic inertia and contrivance than it is the result of the laws of nature. The Commission had an opportunity to take a major stride toward a more open broadcasting system -- a system with greatly enhanced prospects for minority broadcasters and for the daytimers. Instead, the Commission took only a limited step in that direction. It is clear that legislative action is needed to break both the logjam of bureaucratic delay and the circularity of a regulatory system based upon scarcity which acts to preserve that scarcity. I thank you again for your help and support in our work.

Sincerely,



LIONEL VAN DEERLIN, M.C.  
Chairman

- C O P Y -

ROOM 2133, RAYBURN BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-5271

PAUL FINDLEY  
20TH DISTRICT, ILLINOIS

COMMITTEES:  
INTERNATIONAL RELATIONS  
AGRICULTURE

Congress of the United States  
House of Representatives  
Washington, D. C.

December 1, 1978

Mr. Vincent T. Wasilewski, President  
National Association of Broadcasters  
1771 N Street, N.W.  
Washington, D.C. 20036

Dear Mr. Wasilewski:

Your letter of September 19 raises so many questions and is so open to misinterpretation that I hardly know where to begin in making a response. Let me start with a comment on your assertion that the National Association of Broadcasters "has never taken a position in the argument between the daytimers and the clear channel stations." If that were true, then I wonder why your September 19 letter required four pages to state your nonposition. In fact, your statement that permitting daytimers to operate full time will result in "chaos on the airwaves" and "less service to Americans, not more" belies the mantle of impartiality you have attempted to assume. As if that were not enough, other NAB officials have continually denigrated the daytimers' hopes of providing local nighttime radio service to the 45 million Americans currently without it. For example, in your own "Radio Active" publication of October 1978, Jim Hulbert delights in belittling the daytimers' (and all rural Americans') desire for local radio service. In addition, Walter May, the Chairman of your Radio Board, has been quoted in Broadcasting Magazine as questioning the ability of daytimers to provide nighttime service. Far from being impartial, the NAB has lead the attack on daytimers, and indirectly on the millions of Americans who rely upon them for radio service.

Even if NAB had managed to remain strictly neutral, I must confess I would question the wisdom, not to mention the public spirit, of a position that permits 45 million Americans to go without local radio service for half of their lives. I would think that the NAB would want to use its expertise to find some way to allow the local stations that serve these Americans to provide local news, weather information, emergency broadcast service, and entertainment to them each evening.

The main point of your letter, I assume, is that "a false promise is being held out" to daytimers, and that certain unspecified "treaties" and "laws of nature" will make it impossible for more than a "minority percentage" of daytimers to be assisted by the language of section 412 of the Communications Rewrite. Your letter makes it sound as if these "treaties" and "laws of nature" are immutable, when in fact as you know, that is not the case.

First, let's discuss treaties. NAB's position seems to be that the existence of certain treaties makes it impossible to allow daytimers to stay on the air at night on certain foreign clear channels. Yet surely you realize that already there are many full-time stations in the United States assigned to foreign clear channels. For example, WGAR in Cleveland, Ohio is a 50,000 watt full-time station assigned to 1220 Khz, a Mexican clear channel. The table of assignments is rife with such instances where full-time U.S. stations are located on foreign clear channels. When the treaties were negotiated with our neighbors to the north and south, these stations were granted permission to operate full time. If WGAR and other stations can be authorized to broadcast on foreign clear channels at night, hundreds of daytime stations can be granted a similar opportunity. Let there be no doubt about it, at a minimum section 412 of the Communications Rewrite directs the federal government to renegotiate these treaties and wherever possible, find a way to allow daytimers located on foreign clear channels to stay on the air at night. What is fair for WGAR and dozens of similarly situated stations is fair for the daytimers. And, it is good public policy for millions of Americans who have no nighttime radio service.

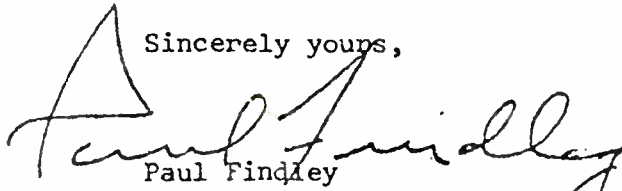
Finally, there are those "laws of nature" that you say will have to be changed if we are to avoid "increased interference...because of the physical properties of the AM band wave." You close with the gratuitous comment that you would like to "try to explain [to me] what is a very technical and complicated matter." In fact, there are no laws of nature that say that daytimers must go off the air at sunset. The laws of nature are not the problem. The problem is an engineering straight jacket adopted by the Federal Communications Commission and apparently supported by the National Association of Broadcasters (which nevertheless protests its impartiality). The problem is an antiquated and archaic table of assignments that bears no relation to present day technology and needs. The last re-allocation of the AM band occurred in the 1930s and became effective in 1941. Now, almost 40 years later, 45 million Americans, most of whom live in rural areas outside the metropolitan cities, are still denied local AM nighttime service. They do not understand why they should be discriminated against, nor do their Congressmen understand why. The latter now know that there are several ways to solve the problem and provide additional service and they are determined that their constituents will be served. One such way was contained in Chairman Van Deerlin's letter to me dated June 20, 1978, which proposes an end to the protection afforded secondary service contours of clear channel stations. There are other ways, all of them sound from an engineering standpoint and all of them conforming to "the laws of nature."

The 2300 daytimers could be given the opportunity to move off all the U.S. and foreign clear channels and off the regional class III channels if 14 additional class IV local full-time channels can be found in the AM broadcast band. Finding the needed additional class IV local channels is the responsibility of our experts at the Federal Communications Commission, as well as broadcast industry leaders like the NAB. It is far from a hopeless question. For example, AM radio operates very successfully in Europe with nine kilohertz separation between channels, instead of the ten kilohertz we use in this country. If a nine kilohertz separation were adopted in North America between 530 and 1610 Khz, 14 new channels would be created, enough to allow every station in the country to broadcast full time and every American to receive local radio service.

The same goal can be accomplished in yet a third way. It would be relatively simple to consolidate the 25 U.S. class 1-A clear channel stations on half as many channels, thereby freeing enough frequency spectrum to permit all daytimers to operate as class IV full-time stations. Such a plan of consolidation would not require any clear channel station to change its frequency by more than just a few kilohertz (listeners would not even know the change had been made) and it would not impair their service in any relevant market. It would, however, allow 45 million Americans to receive local nighttime radio broadcast service who are currently being deprived of it.

These are three ways of solving this "very technical and complicated" problem. Undoubtedly there are others, and perhaps some are better yet. The point is that a significant proportion of our population is being discriminated against because it does not receive fair use of the radio frequency spectrum. The discrimination is real and undeniable. It deprives them of entertainment, news, emergency service and public information which they desperately need. The current system is not fair and it must be changed. Congress is searching for the best way to make that change and I have no doubt that something will be done. I sincerely hope that you will dedicate the resources of the NAB to help find a way to provide local full-time radio service to all Americans, rather than supporting the status quo or standing idly by.

Sincerely yours,

  
Paul Findley  
Representative in Congress



We Appreciate D B A's Efforts in Our Behalf

... Here is our Application to join or Contribute to the  
**Daytime Broadcasters Association**

Name of Officer

Title

Station Call Letter

Address

Town

State

Dues of \$100<sup>00</sup> enclosed ( \_\_\_\_\_ )

I do not wish to become a Member but here is our \$100 \_\_\_\_\_ contribution.

Mail to:

**DAYTIME BROADCASTERS ASSOCIATION**

c/o W. J. "Dub" Wheeler

**KH CZ**

Post Office Box 670, Harrisonville, Missouri 64601

Actual Signature

**THE DAYLIGHTER**  
Daytime Broadcasters Assoc.  
c/o Mitt Younts  
Box 570, Southern Pines, NC 28387



John B. Weeks, GM - CE  
W C J W-R.D.#2 Merchants RD  
Warsaw, N.Y. 14569

# THE DAYLIGHTER

NEWSLETTER OF

**THE DAYTIME BROADCASTERS ASSOCIATION**

Issue No. 1

April 1980

Phone 919 / 692-7440

## PRESIDENT'S CORNER:

Ray Livesay — WLBH - AM  
Mattoon, Illinois

## THE 9kHz QUESTION:

D B A research can be credited with putting down on paper the first 9kHz AM band spacing plan which is practical and workable. I began work on the plan over 2 years ago and since that time I have mailed out over 50 copies of the plan to the F C C Commissioners, trade publications, Congress and to U.S. Government agencies. In short, anyone with interest in AM broadcasting.

The plan that D B A developed showed that 12 new "AM" channels would be created within the present "AM" band (535 to 1605 kHz) and that all existing radio receivers would be capable of tuning to these new channels. It also revealed that no fulltime station would be required to move more than 4kHz in order to put the 9 kHz spacing plan into effect. This was especially important for stations operating with directional antenna systems.

## Question:

### HOW MANY FULLTIME STATIONS WILL HAVE TO MOVE, AND HOW FAR???

Class IV Locals	Other Classes	FAR???
0	130	NO change in operating frequency
348	225	Change 1 kHz in operating frequency
151	325	Change 2 kHz in operating frequency
171	272	Change 3 kHz in operating frequency
340	251	Change 4 kHz in operating frequency
1,010	1,205	Total fulltime "AM" stations in the U S A

## Daytimers to Meet at N A B - Las Vegas

The Daytime Broadcasters Association will hold a general membership meeting at the N A B in Las Vegas on Monday afternoon, April 14. The meeting has been scheduled for Room 20 at the Las Vegas Convention Center at 2 p.m. The meeting has been called for all members of the D B A and all daytimers that are interested in issues concerning daytime stations. If you are not a member of the D B A you are urged to attend this meeting to discuss the problems of daytimers. Among the topics to be considered will be the 9kHz AM band spacing plan and other activities of the D B A over the past year. Also, plan to visit the D B A Suite at the N A B - Las Vegas.

It is obvious that 45.6% of all fulltime stations in the U S A are operating on just six of the 107 "AM" channels. Therefore, 5.6% of the channels are serving 45.6% of the stations.

This is positive proof that the maximum service to society can be realized from the 12 new channels if they are classified for LOCAL fulltime service, similar to our present Class IV Fulltime LOCAL Channels. I believe that it is a generally accepted fact that Radio has become the most important local mass communications media in the U S A. And our past system of regulation has brought about conditions whereby we are discriminating against some 46-million of our US citizens. These citizens are locally served by daytime-only stations in 1498 different and scattered communities. In the U S A, these new channels must be allocated to relieve this terrible condition, and all daytimers must work to assure that daytime stations get their fair share of these new channels.



