(a) The contract to be adjusted must be a contract which was awarded prior to September 25, 1967, by an element of the Department of Defense, and which was being performed on or after March 1, 1966:

(b) The contractor must have suffered an actual loss, not merely a diminution of anticipated profits, under the con-

(c) The loss must result from increased milk prices actually paid to

producers:

(d) The increased producer price must have been the result of an action by the Secretary of Agriculture on or after March 1, 1966;

(e) The contractor must have been required to pay the increased price either because the price was mandatory under the terms of a Federal Milk Marketing Order, or in the case of an unregulated handler, because the contractor was unable after reasonable effort to obtain the milk at less than the increased price;

(f) The price of the contract to be adjusted must not contain an amount to

cover the increase:

(g) The contract to be adjusted must not contain any other provision for price adjustment for the increased price of the milk used to perform the contract;

(h) The amount of adjustment authorized will be limited to the actual loss incurred under the contract; the adjustment will not provide compensation for diminution of anticipated profits.

#### § 1.328-4 Submission of requests by contractor.

request for adjustment under \$\$ 1.328-1.328-6 should be filed in duplicate with the purchasing office which awarded the contract. Requests submitted more than 2 years after completion of deliveries on the contract involved or after March 24, 1969, whichever is later, will not be considered.

### § 1.328-5 Forms of request by contractor.

The contractor's request shall normally consist of a letter stating the precise adjustment requested and the contractor's conclusions showing in terms of the standards set forth in § 1.328-3, why the contractor considers himself entitled to the adjustment requested. The contractor's request shall contain a statement of consent to inspection and audit of the contractor's books and records and shall be accompanied by information to support his request including but not limited to the following:

(a) A brief description of the contract under which adjustment is being sought, indicating the contract number, the contract date, the items of fluid milk for beverage purposes on the contract, the contract price or prices of each such item and the quantities actually deliv-

ered under the contract;

(b) A statement of payment received and payments due or to become due under the contract in paragraph (a) of this section;

(c) A detailed analysis of the monetary elements of the request, indicating precisely how the actual or estimated dollar amount of the request was reached;

(d) Any evidence available in support of facts alleged by the contractor including contemporaneous memoranda, correspondence, affidavits, receipted bills, or vouchers showing payments to producers or suppliers, and any other material;

(e) Relevant financial statements, cost analysis, or other data, including such additional financial data as are necessary to explain fully and to support monetary elements of the request for adjust-

(f) A statement of and evidence supporting the contractor's original breakdown of estimated costs of fluid milk for beverage purposes on the contract in paragraph (a) of this section, including the price estimated to be paid to producers;

(g) In the case of regulated dairies, evidence of-

(1) The Federal Milk Marketing Order producer price for fluid milk in effect and forecast for the contract period at the time the contract price for fluid milk was computed and submitted,

(2) The amount of the Federal Milk Marketing Order price at the time fluid milk was purchased for use in perform-

ing the contract, and

(3) How the price was changed by action of the Secretary of Agriculture, with an identification of the action/order under which the change was made;

- (h) In the case of unregulated dairies. evidence of the circumstances which caused the contractor to have to pay a higher price for the milk used to supply the contract requirements for fluid milk for beverage purposes than was included in the contract price for such milk, identification of the action of the Secretary of Agriculture which caused the increase and how the action of the Secretary of Agriculture affected the price the contractor was required to pay producers for milk:
- (i) Statement of total loss suffered under the contract, with detailed supporting analysis;
- (j) Statement of total loss resulting from the actions of the Secretary of Agriculture identified in paragraphs (g) and (h) of this section; and
- (k) Such other statements or evidence as may be requested by the contracting

### § 1.328-6 Processing cases.

- (a) Heads of Procuring Activities are responsible for reviewing and analyzing the requests for price adjustment and taking such action as is necessary to verify the contractor's submission. When an audit of the contractor's books or records is considered necessary, the Defense Contract Audit Agency will conduct such audit and provide an advisory report of its audit.
- (b) An adjustment of the contract price will not be authorized unless the contractor has established that he is entitled to an increase in the price under the standards set forth in § 1.328-3.
- (c) If it is determined by the Head of the Procuring Activity that the stand-

ards set forth in § 1.328-3 have been met, the contracting officer will be authorized to enter into a supplemental agreement adjusting the contract price, after a certification of the availability of funds has been obtained from the Department whose funds were used to pay for the milk delivered under the contract.

