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WASHINGTON, D.C.

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March 3, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Room 222  
Washington, D.C. 20554

Re: CFR 47, Section 74.24(d)

Dear Ms. Searcy:

Enclosed herewith are 12 copies (original and 11) of a Petition for Rule Making prepared by the Association of Federal Communications Consulting Engineers which requests modification of Section 74.24(d) of the FCC Rules and Regulations concerning short term operation.

If there are any questions concerning this filing, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Warren M. Powis".

Warren M. Powis  
AFCCE President

WMP:mcw

Enclosure

cc: Engineering Rules and Standards  
Committee (w/enc)  
Executive Committee Members (w/enc)

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Federal Communications Commission  
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ASSOCIATION OF

FEDERAL COMMUNICATIONS CONSULTING ENGINEERS

WASHINGTON, D. C.

Before the

Federal Communications Commission

Washington, D.C.

Petition for Rule Making

The Association of Federal Communication Consulting Engineers (AFCCE) hereby requests modification of §74.24(d) of the Commission's Rules. AFCCE is a professional association of telecommunications engineers practicing before the Federal Communications Commission. AFCCE members offer their professional engineering services in most areas of radio communication regulated by the FCC.

#### Introduction

§74.24 of the Rules provides for short-term operation of certain classes of broadcast auxiliary stations. Such operation is carried out by licensees whose basic facilities are licensed under Part 73, without prior authorization from the FCC.

One of the conditions of such operation under §74.24(d) limits short-term operation to 720 hours per year per frequency. AFCCE requests that this requirement be modified to allow stations to operate beyond 720 hours per year if an application proposing permanent operation of facilities identical to the short-term operation is pending before the Commission.

#### Discussion

The first sentence of §74.24(d) reads as follows:

Short-term operation by a Part 73 licensee shall not exceed 720 hours annually per frequency.

It is requested that the above be modified to the following:

Short-term operation by a Part 73 licensee shall not exceed 720 hours annually per frequency, except where FCC Form 313 has been filed to make permanent the short-term operation.

The proposed rule change should be made for several reasons.

Stations need greater flexibility in implementing auxiliary service operation. In the case of a studio-transmitter link for a radio station, the main studio location sometimes is not determined until a few months prior to operation. This few months' notice is often less than the FCC Form 313 processing time, which is now running at approximately four months. The Commission's auxiliary branch has informally advised the public that the granting of special temporary authority will be restricted.

Other provisions of §74.24 provide adequate protection to other facilities:

1. Short-term operation must be in conformance with all normally applicable regulations to the extent they are not superseded by the specific provision of the short-term rules of §74.24.<sup>1</sup>
2. Short-term operation is on a secondary, non-interference basis to regularly authorized stations and shall be discontinued immediately upon notification that interference is caused to the operation of an authorized station.<sup>2</sup>
3. Short-term operators are required to use only the power and antenna height necessary for satisfactory performance.<sup>3</sup>
4. An antenna used for short-term operation may not increase the height of any man-made antenna support structure by more than 6.1 meters (20 feet).<sup>4</sup>
5. Stations operating on a short-term basis are required to transmit identification.<sup>5</sup>
6. Stations operating on a short-term basis are required to notify the appropriate frequency coordination committee or any licensee(s) assigned the use of the proposed frequency with details of the proposed operation.<sup>6</sup>

To our knowledge, problems with short-term operation are rare. If abuses occur, the Commission remains free to make additional orders on a case-by-case basis as it deems necessary.<sup>7</sup>

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<sup>1</sup> See §74.24(b).

<sup>2</sup> See §74.24(c).

<sup>3</sup> *Ibid.*

<sup>4</sup> See §74.24(e).

<sup>5</sup> See §74.24(f).

<sup>6</sup> See §74.24(g).

<sup>7</sup> See §74.28.

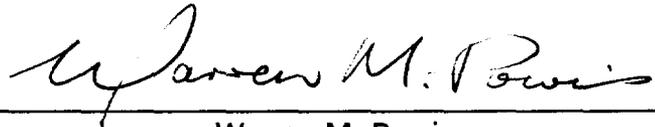
Conclusion

The provisions of §74.24(d) should be relaxed to allow operation beyond 720 hours pending disposition of an application for auxiliary station operation. The 720 hour limit can be maintained as a time limit to restrict operation that does not include FCC notification.

Adoption of the proposed rule will serve the public interest as it will relieve the Commission of the administrative burden of processing special temporary authority requests. It will allow broadcast stations needed flexibility in implementing auxiliary operation on a short-term basis.

For the above reasons, it is requested that this proposed rule making be adopted.

Report prepared by,

  
\_\_\_\_\_  
Warren M. Powis  
AFCCE President

  
\_\_\_\_\_  
Benjamin F. Dawson (by W.P.)  
AFCCE Engineering Rules and Standards Committee

March 3, 1992