### Board Calls for First Rights to New Full-time Channels

The D B A Board at the semi-annual meeting in January in St. Louis drafted a resolution stating that it will work to establish first claim to any new full time channels that become available in the AM broadcast band. This effort on the part of the D B A will effect all currently licensed daytime only stations in the US. The Board determined that it will also seek action from the F C C that it cease granting any new daytime facilities. The resolution read as follows:

"Be it resolved that the Board of Directors of the Daytime Broadcasters Association is in favor of finding additional fulltime channels within the AM broadcast band of 535 to 1605 kHz, and that existing daytime stations be given the first priority and the first opportunity to move such channels so as to provide fulltime service to their listeners.

"Be it resolved that in order to eliminate discrimination to 46 million United States citizens not currently being provided with local AM nighttime radio broadcast service, the Board of Directors of the Daytime Broadcasters Association will seek Congressional action to ensure that daytimers be given the first priority and first opportunity to any new fulltime AM channels that become available, and that furthermore the F C C cease granting new daytime facilities.

The D B A is working to cease the licensing of any new daytime stations and give all presently licensed daytimers full-time status.

### Editor's Note:

If you have information or suggestions for the "Daylighter" contact:

Editor:

Mitt Younts/W E E B  
Box 570, Southern Pines, NC 28387

919 / 692-7440

### President Livesay Attends Buenos Aires Conference

D B A President Ray Livesay attended the Region 2 Administrative Radio Conference in Buenos Aires in March as a member of the Committee on the Classification of "AM" broadcast channels and as Chairman of the Committee on Channel Spacing and Bandwidth. The major topic of discussion was the question of 9 kHz spacing for North and South America. A complete report on the results of the Buenos Aires Conference will be presented to all daytimers at the D B A meeting at N A B in Las Vegas and in the next newsletter.

### Membership Drive

A membership drive to add new members to our rolls and to reactivate old members to D B A is currently underway. If you have been a member of D B A in past years and have let your membership lapse, reconsider your membership again. If you are unfamiliar with the workings of D B A and have never been a member, consider joining D B A. The Daytime Broadcasters Association is the ONLY

association that has worked to improve the status of daytime stations and continue the fight for longer hours for over 27 years. There are no paid officers or directors in D B A. But the association needs money to publish this newsletter and remain active on behalf of daytimers. Invest in a brighter future for daytimers. Join the D B A. Give D B A your support and your ideas.

### New Officers and Board of Directors Elected

At the semi-annual meeting of the Board of Directors held in St. Louis in January a new group of officers and board was elected for the coming year.

### New officers are:

#### President:

Ray Livesay, President & GM, W L B H-AM  
Mattoon, Illinois

#### Chairman:

Jim Wychor, President & GM, K W O A-AM,  
Worthington, Minnesota

#### Vice-President:

Mitt Younts, President & GM, W E E B-AM,  
Southern Pines, North Carolina

#### Secretary-Treasurer:

W. J. "Dub" Wheeler, GM, K H O Z-AM,  
Harrison, Arkansas

### New Board of Directors:

#### District 3:

Pennsylvania, W. Virginia, Maryland, Delaware  
Louis J. Maierhofer, President, W K M C-AM,  
Roaring Springs, Pennsylvania

#### District 4:

North Carolina, South Carolina, Virginia  
Mitt Younts, President & GM, W E E B-AM,  
Southern Pines, North Carolina

#### District 5:

Alabama, Georgia, Florida  
Kerry Rich, W J B Y-AM,  
Gadsden, Alabama

#### District 6:

Arkansas, Louisiana, Mississippi, Tennessee  
W. J. "Dub" Wheeler, GM, K H O Z-AM,  
Harrison, Arkansas

#### District 7:

Kentucky, Ohio  
Davis Palmer, VP & Mgr, W A T H-AM,  
Athens, Ohio

#### District 8:

Michigan, Indiana  
G. Earl Metzger, President & GM, WITZ-AM  
Jasper, Indiana

#### District 9:

Wisconsin, Illinois  
Ray Livesay, President & GM, W L B H-AM,  
Mattoon, Illinois  
Glenn F. Zircher, President & GM, WINU-AM  
Highland, Illinois

#### District 10:

Nebraska, Iowa, Missouri  
E. G. "Red" Faust, President & GM, K J A N-AM  
Atlantic, Iowa

#### District 11:

North Dakota, South Dakota, Minnesota  
Jim Wychor, President & GM, K W O A-AM  
Worthington, Minnesota

#### District 13:

Texas  
Ken Duke, President & GM, K D D D-AM  
Dumas, Texas

#### District 17:

Oregon, Washington  
David M. Jack, President, K L I Q-AM  
Portland, Oregon

### This is an Election Year

This year is the time to talk to your Senatorial and Congressional candidates about particular problems of being a daytime only station. Acquaint them with the issue of the need for longer hours for daytime stations. Talk with them now and the job will be much easier in getting their support for legislation that affects daytime radio after they get to Washington. Remember: "THE SQUEAKING WHEEL GETS THE GREASE."



1510 KILOCYCLES

*Progressive Broadcasting Corporation*

HIGHLAND, ILLINOIS 62249

May 23, 1979

Dear Fellow Daytime Broadcaster:

H. R. 1850 -- the bill in Congress which will allow you to broadcast fulltime -- currently has 76 cosponsors, including the Chairman of the Communications Subcommittee, Lionel Van Deerlin. Although that is a good start, it is not enough to get the job done. We must have at least a majority of the House of Representatives (218 of 435) cosponsoring our bill if we expect Congress to act upon it. It is not enough for a Congressman to tell you what committee the bill is pending in, or that he will "consider it," or he will "keep your views in mind," or even to pledge his support for it. Any Congressman who really wants to help the daytimers can do so by cosponsoring H. R. 1850.

If your Congressman is not listed on the attached sheet, please call him today and ask him to cosponsor H. R. 1850. A personal call from you is far better than a letter, which can be shuffled off to a legislative aid. Believe me, your Congressman will be glad to talk to you. And, he will find it very difficult to say "no" to you. You're too important to him.

Please act today. Call your Congressman and ask him to cosponsor H. R. 1850.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Bircher".

Glenn F. Bircher

Here's what to tell your Congressman: Every evening, you must leave the air at sunset, and that deprives thousands of his constituents of local nighttime radio service. If there is a local emergency, a storm, or just a basketball game that evening, you can't tell your listeners about it. He may not realize it, but you don't go off the air by choice, the FCC makes you leave the air. There's a bill in Congress, H. R. 1850, which directs the FCC to find some way -- any way -- to allow all radio stations to broadcast fulltime. The bill doesn't tell the FCC how to do it, it leaves that up to the FCC. And it wouldn't hurt any other radio station -- even the Grand Ole Opry. So far, there are 76 cosponsors of H. R. 1850, and you sure hope he will cosponsor this bill, also.

P. S. If you have a question, please call me.



ALASKA

Tom Bevill  
Don Younge

ARKANSAS

Bill Alexander

CALIFORNIA

Robert J. Lagomarsino  
Carlos Moorhead  
Leon E. Panetta  
Lionel Van Deerlin

COLORADO

Ray Kogovsek

GEORGIA

Billy Lee Evans  
Bo Ginn  
Ed Jenkins  
Dawson Mathis  
Larry McDonald

IDAHO

Steven Symms

ILLINOIS

John B. Anderson  
Tom Corcoran  
Paul Findley  
Edward R. Madigan  
Robert H. Michel  
Abner J. Mikva  
Melvin Price  
Paul Simon

IOWA

Berkley Bedell

KANSAS

Dan Glickman  
Robert Whittaker

MARYLAND

Beverly Byron  
Clarence Long

MASSACHUSETTS

Robert F. Drinan

MINNESOTA

Tom Hagedorn  
Richard Nolan  
James L. Oberstar

MISSISSIPPI

Trent Lott  
G. V. Montgomery  
Jamie L. Whitten

MISSOURI

Robert A. Young

NORTH CAROLINA

L. H. Fountain  
Lamar Gudger  
Stephen L. Neal  
Richardson Preyer  
Charles Rose

NEW JERSEY

James F. Florio  
Edwin B. Forsythe  
James J. Howard  
William Hughes  
Andrew Maguire  
Edward J. Patten  
Matthew J. Rinaldo  
Robert A. Roe

NEW YORK

Joseph P. Addabbo  
Jerome A. Ambro  
Mario Biaggi  
William Carney  
Thomas J. Downey

NEW YORK (con'td)

Robert McEwen  
Charles Rangel  
Leo C. Zeferetti

OHIO

Tennyson Guyer  
Clarence E. Miller  
Donald J. Pease  
J. William Stanton  
Chalmers P. Wylie

PENNSYLVANIA

Lawrence Coughlin  
Robert W. Edgar  
Daniel J. Flood  
William H. Gray, III  
Gus Yatron

PUERTO RICO

Baltasar Corrada

RHODE ISLAND

Fernand St. Germain

SOUTH CAROLINA

Butler Derrick  
John W. Jenrette, Jr.

TENNESSEE

John Duncan

TEXAS

Sam B. Hall, Jr.  
Charles Wilson

UTAH

Dan Marriot

WEST VIRGINIA

John M. Slack



**Congress of the United States**  
**House of Representatives**  
Washington, D.C. 20515  
June 25, 1979

Mr. John B. Weeks  
WCJW  
2 Merchants Road  
Warsaw, New York 14569

Dear Mr. Weeks:

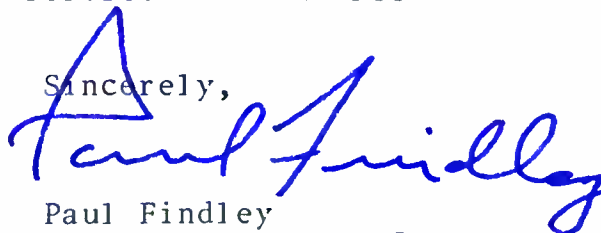
Attached is a current list of the cosponsors of H.R. 1850, my bill directing the Federal Communications Commission to provide every community in the United States "with the maximum local fulltime radio broadcasting service" and to recognize "the need of existing limited-time stations to provide their audiences with full-time radio service."

If your Congressman is not listed, please write or call him today and urge him to cosponsor H.R. 1850. If you write him, please send me a copy of your letter.

Within the next few weeks, the House Communications Subcommittee will begin considering amendments dealing with this issue. Some of these amendments will be designed to protect the clear channel broadcasters and thereby limit the opportunity of daytimers to broadcast fulltime. These amendments must be defeated. That is why it is important for you to act now to encourage your Congressman to cosponsor H.R. 1850.

Attached is a copy of my Congressional Record statement describing my bill and including a summary of the survey of daytimers showing their overwhelming desire to provide more local service than the FCC presently allows.