(d) In the event of a disagreement between the Head of the Procuring Activity and the contractor, the Head of the Procuring Activity will render a decision to the contractor in writing setting forth the facts determined by the Head of the Procuring Activity and, where applicable, a statement indicating wherein the contractor has failed to meet the standards set forth in § 1.328-3.

(e) The Department whose funds were used to pay for the milk delivered under the contract shall provide the funds necessary for any increase in price granted

pursuant to \$\$ 1.328-1.328-6.

[DPC 52, Mar. 24, 1987] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

> KENNETH G. WICKHAM, Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 67-4239; Filed, Apr. 18, 1967; 8:45 a.m.]

# Title 33 — NAVIGATION AND NAVIGABLE WATERS

Chapter II-Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS PART 204-DANGER ZONE REGULATIONS

Indian Creek, Fla., and Pacific Ocean, Calif.

1. Pursuant to the Provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362, 33 U.S.C. 499), § 203.446d is hereby prescribed governing the operation of a bridge across Indian Creek, Fla., effective 30 days after publication in the PEDERAL REGISTER, as follows:

#### § 203.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.

- (a) During the period from December 1 to April 1, inclusive, the owners of or agencies controlling the bridge shall not be required to open the drawspan between 11 a.m. and 6 p.m. except that the drawspan shall be opened each hour on the hour for sufficient time to pass any vessels awaiting passage, and except as provided in paragraph (b) of this section.
- (b) The drawspan shall be opened promptly for passage of a vessel in an emergency involving danger to life or property, cruise boats operating on regular schedules and vessels owned and operated by the United States. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time. [Regs., Mar. 29, 1967, 1507-32 (Indian Creek, Pla.)-ENGCW-ON]

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.200b is hereby prescribed to govern the use and navigation of a danger zone in the Pacific Ocean, California, effective 30 days after publication in the Pederal Register, as follows:

### § 204.200b Pacific Ocean, San Clemente Island, Calif.; naval danger zone off China Point.

(a) The danger zone. The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 200° true, 1.59 nautical miles; thence 308° true, 5.25 nautical miles; and thence 050° true to the shoreline.

(b) The regulations. (1) This area is used for shore bombardment by the U.S. Navy and vessels shall not enter the area during periods scheduled for firing, as published in local "Notice to Mariners".

(2) The regulations in this section shall be enforced by the Commandant, 11th Naval District and such agencies as he may designate.

[Regs., Mar. 30, 1967, 1507-32 (Pacific Ocean, Calif.)-ENGCW-ON]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

Kenneth G. Wickham, Major General, U.S. Army, The Adjutant General.

[FR. Doc. 67-4238; Filed, Apr. 18, 1967; 8:45 a.m.]

# Title 43—PUBLIC LANDS:

Chapter II—Bureau of Land Management, Department of the Interior

> APPENDIX—PUBLIC LAND ORDERS [Public Land Order 4194]

> > [Misc. 1695540]

### **NEW MEXICO**

### Amendment of Executive Order No. 7743 of November 19, 1937

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 7743 of November 19, 1937, transferring control and jurisdiction over certain acquired lands hereinafter described, from the Department of Agriculture to the Department of the Interior for conservation purposes in connection with the administration of the Taylor Grazing Act, is hereby amended to the extent necessary to permit use, administration or disposal of

the following described lands under the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and other applicable statutes, or under the general land management authority of the Secretary of the Interior including the authority to grant licenses and easements upon such lands, upon such terms as the Secretary of the Interior or his delegate may deem reasonable, and in accordance with appropriate regulations:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 1 E., Sec. 30, N1/2.

Containing 320 acres.

HARRY R. ANDERSON, Assistant Secretary of the Interior.

APRIL 12, 1967.

[F.R. Doc. 67-4246; Filed, Apr. 18, 1967; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[Docket No. 17095; FCC 67-456]

### PART 73—RADIO BROADCAST SERVICES

# Table of Assignments, FM Broadcast Stations; Port Jervis, N.Y., etc.

First report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Port Jervis, N.Y.; Rockville, Ind.; Waynesville, Mo.; Roanoke Rapids and Goldsboro, N.C.; Thibodeaux, La.; Crossville, Tenn.; Danville, Ill.; Lincoln and Omaha, Nebr.; Clinton, Okla.; Phoenix, Ariz.; Fresno, Calif.; San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex.; Columbus, Nebr.; Salt Lake City, Utah; Bemidji, Minn.; Longview, Wash.; and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on January 12, 1967 (FCC 61-54), and published in the FEDERAL REGISTER on January 17, 1967 (32 F.R. 464), proposing a number of changes in the FM Table of Assignments advanced by various interested parties and on the Commission's own motion. A number of comments were filed and all duly filed documents were considered in making the following determinations. Except as noted, the proposals were unopposed. All population figures are those shown in the 1960 U.S. Census, unless otherwise stated. This decision disposes of all petitions except RM-1034, RM-1051, RM-1065, RM-1043, and RM-1066 (Roanoke Rapids, N.C.; Crossville, Tenn.; Port Jervis, N.Y.; Thibodeaux, La.; and Phoenix, Ariz.)