Sincerely,



Paul Findley  
Representative in Congress

Enclosures



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, TUESDAY, APRIL 10, 1979

No. 46

SEVENTY-FIVE CONGRESSMEN INTRODUCE FULL-TIME RADIO BILL

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1979

● Mr. FINDLEY. Mr. Speaker, today 74 of my colleagues, including the chairman of the Communications Subcommittee, join me in introducing H.R. 1850, a bill to insure that all Americans receive local nighttime radio service. Today 46 million Americans lose their only source of local AM radio news, weather, community information, and entertainment each evening when the sun goes down. Under Federal Communications Commission regulations, the stations that are forced off the air at sunset are not permitted to begin broadcasting again until sunrise the next morning. During the winter, when the weather is harshest and storms can arise with unpredictable speed and fury, many of these stations must leave the air at 4:30 p.m. and cannot return until 8 a.m. By that time, local weather conditions may have made roads impassable, closed schools and work places, and caused the cancellation of community events. Yet the tens of millions of Americans affected may be unable to learn whether to take the kids to school or go to work themselves until after school or the work hour has already started—all because their local radio station is not permitted on the air until the sun comes up.

Yet the problem is more fundamental than one of dispersing vital information on the weather, school closings, and community activities. At base, the issue is whether tens of millions of Americans should needlessly be discriminated against and denied fair access to the Nation's airwaves. Although the airwaves belong to all Americans, currently those living in small towns and rural areas are denied fair use of them. While those who live in the major metropolitan centers usually have a broad selection of stations to which to listen day and night, Americans living outside of these big cities often have only one daytime station and no local radio service at all. This leads to the anomaly that residents of small towns may be able to learn of traffic conditions on the George Washington Bridge in New York or the Dan Ryan Expressway in Chicago, but cannot learn whether the roads in their own town are passable. They may be able to listen to a high school basketball game in a distant city but be unable to hear their local team play in the high school gym.

### ERA OF THE CRYSTAL SET

The origin of this problem goes back to the early part of this century when radio was still in its infancy. In those days, Government planners assumed the vast electromagnetic frequency spectrum could accommodate a virtually unlimited number of radio stations. Indeed, prior to World War II there was no reason for them to believe otherwise. Large, powerful stations in the Nation's big cities produced and distributed nationwide an extensive variety of news and entertainment that drew the family together around the radio set each evening to listen to programs filled with drama, mystery, suspense, and comedy. Many still remember programs like "The Shadow," "The Lone Ranger," "Our Gal Sunday," and a host of others. Jack Benny, Fred Allen, Arthur Godfrey, and dozens of other personalities became institutions, and their weekly programs were eagerly awaited by everyone. It mattered not at all whether you listened to them over a local station or a distant one, because all network stations carried the same program at the same time. It was live entertainment with a special magic all its own, and that made up for the lack of diversity in programing beyond the limited fare offered by the three networks.

Today, all of that is changed. Virtually all radio programing is now local in nature. Network shows are almost nonexistent, and the only thing distributed nationally is 5 minutes of hourly news. More than 90 percent of all radio programing is planned, originated, produced, and put on the air in 4,500 separate AM radio studios across the Nation. Local service to the community has become the byword of most stations. Public service announcements of community activities, local news and events, local weather, and programing tailored to the likes and dislikes of the hometown community are the mainstay of most broadcasters. With this change in focus, the programs from distant radio stations located in big cities have become less useful to the residents of small towns and rural areas. Metropolitan news and public service information is usually totally inappropriate, and the programing may not reflect the cultural and community preferences which often characterize a vastly different way of life usually found in small towns.

Yet, unaccountably, the regulations governing radio broadcasting have not changed with the times. The Federal Communications Commission still ad-

heres to engineering and spectrum allocations policies adopted in the era of the crystal set. Despite the fact that the Commission has had the power to solve the problem at any time over the last 30 years, it has for no apparent reason chosen a course of inaction, delay, and stall. Incredibly, for more than 30 years the FCC has had two rulemaking proceedings—Docket 6741 and Docket 20642—open to deal with this problem. And after 30 years of trying, the best the Commission could come up with was its proposal in January 1979, to create a maximum of 125 new radio stations. With a total of 2,300 daytime-only stations serving tens of millions of Americans across the country, the FCC proposes only to create 125 new stations. The Commission's proposal is so small as to be virtually meaningless, just as its conduct of Dockets 6741 and 20642 has been meaningless over the past 30 years.

**SOLUTIONS ABOUND**

One might think that if it takes 30 years for the FCC to come up with a non-solution to the problem, the issue must be so difficult and complex that it admits of no solution. Indeed, the Commission would have Congress believe just that. In response to one reporter's inquiry, David Landis, acting chief of the FCC's Broadcast Facilities Division, criticized my resolution in the last Congress, saying:

I think it's very bad for Congress to reach into a highly technical area and try to meat axe a result when surgery is probably indicated. This is the type of problem the Commission was created to resolve.

After more than 30 years under the knife, it is a miracle that the FCC's patient—daytime-only radio—has not died already. Many suspect that the death of its patient would not at all distress the Commission and that is why it is dragging out its proceedings.

The simple fact is that there are several ways (at least) to resolve the problem. While all of them will dramatically increase the number of full-time stations in the country, some are more broadly accepted than others.

**MULTIPLE ASSIGNMENTS ON CLEAR CHANNELS**

One proposal is to make multiple assignments of radio stations to the 25 channels which currently have only one or two stations on them. While the six class IV radio channels allocated by the FCC to local service have an average of 170 stations apiece on them, 25 channels have only a few full-time stations on them. For example, 600 kHz is assigned only to one station—WNBC—in New York City. No place else in the country is there another full-time station on this channel. Yet its signal cannot be heard with any regularity west of Chicago, and even in parts of Indiana its signal is so weak it can be heard only 50 percent of the time. The vast majority of people living outside the metropolitan New York area listen to other closer stations, of course. The FCC has proposed to protect the signal of WNBC and the other 24 clear channel stations up to 750 miles from their city of license, that is, protect WNBC's signal west of Chicago.

This is the meaningless proposal I referred to earlier which will create only an additional 125 new stations, not nearly enough to serve the tens of millions of Americans who are today without full-time local radio service. Without specifically proposing it, the Commission has also suggested the possibility of solving the problem by protecting the signal of the 25 clear channel stations out to 100 miles from their city of license. Under this possibility, WNBC could provide interference-free service to all of the metropolitan New York area, as far north as Hartford, Conn., as far west as Scranton, Pa., and south to Philadelphia. Over 1,000 new stations could be created by using this alternative and permitting multiple full-time assignments on these clear channels.

**CONSOLIDATION**

A second alternative is for the FCC to consolidate the 25 clear channel stations on 11 channels. Under this proposal, each station would remain in its approximate position on the dial, moving no more than 30 kHz, and generally much less or none at all. By using directional antennas, they would cause no interference to each other and would be able to continue to provide an interference-free signal hundreds, and in some cases thousands of miles distant from their stations. Here is how the plan would work:

**CONSOLIDATE 25 CLEAR CHANNELS**

New frequency assignments, call letters and location:

1210 kHz: WCAU Philadelphia, Pa. \* and WOAI San Antonio, Tex.

1160 kHz: KSL Salt Lake City, Ut.\* and WHAM Rochester, N.Y.

1120 kHz: KMOX St. Louis, Mo.\* and WWWE Cleveland, O.

1030 kHz: WBZ Boston, Mass.\*, KDKA Pittsburgh, Pa., and WHO Des Moines, Ia.

880 kHz: WCBS New York City, N.Y.\*, WLS Chicago, Ill., and WWL New Orleans, La.

830 kHz: WCCO Minneapolis, Minn.\*, WGY Schenectady, N.Y. WBAP Ft Worth, Tex., and WHAS Louisville, Ky.

760 kHz: WJR Detroit, Mich.\*, WABC New York City, N.Y., and WSB Atlanta, Ga.

720 kHz: WGN Chicago, Ill.\*

700 kHz: WLW Cincinnati, O.\*

670 kHz: WMAQ, Chicago, Ill.\*

650 kHz: WSM Nashville, Tenn.\*, KFI Los Angeles, Calif., and WNBC New York City, N.Y.

\*Station not required to move from present assignment.

If this plan were adopted, 14 channels currently occupied by clear channel broadcasters would be freed for any full-time local service. At an average of 170 stations per channel, these 14 channels would make it possible for 2,380 daytime-only stations to begin providing full-time service to the tens of millions of Americans currently denied it. These 14 channels would without question get the job done that needs to be done.

To be sure, some clear channel broadcasters do not favor this approach. They believe that they should be permitted to provide unlimited service in all direc-

tions. However, the limitations imposed by the consolidation plan are minor. First, 11 of the stations would not have to change channels. The other 14 stations would remain in the approximate position on the dial they currently occupy, moving between 10 and 30 kHz to their new frequency. No one can argue that they would lose listeners as a result of such a move.

Second, all stations would continue to provide unlimited radio service in all directions during the daytime. The only nighttime limitation on their signal would be in the direction facing another station on the same channel. Yet even this limitation is minor as the chart indicates. Most stations will have only two other stations on the same channel, and some are so widely separated—as are New York and Los Angeles—that there is no effective limitation whatsoever. The closest stations on the same channel are still separated by 500 miles or more. Thus, each of these stations can provide virtually unlimited service in all directions but one, and even in that one direction, they will still be able to provide radio service 250 miles away from their city of license—a distance greater than between New York City and Washington, D.C.

The separation between most stations under this plan is even greater, averaging more than 800 miles, and in some cases it is as much as 1,400, 1,500, 1,700, and 2,400 miles—literally coast to coast.

**REDUCE CHANNEL SPACING TO 9 KHZ**

Yet a third method of providing more local nighttime radio service is to reduce channel spacing from 10 kilohertz to 9. Currently, there is a radio channel every 10 kilohertz on the AM band, so that the first channel is at 549 kHz, the next at 550, the next at 560, and so on up to 1,600 kHz, for a total of 107 channels in the AM band. In Europe, Asia—in fact the rest of the world except the Americas—radio channels are spaced 9 kilohertz apart. And they operate just as efficiently, in fact, more so. In all other parts of the world, the first station is found at 540 kHz, the next at 549 kHz, the next at 558 kHz, the next at 567, and so forth, so that by the time 1,600 kHz is reached they have 12 more radio channels than we have in the United States, or a total of 119 channels in the AM band. If the United States were to adopt the same system that has proven effective for decades in the rest of the world, we too could have 12 extra channels upon which to assign hundreds of new full-time radio stations. In fact, at an average of 170 stations per channel, these 12 new channels would accommodate 2,040 full-time stations, plenty to allow each daytime-only station in the country which wants to broadcast full-time to do so. This proposal would allow tens of millions of Americans for the first time to have local nighttime radio service.

The 9 kHz plan is fully supported by the Carter administration. On January 10, 1979, Henry Geller, Assistant Secretary of Commerce for Communications and Information, filed a petition with the Federal Communications Commission calling for a reduction in AM channel



spacings from 10 kHz to 9 kHz. The National Telecommunications and Information Administration and its prestigious laboratory at Denver, Colo., have concluded that the 9 kHz proposal would not only provide an abundance of additional channels that could be used to provide full-time local service nationwide, but the agency also sees the 9 kHz proposal as one which will improve overall service and eliminate much interference that currently plagues all radio broadcasters worldwide from distant nighttime sky-wave signals.

Many radio station owners, including some of the clear channel broadcasters, prefer the 9 kHz proposal, because it would cause them the least disruption and little or no additional interference. The clear channel broadcasters prefer it, because it would allow them to remain the sole station assigned to their frequency. Although many stations would have to change their frequencies 1, 2, 3, or 4 kilohertz, no full-time broadcaster would have to move more than 4 kilohertz from his present assignment. No listener would even know that the change had been made, since even a 4-kilohertz move is almost imperceptible on the dial. Here is how the plan would work:

9 KHZ SEPARATION PLAN

New 9 kHz channels to which broadcasters would be assigned	Old 10 kHz channels from which broadcasters would move	12 new channels for full-time use—Other comments
539 kHz	540 kHz	
548	550	
557	560	
566	570	
575	New class IV channel for 170 new full-time stations.	
584	580	Same—no change.
593	5 0	
602	600	
611	610	
620	620	
629	630	
638	640	
647	650	
656	660	
665	New class IV channel for 170 new full-time stations.	
674	670	Same—No change.
683	680	
692	690	
701	700	
710	710	
719	720	
728	730	
737	740	
746	750	
755	New class IV channel for 170 new full-time stations.	
764	760	Same—No change.
773	770	
782	780	
791	790	
800	800	
809	810	
818	820	
827	830	
836	840	
845	New class IV channel for 170 new full-time stations.	
854 kHz	850 kHz	Same—No change.
863	860	
872	870	
881	880	
890	890	
899	900	
908	910	
917	920	
926	930	
935	New class IV channel for 170 new full-time stations.	
944	940	Same—No change.
953	950	
962	960	
971	970	
980	980	
989	990	
998	1000	
1007	1010	
1016	1020	
1025	New class IV channel for 170 new full-time stations.	
1034	1030	Same—No change.
1043	1040	
1052	1050	

New 9 kHz channels to which broadcasters would be assigned	Old 10 kHz channels from which broadcasters would move	12 new channels for full-time use—Other comments
1061	1060	
1070	1070	
1079	1080	
1088	1090	
1097	1100	
1106	1110	
1115	New class IV channel for 170 new full-time stations.	
1124	1120	Same—No change.
1133	1130	
1142	1140	
1151	1150	
1160	1160	
1169	1170	
1178	1180	
1187	1190	
1196	1200	
1205	New class IV channel for 170 new full-time stations.	
1214 kHz	1210 kHz	
1223	1220	
1232	1230*	
1241	1240*	
1250	1250	
1259	1260	
1268	1270	
1277	1280	
1286	1290	
1295	New class IV channel for 170 new full-time stations.	
1304	1300	
1313	1310	
1322	1320	
1331	1330	
1340	1340*	
1349	1350	
1358	1360	
1367	1370	
1376	1380	
1385	New class IV channel for 170 new full-time stations.	
1394	1390	
1403	1400	
1412	1410	
1421	1420	
1430	1430	
1439	1440	
1448	1450*	
1457	1460	
1466	1470	
1475	New class IV channel for 170 new full-time stations.	
1484 kHz	1480 kHz	Same—No change
1493	1490*	
1502	1500	
1511	1510	
1520	1520	
1529	1530	
1538	1540	
1547	1550	
1556	1560	
1565	New class IV channel for 170 new full-time stations.	
1574	1570	
1583	1580	
1592	1590	
1601	1600	

EFFECT OF 9 kHz PLAN ON FULL-TIME STATIONS

[All 2,300 daytime only stations would be required to change channels]

	Number of full-time stations	Percent of all full-time stations	Number of AM channels involved
No change	282	12.8%	11
Move 1 kHz	454	20.7%	24
Move 2 kHz	598	27.3%	24
Move 3 kHz	579	26.4%	24
Move 4 kHz	275	12.5%	24
Total	2,188	100.00	107

\*6 existing class IV local stations, each of which has about 170 stations.

Data from "Broadcasting 1977 Yearbook".

COMBINATIONS OF 9 KHZ, CONSOLIDATION AND MULTIPLE ASSIGNMENT PLANS

Each of the three plans I have mentioned would, by itself, yield a considerable number of new radio assignments that could be used to provide local nighttime radio services for tens of millions of Americans who are currently denied it. Some of the plans would provide for more stations than others and, of course, some would be more acceptable to various classes of broadcasters than other plans.

To the extent that some broadcasters do not favor certain aspects of some of the proposals, any problem can in most cases be ameliorated by adopting some combination of two or three of the proposals I have suggested. With a little creativity, the Federal Communications Commission can without question design a new spectrum allocation plan which provides all existing broadcasters the opportunity to provide high quality full-time service to everyone they are currently serving. Such a plan would also provide opportunities for new assignments in unserved areas or for populations—such as minority groups—which have their own individual listening habits.

In addition, there are undoubtedly still other ways to provide additional local broadcast service within the overall framework currently existing in the United States. I have no doubt that the Federal Communications Commission, with its vast experience and expertise, can develop a radio broadcast system that provides an abundance of local service and opportunity for all Americans, no matter where they live, no matter who they are, no matter what programming they prefer.

DAYTIME BROADCASTERS WANT TO PROVIDE FULL-TIME SERVICE

Why the Commission has not provided the opportunity for more local radio service is beyond me. The vast majority of daytime-only broadcasters want to stay on the air longer hours than they are presently permitted. They want to provide their listeners with local community news and weather, emergency information, and local programming and entertainment, no matter what time of day or night it is.

In a recent survey I conducted, I asked daytime-only broadcasters across the country whether they would like to extend their hours of operation beyond those presently permitted. I also asked whether any other station is providing full-time local service, and whether they would be willing to limit their power and change their frequency—to the other end of the dial if necessary—to broadcast full time.

Of the 964 daytime-only broadcasters who responded, all but four told me they would like to broadcast longer hours than they are currently permitted by the FCC.

Those daytime-only stations that are located in a city with no other local radio totaled 558.

And 714 of the daytime-only stations—including the one owned by the chairman of the board of the National Association of Broadcasters—told me they would gladly move anywhere on the dial and limit their power to 1,000 watts if by doing so they could operate full time. The significance of this latter figure is that the listeners to these 714 stations have grown accustomed to finding them at the same place on the dial every day. If the broadcasters move to another spot on the dial, they risk confusion and some loss of listeners. Yet, these broadcasters are so desperate to provide full-time service to their listeners that they are willing to risk anything and move

anyplace on the dial to get a full-time assignment. None of the three plans I suggested previously would require any of the existing full-time stations to leave their familiar place on the dial and risk

losing their listenership, because none of the plans I have proposed would cause them to move more than an imperceptible amount. Only the daytime-only broadcasters would be asked to move

willy-nilly across the dial, yet they are willing to do so if that is what is necessary.

Here is a State-by-State breakdown of my survey:

States	Responses	Would like to extend hours of operation		Our station is the only one in our city		Would be willing to change channels and limit power		Listening audience <sup>1</sup>
		Yes	No	Yes	No	Yes	No	
Alabama.....	35	35		18	15	21	6	1,043,914
Arizona.....	9	9		4	5	8	1	444,086
Arkansas.....	22	22		13	9	15	4	1,186,210
California.....	33	33		16	15	24	2	3,189,983
Colorado.....	11	10		5	3	4	3	1,443,883
Connecticut.....	5	5		4	1	4	1	660,255
Delaware.....	3	3		3		3		128,600
Florida.....	41	41		14	21	28	5	1,776,648
Georgia.....	50	50		23	22	35	5	2,317,742
Idaho.....	7	6		3	3	4	1	393,792
Illinois.....	32	31		24	5	20	6	3,528,039
Indiana.....	27	27		17	10	24	1	1,720,534
Iowa.....	27	27		17	9	20	3	1,412,757
Kansas.....	13	13		11	2	11	1	1,055,049
Kentucky.....	27	27		18	9	20	6	1,662,167
Louisiana.....	25	25	2	19	6	20	3	783,140
Maine.....	5	5		5		3	1	446,025
Maryland.....	14	14		9	5	10	2	679,328
Massachusetts.....	9	9		6	3	7	2	1,069,228
Michigan.....	16	16		10	4	12	1	3,447,500
Minnesota.....	29	29		20	4	22	4	1,589,660
Mississippi.....	22	22		13	9	12	4	1,178,830
Missouri.....	36	35	1	16	12	27	4	1,461,528
Montana.....	3	3		2	2	3		353,029
Nebraska.....	16	15	1	10	6	10	2	646,142
Nevada.....	3	3		2	2	3		91,883
New Hampshire.....	4	4		2	2	4		112,167
New Jersey.....	15	15		13	2	13	1	455,056
New Mexico.....	5	5		3	2	2	3	565,660
New York.....	41	41		25	15	33	3	679,100
North Carolina.....	55	55		24	30	44	7	795,734
North Dakota.....	6	6		4	2	5		339,872
Ohio.....	38	38		23	15	30	2	1,291,253
Oklahoma.....	15	15		12	3	14	1	448,739
Oregon.....	18	18		7	10	13	1	148,951
Pennsylvania.....	44	44		27	16	33	8	1,551,245
Rhode Island.....	2	2		1	1	2		205,596
South Carolina.....	1	1			1	1		827,944
South Dakota.....	8	8		2	6	8		425,557
Tennessee.....	34	34		16	19	24	7	527,294
Texas.....	65	65		44	21	53	3	1,522,809
Utah.....	5	5		2	3	4	1	142,137
Vermont.....	4	4		2	2	3	1	60,128
Virginia.....	31	31		19	10	17	5	617,178
Washington.....	11	11		3	7	7		454,505
West Virginia.....	11	11		6	5	6	5	278,863
Wisconsin.....	29	29		20	8	22	1	579,961
Wyoming.....	1	1			1	1		198,361
Miscellaneous.....	10	10		7	3	6	3	
Total.....	973	968	4	561	36	715	120	45,937,702

<sup>1</sup> Source: Daytime Broadcasters Association.

**COMMUNICATIONS REWRITE OFFERS HOPE**

Because of the dismal performance of the FCC on this and similar issues, our colleagues, LIONEL VAN DEERLIN, who is chairman of the Communications Subcommittee, JIM COLLINS, the ranking Republican, and JIM BROYHILL, a senior member, have introduced H.R. 3333, a bill to amend the Communications Act of 1934. Section 413 of this bill incorporates fully the text of my bill, H.R. 1850.

Chairman VAN DEERLIN and Congressmen COLLINS and BROYHILL recognize fully the importance of providing tens of millions of Americans with the first local nighttime service they have ever had. They know that there are practical ways to accomplish this goal without impairing existing radio service. Chairman VAN DEERLIN has pledged to me his determination to work for the accomplishment of this goal.

This new legislation, excellent in so many other ways, conveys a stiff message to the Federal Communications Commission—find some way to allow existing daytime-only broadcasters to serve their communities full-time. I hope that the Commission will at long last act to fulfill this worthy goal. But if the FCC does not act, I have no doubt that Congress will.

## IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 5, 1979

Mr. FINDLEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

### A BILL

To require the Federal Communications Commission to ensure that each community in the United States, regardless of size, is provided with the maximum local full-time radio broadcasting service.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That in order to ensure the most efficient and diverse use of  
4 the electromagnetic frequency spectrum, the Federal Com-  
5 munications Commission shall examine the use of the ampli-  
6 tude modulation (AM) radio broadcasting band and shall  
7 assign such spectrum and distribute licenses so as to ensure  
1 that each community in the United States, regardless of size,  
2 is provided with the maximum local full-time radio broadcast-  
3 ing service. In this reassignment process the Commission  
4 shall take due account of (1) the AM channel spacing systems  
5 in effect in other countries to ensure that the United States'  
6 system is compatible with systems in general use throughout  
7 the world; (2) the desirability of utilizing all allocated spec-  
8 trum efficiently and fully in all parts of the United States; (3)  
9 the changes in technology that make more efficient use of the  
10 spectrum possible; (4) the need of existing limited-time sta-  
11 tions to provide their audiences with full-time radio service;  
12 and (5) the need for additional minority-owned full-time radio  
13 stations.



COSPONSORS OF H.R. 1850

ALABAMA

Jack Edwards (R)  
Bill Nichols (D)

IDAHO

George Hansen (R)  
Steven Synms (R)

Bob Traxler (D)  
Dale Kildee (D)  
Guy Vander Jagt (R)

ALASKA

Tom Bevill (D)  
Don Young (R)

ILLINOIS

John B. Anderson (R)  
Dan Crane (R)  
Tom Corcoran (R)  
Paul Findley (R)  
Edward R. Madigan (R)  
Robert H. Michel (R)  
Abner Mikva (D)  
Morgan Murphy (D)  
Melvin Price (D)  
Tom Railsback (R)  
Paul Simon (D)

MINNESOTA

Arlen Erdahl (R)  
Tom Hagedorn (R)  
Richard Nolan (D)  
James L. Oberstar (D)  
Bruce Vento (D)

ARIZONA

none

MISSISSIPPI

Trent Lott (R)  
G. V. Montgomery (D)  
Jamie Whitten (D)

ARKANSAS

Bill Alexander (D)

INDIANA

John Myers (R)

MISSOURI

Richard Ichord (D)  
Gene Taylor (R)  
Robert A. Young (D)

CALIFORNIA

Robert J. Lagomarsino (R)  
Carlos Moorhead (R)  
Leon E. Panetta (D)  
Lionel Van Deerlin (D)

IOWA

Berkley Bedell (D)

COLORADO

James Johnson (R)  
Ray Kogovsek (D)

KANSAS

Dan Glickman (D)  
Robert Whittaker (R)  
Larry Winn (R)

NEBRASKA

none

CONNECTICUT

none

KENTUCKY

Carroll Hubbard, Jr. (D)  
Carl Perkins (D)

NEW HAMPSHIRE

James Cleveland

DELAWARE

none

NEVADA

none

DISTRICT OF COLUMBIA

none

LOUISIANA

none

NEW JERSEY

James Courter (R)  
James F. Florio (D)  
Edwin B. Forsythe  
James J. Howard (D)  
William Hughes (D)  
Andrew Maguire (D)  
Edward J. Patten (D)  
Matthew J. Rinaldo (R)  
Robert A. Roe (D)  
Frank Thompson (D)

FLORIDA

Skip Bafalis (R)  
Andy Ireland (D)

MAINE

David F. Emery (R)

GEORGIA

Billy Lee Evans (D)  
Newt Gingrich (R)  
Bo Ginn (D)  
Ed Jenkins (D)  
Dawson Mathis (D)  
Larry McDonald (D)

MARYLAND

Beverly byron (D)  
Clarence Long (D)  
Parren Mitchell (D)

NEW MEXICO

Manuel Lujan, Jr. (R)

HAWAII

none

MICHIGAN

Robert W. Davis (R)  
Carl Pursell (R)

NEW YORK

Joseph P. Addabbo (D)  
Jerome A. Ambro (D)  
Mario Biaggi (D)

William Carney (R)  
Thomas J. Downey (D)  
John J. LaFalce (D)  
Robert McEwen (R)  
Matthew McHugh (D)  
Donald Mitchell (D)  
Charles Rangel (D)  
Leo C. Zefereetti (D)

NORTH CAROLINA

L. H. Fountain (D)  
Lamar Gudger (D)  
Walter Jones (D)  
Stephen L Neal (D)  
Richardson Preyer (D)  
Charles Rose (D)

NORTH DAKOTA

none

OHIO

John Ashbrook (R)  
Tennyson Guyer (R)  
William Harsha (R)  
Clarence E. Miller (R)  
Donald Pease (R)  
J. William Stanton (R)  
Lyle Williams (R)  
Chalmers P. Wylie (R)

OKLAHOMA

none

OREGON

James Weaver (D)

PENNSYLVANIA

Lawrence Coughlin (R)  
Robert W. Edgar (D)  
Daniel J. Flood (D)  
William H. Gray, III (D)  
Peter H. Kostmayer (D)  
Austin Murphy (D)  
Gus Yatron (D)

PUERTO RICO

Baltasar Corrada

RHODE ISLAND

Edward Beard (D)  
Fernand St. Germain (D)

SOUTH CAROLINA

Mendel Davis (D)  
Butler Derrick (D)  
John W. Jenrette, Jr. (D)  
Ken Holland (D)

SOUTH DAKOTA

James Abdnor (R)

TENNESSEE

John Duncan (D)

TEXAS

Charles W. Stenholm (D)  
Sam B. Hall, Jr. (D)  
Charles Wilson (D)

UTAH

Dan Marriott (R)

VERMONT

none

VIRGINIA

G. William Whitehurst (R)

WASHINGTON

none

WEST VIRGINIA

John M. Slack (D)

WISCONSIN

none

WYOMING

none



# DAYTIME BROADCASTERS ASSOCIATION

(Suggested SIGN-OFF announcement for Daytime  
stations to broadcast just before sunset to  
inform the listeners of the unjust practice)  
RE-EDIT TO SUIT YOUR PARTICULAR SITUATION

IT IS NEAR THE HOUR OF SUNSET HERE AT (city), (State) AND THE  
FEDERAL COMMUNICATIONS COMMISSION OF WASHINGTON, D.C. FORCES W X X X - AM  
TO GO OFF THE AIR UNTIL            AM TOMORROW MORNING. ONE-HALF OF ALL "AM"  
RADIO STATIONS IN THE UNITED STATES ARE FORCED TO LEAVE THE AIR AT SUNSET.  
THEY DENY SOME 45-MILLION PEOPLE LOCAL NIGHT-TIME "AM" RADIO BROADCAST  
SERVICE. THESE 45-MILLION PEOPLE ARE BEING DISCRIMINATED AGAINST BY THEIR  
OWN FEDERAL GOVERNMENT SIMPLY IN THE MANNER WHICH THEY REGULATE THE "AM"  
BROADCAST SPECTRUM. APPARENTLY, THE F.C.C. DID NOT HAVE THE VISION AND THE  
FORESIGHT BACK 40-YEARS AGO.....THEY ALLOCATED ONLY SIX LOCAL CLASS IV  
CHANNELS OUT OF THE 107 CHANNELS IN THE "AM" BROADCAST BAND. THESE SIX  
LOCAL CHANNELS NOW SERVE 1,010 STATIONS WITH FULLTIME BROADCAST SERVICE  
WHILE CLEAR CHANNEL AND REGIONAL STATIONS OPERATE FULLTIME ON THE OTHER 101  
BROADCAST CHANNELS. SOME OF THESE FULLTIME STATIONS EXERT INFLUENCE ON THE  
F.C.C. TO KEEP THE SITUATION THE WAY IT IS....WITH THE HOPE OF GETTING  
ADDITIONAL LISTENERS FOR THEMSELVES WHEN THE DAYTIME STATIONS, LIKE OURS,  
LEAVE THE AIR AT SUNSET. THEY ARE NOT CONCERNED ABOUT YOUR NEED FOR LOCAL  
RADIO BROADCAST SERVICE IN COMMUNITIES SUCH AS OURS.

WAY BACK WHEN THESE OUT-DATED FEDERAL RULES WERE MADE, THERE WERE  
ONLY ABOUT 500 RADIO STATIONS SERVING THE ENTIRE UNITED STATES. NOW THERE  
ARE 4,500 "AM" RADIO STATIONS, ABOUT 3,000 "FM" STATIONS AND 1,000 TELEVISION  
STATIONS SERVING THE 220-MILLION PEOPLE IN THE U.S.A.

THE TIME HAS COME FOR THIS RIDICULOUS SITUATION TO BE CORRECTED.  
HERE IS HOW YOU CAN HELP. WRITE A LETTER THIS EVENING TO YOUR TWO SENATORS  
AND CONGRESSMAN. TELL THEM THAT YOU PAY YOUR TAXES, VOTE, LIVE AND BREATHE  
JUST THE SAME AS YOUR CITY-COUSINS AND THAT YOU ARE TIRED OF BEING  
DISCRIMINATED AGAINST BY YOUR OWN FEDERAL GOVERNMENT WHEN IT COMES TO LOCAL  
"AM" RADIO BROADCAST SERVICE. THERE IS A SOLUTION TO THIS PROBLEM.

(over)



THE F.C.C. JUST DIDN'T ALLOCATE ENOUGH LOCAL CHANNELS....ONLY SIX OUT OF THE 107 CHANNELS. THE F.C.C. DIDN'T MAKE THE SAME MISTAKE IN "FM" AND "TV".  
.....BUT THEY REFUSE TO RE-ALLOCATE THE "AM" BROADCAST BAND TO SERVE THE GROWING NEEDS OF LOCAL BROADCAST SERVICE. SO, WRITE THAT LETTER TONIGHT. TELL THEM YOU ARE TIRED OF BEING ABLE TO HEAR YOUR LOCAL "AM" RADIO STATION ONLY FROM SUNRISE TO SUNSET....TELL THEM THIS DISCRIMINATION SHOULD AND MUST BE STOPPED. ADDRESS YOUR LETTER TO:  
YOUR U.S. SENATORS SHOULD BE ADDRESSED BY NAME TO THE "SENATE OFFICE BUILDING, WASHINGTON, D. C. 20510. ADDRESS CONGRESSMAN \_\_\_\_\_, HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515.  
D O T H I S T O N I G H T. D O N ' T P U T I T O F F!  
THERE IS JUST NO VALID REASON FOR THIS DISCRIMINATORY PRACTICE TO CONTINUE. THE FEDERAL GOVERNMENT SHOULD NOT TREAT SOME OF THEIR CITIZENS BETTER THAN OTHERS WHEN IT COMES TO PROVIDING LOCAL CHANNELS FOR LOCAL BROADCAST SERVICE.

NOTE: (If you have a fulltime "FM" affiliate)

\_\_\_\_\_ years ago....in \_\_\_\_\_, we spent thousands of dollars to build \_\_\_\_\_ so we can serve you more than from Sunrise to Sunset with WXXX-FM LOCAL Radio programming. As our "AM" station is forced off the air by Federal Government regulation out of Washington, we invite you to tune to \_\_\_\_\_ on your FM dial for continued LOCAL Radio broadcasting service.



# DAYTIME BROADCASTERS ASSOCIATION

(Suggested SIGN-OFF announcement for Daytime-only stations to broadcast just before sunset to inform the listeners of the unjust practice)  
RE-EDIT TO FIT YOUR PARTICULAR SITUATION

SUNDOWN IS SIGN-OFF TIME FOR \_\_\_\_\_, \_\_\_\_\_ on YOUR "AM" RADIO DIAL.....WHY MUST THE RESIDENTS OF WXXX - AM 1170 THIS AREA BE DENIED LOCAL RADIO BROADCAST SERVICE ON "AM" WHILE OUR CITY-COUSIN NEIGHBORS CAN CONTINUE TO LISTEN TO THEIR LOCAL "AM" STATION THROUGHOUT THE NIGHT ? IT IS SIMPLY A CASE OF OUR FEDERAL GOVERNMENT SETTING UP RULES AND REGULATIONS, AND ALLOCATING THE 107 "AM" BROADCAST CHANNELS IN SUCH A MANNER THAT THERE CAN BE ONLY SIX LOCAL FULLTIME CHANNELS WHILE THE REMAINING 101 CHANNELS ARE ASSIGNED TO SOME 1200 FULLTIME STATIONS.

HALF OF THE 4500 "AM" BROADCAST STATIONS IN THE UNITED STATES ARE LIKE W X X X AND ARE FORCED OFF THE AIR BY THE FCC AT SUNSET. DURING THIS MONTH OF \_\_\_\_\_, WE CANNOT SIGN-ON OUR "AM" FACILITY UNTIL \_\_\_\_\_ AM AND MUST SIGN-OFF AT \_\_\_\_\_ PM. NEXT MONTH, IN \_\_\_\_\_ WE CANNOT SIGN-ON THE AIR UNTIL \_\_\_\_\_ AM AND WILL HAVE TO SIGN-OFF AT \_\_\_\_\_ PM. THE FCC MADE THESE BASIC RULES 40-YEARS AGO AND REFUSE TO CHANGE THEM, SO AS TO PROVIDE MUCH NEEDED LOCAL SERVICE ON THE "AM" BROADCAST BAND. THERE ARE 1500 COMMUNITIES IN THE UNITED STATES THAT HAVE NO LOCAL "AM" SERVICE AFTER SUNDOWN. 713 OF THESE 1500 DO NOT HAVE LOCAL "FM" SO ARE COMPLETELY WITHOUT LOCAL RADIO BROADCAST SERVICE AFTER SUNSET. THIS RESULTS IN THE RANKEST FORM OF GOVERNMENTAL DISCRIMINATION TO SOME 45-MILLION OF OUR POPULATION. THE FCC IS AN AGENCY OF THE U.S.CONGRESS. OUR CONGRESSMEN CAN AND SHOULD CORRECT THIS RIDICULOUS SITUATION. THE COMMUNICATIONS ACT HAS BEEN RE-WRITTEN AND PROMISES TO CORRECT THIS TERRIBLE SITUATION. IT IS TIME TO END THIS FEDERAL GOVERNMENT FORCED DISCRIMINATION BECAUSE OF THEIR RULES WHICH DENIES SOME 45-MILLION CITIZENS, LOCAL "AM" RADIO BROADCAST SERVICE AT NIGHT. PEOPLE LIKE US....LIVING RIGHT HERE IN THE \_\_\_\_\_ AREA WHERE LOCAL "AM" BROADCASTING ENDS AT SUNSET.

THIS IS TYPICAL OF THE "HORSE AND BUGGY" REGULATIONS OF A HUGE FEDERAL BUREAUCRACY SUCH AS THE F.C.C. WHICH HAS BECOME SELF-SERVING INSTEAD OF TRULY SERVING THE LOCAL NEEDS OF THE PEOPLE GOVERNMENT IS SUPPOSED TO SERVE. OF COURSE, THE DISTANT FULLTIME STATIONS WOULD LIKE TO KEEP THE SITUATION JUST AS IT IS....FORCING DAYTIME-ONLY STATIONS OFF THE AIR AT SUNSET SO THAT PERHAPS THEY WILL GET MORE LISTENERS FOR THEMSELVES.

THE F.C.C. SHOULD HAVE CORRECTED THIS SITUATION BACK IN 1946, RIGHT AFTER WORLD WAR-TWO, WHEN THERE WERE ONLY 53 DAYTIME STATIONS....IT COULD HAVE BEEN DONE BY ALLOCATING 20 INSTEAD OF ONLY SIX CLASS IV, LOCAL FULLTIME CHANNELS OF THE 107 BROADCAST CHANNELS FROM 540 to 1600 KILO-HERTZ.

WOULD YOU LIKE TO HELP CORRECT THIS TERRIBLE SITUATION ? YOU CAN.... IF YOU ARE ONE OF THE 45-MILLION CITIZENS, LIVING IN AN <sup>AREA</sup> ~~COMMUNITY~~ LIKE \_\_\_\_\_ WHERE YOUR LOCAL AREA "AM" STATION IS FORCED OFF THE AIR AT SUNSET, THEN WRITE TONIGHT, TO YOUR U.S.CONGRESSMAN AND YOUR TWO U. S. SENATORS. TELL THEM YOU WANT THE F.C.C. TO BRING THEIR OBSOLETE RULES UP-TO-DATE ....THAT THE "HORSE AND BUGGY" DAYS ARE GONE FOREVER. TELL THEM THAT YOU ARE TIRED OF BEING DISCRIMINATED AGAINST WHEN IT COMES TO LOCAL RADIO BROADCAST SERVICE....THAT OUR COMMUNITY DESERVES MORE THAN LOCAL SERVICE ONLY FROM SUNRISE TO SUNSET. TONIGHT...WRITE TO YOUR CONGRESS- MAN: ,ADDRESS: CONGRESSMAN \_\_\_\_\_, U.S.HOUSE OFFICE BUILDING, WASHINGTON, D.C. ZIP CODE 20515. TO OUR U.S.SENATORS, ADDRESS IT.... SENATOR \_\_\_\_\_, U.S.SENATE OFFICE BUILDING, WASHINGTON,D.C. 20510. DON'T PUT IT OFF....WRITE TONIGHT.

NOTE:

(IF YOU HAVE FM) THANK GOODNESS WE HAVE FM WHICH SIGNS ON EVERY DAY AT \_\_\_\_\_ AM AND REMAINS ON THE AIR UNTIL \_\_\_\_\_ PM. IT IS \_\_\_\_\_ ON YOUR "FM" DIAL. AS \_\_\_\_\_ LEAVES THE AIR....WE INVITE YOU TO SWITCH TO "FM" FOR CONTINUED LOCAL RADIO BROADCASTING SERVICE.





# DAYTIME BROADCASTERS ASSOCIATION

Ray Livesay, President  
DBA - Board of Directors  
P. O. Box 322  
MATTOON, ILLINOIS 61938  
Phone: (217) 234-6464

November 18, 1980

Dear Daytime Broadcaster:

DO YOU WANT "FULLTIME" FOR YOUR DAYTIME STATION ?

We understand there are a few Daytimers who prefer to remain daytime, just as you are now...but, there are several hundred others who would like to improve their service to their communities by being able to broadcast "FULLTIME".

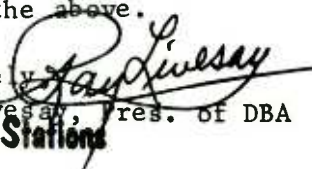
Things are changing fast in broadcasting, and we can expect many more changes in the next few years. There are now 2,380 "Daytimers" in the USA...these stations are required to shut down their LOCAL "AM" broadcast service at sundown. Millions of dollars in broadcast equipment must become idle and 46,000,000 citizens denied a LOCAL "AM" broadcast service because the "Fulltime Giants" of our industry have wanted it to be that way. They have manipulated the rules and regulations of the FCC in order to control their competition. No other country in the world has done this to their citizens. Canada has only eight (8) daytime-only stations in their entire country. Mexico has a few. WHY HAS THE UNITED STATES DISCRIMINATED AGAINST 46,000,000 of our CITIZENS WHEN IT COMES TO LOCAL BROADCAST SERVICE ?

We know that it does not have to be this way. New AM radio broadcast channels are being created by a proposed change in channel spacing from 10 to 9 kHz, similar to the systems now being used in all the rest of the world. WARC-79 extended the AM band up to 1705 kHz. The FCC cleared the way for some 125 new fulltime stations on clear channel frequencies in their decision in Docket 20,642. Daytimers must come in for their share of these new channel opportunities in order to improve our LOCAL broadcast services into the evening hours.

DAYTIMERS have been represented on the FCC/INDUSTRY ADVISORY COMMITTEE through the DBA from the very beginning. Meetings are being held in Washington every month in preparation for the next big Region-2 Conference in Rio de Janeiro, Brazil in November 1981. Sub-regional sessions are to be held with Canada and Mexico. These are the sessions where the detailed work is done and papers prepared. DAYTIMERS do not want to lose our Pre-Sunrise Authority which permits us to sign-on at 6:00 AM local time with a maximum of 500 watts power on the Class III Regional channels and on the seven Mexican clear channels. Approximately 1,500 Daytimers operate on these channels and greatly benefit from PSAs. Just one of the many reasons you should be a member of DBA and help us pay the costs of being there in your best interest. (\$100. a year is a small price to pay for such great benefits of the past and hope in the future)

PLEASE FILL OUT THE ENCLOSED MEMBERSHIP BLANK AND RETURN WITH YOUR CHECK TODAY!

One of the main reasons we are writing to you today is to get information from you to include in our DBA COMMENTS to be filed soon with the FCC. Procedures in Region-2 (N. & S. America) now require that all countries file anticipated plans and needs of their stations through 1987. DBA is now preparing comments to file in early December with the FCC, setting forth daytime stations needs. We can only do this if you cooperate. SO PLEASE, read the enclosed background material so you can carefully and intelligently answer the questions in the enclosed questionnaire. PLEASE, COMPLETE AND RETURN THE ENCLOSED QUESTIONNAIRE NOT LATER THAN, NOV. 30, 1980 to the above. This does not obligate you to the FCC or to the DBA, whatsoever.

Sincerely,  
  
Ray Livesay, Pres. of DBA

RL:11 enc

**"LOCAL" Community Radio Broadcast Service Needs "Fulltime" For Daytime Stations**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

BC  
FCC 80-476  
27919

In the Matter of: ) BC Docket No. 79-164  
9 kHz Channel Spacing for ) RM-3312  
A M Broadcasting ) RM-3683

INTERIM REPORT AND FURTHER NOTICE OF INQUIRY

Adopted July 31, 1980 ; Released: August 8, 1980

1. The March, 1980 First Session of the Region 2 (Western Hemisphere) Administrative Conference on MF Broadcasting (Conference) contemplating the possible adoption by the 1981 Second Session of a Plan for conversion to 9 kHz-spaced AM channels throughout Region 2, requested the International Frequency Registration Board of the International Telecommunications Union to make a study comparing 10 and 9 kHz spacing. The Commission and parties commenting further in this proceeding should take due cognizance of this possibility for 9 kHz spacing of all AM stations in the Western Hemisphere, conforming with AM channel spacing now observed throughout the rest of the world.

3. II What classifications should be assigned to new channels resulting from a new channel spacing plan?

5. The First Session of the Region 2 Conference adopted a proposal that all AM stations in Region 2 be placed within one of three classifications:

Class A: Stations intended to serve extensive primary and secondary service areas. They are to be protected against interference accordingly. With some exceptions in the case of stations included in initial notifications, their maximum power would be 50 kW.

Class B: Stations intended to provide protected primary service to one or more population centers and contiguous rural areas. They would operate with a maximum power of 50 kW.

Class C: Stations intended to provide protected primary service to a city or town and contiguous areas. They would have a maximum power of 1 kW.

The Report of the First Session does not indicate an intention to establish a Region 2 classification for AM channels or frequencies (as distinguished from AM stations), as is done within the United States and in agreements now in existence between the United States and neighboring North American and Caribbean countries. Rather, it appears likely that each country would be permitted to place stations of the three regionally recognized classes on any AM broadcast channel, subject to regional, subregional and domestic protection requirements.

6. Whatever develops in this regard, the basic question now before us is the same: what facilities--and in particular, what power and what degree of protection against interference from other U.S. stations-- should be provided for stations operating on the twelve prospective new channels which 9 kHz spacing would make available, subject, of course, to regional and subregional restrictions on interference to stations in other countries. We noted in our Report and Order in the recently terminated Clear Channel proceeding, Docket 20642, 45 Fed. Reg. 43172, the demands for many hundreds of additional aural broadcast stations for numbers of purposes including the following:

-permitting full time operation by daytime-only AM stations, of which there are over two thousand;

-providing for more noncommercial radio stations. The Corporation for Public Broadcasting foresaw an eventual need for as many as one thousand additional noncommercial stations.

- increasing the numbers of minority-owned stations to remedy the extreme under-representation of minorities in broadcasting;
- providing the first and second full-time locally assigned radio stations to the many communities now lacking them;
- providing for other recognized aims of the broadcast service.

It is apparent that it would require thousands of additional full-time radio stations to satisfy the foregoing needs fully. In these circumstances, and in view of the extensive provisions for wide area service on the clear channels, we think it desirable to provide, for possible new AM channels, stations generally limited to 1 kW, protected from interference to the .5 mV/m groundwave contour daytime and to their 4 mV/m ground-wave contour at night by other U.S. stations. This would generally make possible service areas with sufficient radius (on the order of 20 miles, more or less) to serve substantial cities and suburban areas, or smaller towns and adjacent rural areas. Power higher than 1 kW would reduce the numbers of possible new unlimited time stations without offering sufficiently compensating advantage. Apart from the question of maximum power, we note that the kinds of conditions now applied to Class IV stations have created unsatisfactory results, and it appears undesirable to apply Class IV allocation methods to the new channels.

7. In these circumstances we favor consideration of a general maximum power of 1 kW and the indicated degree of protection for unlimited-time stations which could be assigned to the 12 newly created channels if 9 kHz spacing is adopted. This corresponds with standards now applicable to U.S. Class III-B Regional Stations. Parties may wish to comment on the possible desirability of setting lower maximum power for lower frequencies.

- - - - -

12. The orderly consideration of alternative approaches to spectrum allocation requires the establishment of existing and future demand for aural service and the adoption of threshold requirements in light of that demand. 2/ The demand for additional spectrum has been impressed upon the Commission by the parties in various proceedings, including Clear Channel and Class IV Nighttime Power Increases. While persuasive, those general expressions of demand do not provide all the concrete information needed in this proceeding, as well as for the purpose of preparing to act upon schedules adopted by the First Session of the Region 2 Conference calling for the submission, by each Western Hemisphere country, on May 31, 1981, of its projected station needs during the period 1983 through 1987. We therefore invite interested parties to submit estimates of the demand for additional aural facilities through 1987. Both statements of the intention to file for facilities as they become available and comprehensive studies of needs will be welcomed. Parties submitting station requirements should indicate the principal community to be served, and whether the assignments would be: 3/

- (a) the first or second locally assigned unlimited-time station serving
  - (i) an identified community for which an unused commercial FM channel is neither presently assigned nor proposed to be assigned in a docketed rule making proceeding, or
  - (ii) an identified community to which a commercial FM channel is assigned or is proposed in a docketed rule making;
- (b) a noncommercial station;
- (c) a station that would be more than 50% owned by minority persons;
- (d) a full-time upgrade of a daytime-only station;
- (e) a station that would provide a first nighttime primary radio service to more than 25% of their interference-free service area of population;

2/ Such requirements are presently reflected in Section 73.37(e) of our Rules

3/ The sequence is not intended to indicate the relative importance of the several listed categories.



- (f) a station which would meet the requirements of Section 73.37 (e)(2)(iii) or our rules concerning provision of a satisfactory signal to at least 80% of the population of the principal city;
- (g) a station which would come under none of the foregoing categories, and which, accordingly, would be permissible only if the present Section 73.37 (e)(2) restrictions were removed.

Responses to this inquiry as to long-term demand (through 1987) will be welcomed from persons interested in individual stations in specific places, as well as from organizations or other parties able to project and support showings of nationwide needs, expressed in terms of numbers of stations and the principal communities to which they would be assigned. Once this demand information has been accumulated, it is our intention, if warranted, to institute a rule making, at an appropriate time, looking towards the amendment of Section 73.37 (e). Because of the above-mentioned time constraint created by the Region 2 Conference, we are establishing an Oct. 1, 1981 deadline for submission of information on the long-term demand for radio stations, one month earlier than the deadline for comments on other matters..

IX. What would be the economic impact expected in converting to 9 kHz channel spacing?

18. In view of the cost ranges which the record indicates for conversion to 9 kHz, as set out in the appended report, we do not find cost to be a barrier to realizing the benefits of the added stations which 9 kHz would make possible to meet the above-noted service needs. The Commission is prepared to consider such steps, in the form of modifying measurements and proof-of-performance requirements applicable to directional antennas, as may reduce conversion costs without undue sacrifice of or hazard to existing interference protection. A contract study of costs is being made. When the study report is completed and provided to the Commission, it will be publicly released.

X. What would be the impact of several hundred additional full-time operations on the radio marketplace?

19. Upon review of the comments filed in response to this question, the Commission believes that it would be unproductive to attempt to pursue further the question of the extent to which markets of various sizes may or may not be in a position to furnish requisite financial support for additional AM broadcast stations. Congress established the framework for regulation of broadcasting as a competitive industry, and it has so operated for over half a century. The question of possible adverse effects of adding stations has been put at issue only with respect to individual applications and then only under the familiar Carroll limitations. Particularly at the present stage when legislative, executive and regulatory policy favors reducing regulatory restrictions on the conduct of broadcast operations, it becomes even more appropriate that the marketplace govern the question of how many radio stations are called for to render needed service in communities of all sizes. In short, the Commission believes no attainable or practicable purpose could be served by seeking to establish ways and means of evaluating the capacities of different communities to support additional stations. We propose to leave that for determination by the market itself. Any parties who nevertheless believe that the Commission should attempt to provide economic protection against competition from more stations are free to submit, under this issue, any data, analyses and arguments which support their position, and any such submissions will be duly considered.

XI. Is AM Stereo compatible with nine kHz channel spacing?

20. The Commission believes it has been sufficiently established that AM Stereo would be compatible with nine kHz channel spacing.

COMPARISON OF CANADIAN AND THE UNITED STATES 9 kHz SEPARATION PLANS IN "AM" BAND

Old 10 kHz Channels	USA Plan	CANADIAN
540 kHz	0	0
550	-1 kHz	-1 kHz
560	-2	-2
570	-3	-3
580	-4	-4
*N E W*	585	
590	+4	-5
600	+3	-6
610	+2	-7
620	+1	-8
630	0	-9
		*NEW*
		*NEW*
640	-1	+8
650	-2	+7
660	-3	+6
670	-4	+5
*N E W*	675	
680	+4	+4
690	+3	+3
700	+2	+2
710	+1	+1
720	0	0
730	-1	-1
740	-2	-2
750	-3	-3
760	-4	-4
*N E W*	765	
770	+4	-5
780	+3	-6
790	+2	-7
800	+1	-8
810	0	-9
		*NEW*
		*NEW*
820	-1	+8
830	-2	+7
840	-3	+6
850	-4	+5
*N E W*	855	
860	+4	+4
870	+3	+3
880	+2	+2
890	+1	+1
900	0	0
910	-1	-1
920	-2	-2
930	-3	-3
940	-4	-4
*N E W*	945	
950	+4	-5
960	+3	-6
970	+2	-7
980	+1	-8
990	0	-9
		*NEW*
		*NEW*
1000	-1	+8
1010	-2	+7
1020	-3	+6
1030	-4	+5
*N E W*	1035	
1040	+4	+4
1050	+3	+3
1060	+2	+2
1070	+1	+1
1080	0	0
1090	-1	-1
1100	-2	-2
1110	-3	-3
1120	-4	-4
*N E W*	1125	
1130	+4	-5
1140	+3	-6
1150	+2	-7
1160	+1	-8
1170	0	-9

Old 10 kHz Channels	USA PLAN	CANADIAN
		*NEW*
		*NEW*
1180 kHz	-1 kHz	+8 kHz
1190	-2	+7
1200	-3	+6
1210	-4	+5
*N E W*	1215	
1220	+4	+4
1230	+3	+3
1240	+2	+2
1250	+1	+1
1260	0	0
1270	-1	-1
1280	-2	-2
1290	-3	-3
1300	-4	-4
*N E W*	1305	
1310	+4	-5
1320	+3	-6
1330	+2	-7
1340	+1	-8
1350	0	-9
		*NEW*
		*NEW*
1360	-1	+8
1370	-2	+7
1380	-3	+6
1390	-4	+5
*N E W*	1395	
1400	+4	+4
1410	+3	+3
1420	+2	+2
1430	+1	+1
1440	0	0
1450	-1	-1
1460	-2	-2
1470	-3	-3
1480	-4	-4
*N E W*	1485	
1490	+4	-5
1500	+3	-6
1510	+2	-7
1520	+1	-8
		*NEW*
		*NEW*
1530	0	+9
1540	-1	+8
1550	-2	+7
1560	-3	+6
1570	-4	+5
*N E W*	1575	
1580	+4	+4
1590	+3	+3
1600	+2	+2

(ADDITIONAL 9 kHz Channels as the result of WARC-79 extension of the MW broadcast band)

1610	+1	+1
1620	0	0
1630	-1	-1
1640	-2	-2
1650	-3	-3
1660	-4	-4
*N E W*	1665	
1670	+4	-5
1680	+3	-6
1690	+2	-7
1700	+1	-8
		1701

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**  
December 5, 1978

R DEC 8 1978

Mr. John B. Weeks  
WCJW  
2 Merchants Road  
Warsaw, New York 14569

Dear Mr. Weeks:

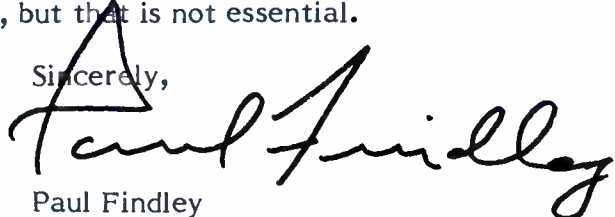
Will you take 60 seconds to insure the future of daytime broadcasters and the 45 million people who listen to them each day? Enclosed is a pre-addressed postcard containing a few very important questions about the radio service you provide, and would like to provide, to your listeners. The most important question is: Would you like to stay on the air longer hours than you are currently permitted? Please fill out this card, put a stamp on it, and send it back to me. Do it right now, so that it doesn't get lost.

The battle in Congress to help all daytimers get the right to operate longer hours has been very successful so far. Starting with just a handful of supporters, we were able to garner the cosponsorship of 108 Congressmen--over one-fourth of the House of Representatives--for a resolution supporting the daytimers' position. That strong showing got the attention of the Communications Subcommittee, which agreed to include our resolution in Section 412 of their bill rewriting the Communications Act of 1934. If the Communications Rewrite becomes law during the next Congress, all daytimers will have won their battle. The FCC will be required to find a way to allow you to broadcast full-time, if you wish.

We have made so much progress that some members of the broadcasting industry are getting worried. You may have heard of NAB president Vincent Wasilewski's letter to me criticising my work on behalf of daytimers. I thought you should have the full story, and therefore I am sending you a copy of my response.

Remember, please fill out the survey card right now. I hope you will fill in your name and call letters, but that is not essential.

Sincerely,



Paul Findley  
Representative in Congress

Enclosure



**Congress of the United States**  
**House of Representatives**  
**Washington, D. C.**

December 1, 1978

Mr. Vincent T. Wasilewski, President  
National Association of Broadcasters  
1771 N Street, N.W.  
Washington, D.C. 20036

Dear Mr. Wasilewski:

Your letter of September 19 raises so many questions and is so open to misinterpretation that I hardly know where to begin in making a response. Let me start with a comment on your assertion that the National Association of Broadcasters "has never taken a position in the argument between the daytimers and the clear channel stations." If that were true, then I wonder why your September 19 letter required four pages to state your nonposition. In fact, your statement that permitting daytimers to operate full time will result in "chaos on the airwaves" and "less service to Americans, not more" belies the mantle of impartiality you have attempted to assume. As if that were not enough, other NAB officials have continually denigrated the daytimers' hopes of providing local nighttime radio service to the 45 million Americans currently without it. For example, in your own "Radio Active" publication of October 1978, Jim Hulbert delights in belittling the daytimers' (and all rural Americans') desire for local radio service. In addition, Walter May, the Chairman of your Radio Board, has been quoted in Broadcasting Magazine as questioning the ability of daytimers to provide nighttime service. Far from being impartial, the NAB has lead the attack on daytimers, and indirectly on the millions of Americans who rely upon them for radio service.

Even if NAB had managed to remain strictly neutral, I must confess I would question the wisdom, not to mention the public spirit, of a position that permits 45 million Americans to go without local radio service for half of their lives. I would think that the NAB would want to use its expertise to find some way to allow the local stations that serve these Americans to provide local news, weather information, emergency broadcast service, and entertainment to them each evening.

The main point of your letter, I assume, is that "a false promise is being held out" to daytimers, and that certain unspecified "treaties" and "laws of nature" will make it impossible for more than a "minority percentage" of daytimers to be assisted by the language of section 412 of the Communications Rewrite. Your letter makes it sound as if these "treaties" and "laws of nature" are immutable, when in fact as you know, that is not the case.

First, let's discuss treaties. NAB's position seems to be that the existence of certain treaties makes it impossible to allow daytimers to stay on the air at night on certain foreign clear channels. Yet surely you realize that already there are many full-time stations in the United States assigned to foreign clear channels. For example, WGAR in Cleveland, Ohio is a 50,000 watt full-time station assigned to 1220 Khz, a Mexican clear channel. The table of assignments is rife with such instances where full-time U.S. stations are located on foreign clear channels. When the treaties were negotiated with our neighbors to the north and south, these stations were granted permission to operate full time. If WGAR and other stations can be authorized to broadcast on foreign clear channels at night, hundreds of daytime stations can be granted a similar opportunity. Let there be no doubt about it, at a minimum section 412 of the Communications Rewrite directs the federal government to renegotiate these treaties and wherever possible, find a way to allow daytimers located on foreign clear channels to stay on the air at night. What is fair for WGAR and dozens of similarly situated stations is fair for the daytimers. And, it is good public policy for millions of Americans who have no nighttime radio service.

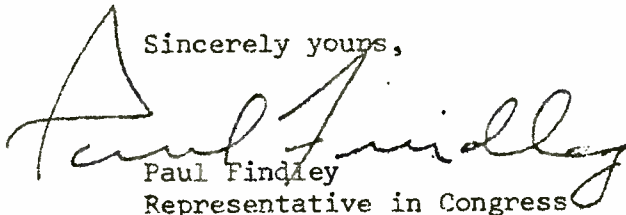
Finally, there are those "laws of nature" that you say will have to be changed if we are to avoid "increased interference...because of the physical properties of the AM band wave." You close with the gratuitous comment that you would like to "try to explain [to me] what is a very technical and complicated matter." In fact, there are no laws of nature that say that daytimers must go off the air at sunset. The laws of nature are not the problem. The problem is an engineering straight jacket adopted by the Federal Communications Commission and apparently supported by the National Association of Broadcasters (which nevertheless protests its impartiality). The problem is an antiquated and archaic table of assignments that bears no relation to present day technology and needs. The last re-allocation of the AM band occurred in the 1930s and became effective in 1941. Now, almost 40 years later, 45 million Americans, most of whom live in rural areas outside the metropolitan cities, are still denied local AM nighttime service. They do not understand why they should be discriminated against, nor do their Congressmen understand why. The latter now know that there are several ways to solve the problem and provide additional service and they are determined that their constituents will be served. One such way was contained in Chairman Van Deerlin's letter to me dated June 20, 1978, which proposes an end to the protection afforded secondary service contours of clear channel stations. There are other ways, all of them sound from an engineering standpoint and all of them conforming to "the laws of nature."

The 2300 daytimers could be given the opportunity to move off all the U.S. and foreign clear channels and off the regional class III channels if 14 additional class IV local full-time channels can be found in the AM broadcast band. Finding the needed additional class IV local channels is the responsibility of our experts at the Federal Communications Commission, as well as broadcast industry leaders like the NAB. It is far from a hopeless quest. For example, AM radio operates very successfully in Europe with nine kilohertz separation between channels, instead of the ten kilohertz we use in this country. If a nine kilohertz separation were adopted in North America between 530 and 1610 Khz, 14 new channels would be created, enough to allow every station in the country to broadcast full time and every American to receive local radio service.

The same goal can be accomplished in yet a third way. It would be relatively simple to consolidate the 25 U.S. class 1-A clear channel stations on half as many channels, thereby freeing enough frequency spectrum to permit all daytimers to operate as class IV full-time stations. Such a plan of consolidation would not require any clear channel station to change its frequency by more than just a few kilohertz (listeners would not even know the change had been made) and it would not impair their service in any relevant market. It would, however, allow 45 million Americans to receive local nighttime radio broadcast service who are currently being deprived of it.

These are three ways of solving this "very technical and complicated" problem. Undoubtedly there are others, and perhaps some are better yet. The point is that a significant proportion of our population is being discriminated against because it does not receive fair use of the radio frequency spectrum. The discrimination is real and undeniable. It deprives them of entertainment, news, emergency service and public information which they desperately need. The current system is not fair and it must be changed. Congress is searching for the best way to make that change and I have no doubt that something will be done. I sincerely hope that you will dedicate the resources of the NAB to help find a way to provide local full-time radio service to all Americans, rather than supporting the status quo or standing idly by.

Sincerely yours,

  
Paul Findley  
Representative in Congress