2. RM-1078; Rockville, Ind. (Charles R. Banks.) In this case an interested party seeks the assignment of a first

Class A channel (285A) in a community not now having such an assignment without requiring any other changes in the table. While the community is small (2,756 persons), there is no AM station or FM assignment in all of Parke County, of which Rockville is the county seat. Parke County has a population of 14,804 persons. We are of the view that the proposal would serve the public interest since it would provide the first local radio outlet for the community of Rockville and its county and that it should be adopted. We are therefore assigning Channel 285A to Rockville, Ind.

3. RM-995; Waynesville, Mo. In response to a request for rule making from South Central Broadcasters, Inc., licensee of Station KJPW(AM), Waynesville, Mo., the Commission invited comments on a proposal to assign Channel 272A as a second FM assignment to Waynesville. We denied an earlier request to assign Channel 221A.

4. Waynesville has a population of 2,377 and its county (Pulaski) has a population of 46,567.1 It has been assigned one Class A Channel (249A) on which Station KFBD operates. The sole AM station in the community (KJPW) is licensed to petitioner and operates daytime-only. South Central urges that there is a clear need for a second assignment to serve the Waynesville-St. Robert-Fort Leonard Wood area. Petitioner points out that Fort Leonard Wood is in the immediate vicinity of Waynesville, has a normal population of over 38,000 persons, and uses Waynesville as its principal community. Petitioner argues that Fort Leonard Wood is an important community in its own right with its own needs and interests but that it must look to Waynesville to have these local needs met. Thus, it submits that there is a common school system for both communities, that Waynesville High School is used by students at the Fort and that the people at the Fort shop in Waynesville and generally look to it to meet their other needs. KJPW, petitioner alleges, provides the residents of the Fort with a local radio outlet during daytime hours only but a full time outlet is necessary to do a complete job. A letter from the commanding officer of the Fort is appended to support these claims. other services which are available or planned for the future, petitioner asserts that these stations do not provide local services for the area in question.

5. With respect to the impact that the proposed assignment would have on future needed assignments, petitioner amends its earlier request to the extent that it suggests that Channel 272A be assigned to Waynesville instead of Channel 221A. (It also suggests Channel 244A as an alternative.) It is shown in an attached engineering statement that this assignment would not preclude any future assignments on any of the six adjacent channels due to existing stations and assignments elsewhere. On Channel 272A, it is shown that there is only a small area in which this assignment

<sup>&</sup>lt;sup>1</sup> Included in this figure is the 38,000 population of nearby Fort Leonard Wood.

would preclude assignments on the same channel, that there are only three communities of over 1,000 in it, and that there are other assignments available even for these small communities. Thus, it is argued that the proposed assignment would have little impact on possible future use of any channels affected.

6. Fred Briesacher, Jr., licensee of KFBD, the existing FM station in Waynesville and applicant for a new AM station there (daytime only), opposes the addition of Channel 272A to that community. Mr. Briesacher submits that the proposal would not be conducive to a sound business future and would not serve the public interest. He states that Fort Leonard Wood cannot be compared to a civilian community as far as business is concerned, since little advertising support is available from it and since many of the personnel do their shopping in other communities and not in the immediate Fort Leonard Wood communities. He questions the close relationship between the Fort and Waynesville and cites proposed legislation to separate the school system of the two as an example. Reference is made to news-papers published in the general area as evidence of adequate outlets for self-expression. He cites the recent denial of a second FM assignment to Lebanon, Mo. to show the importance of economics in such requests. Finally, a number of stations are listed, which, Mr. Briesacher states, provide broadcast signals to Waynesville and Fort Leonard Wood.

7. In reply to Mr. Briesacher, South Central states that his question about the ability of the market to support a second Class A station is not based upon any actual estimates of revenue potential, purchasing power or needs of the community, and that the application for another AM station filed by him testifies to the needs and ability of the market to support another station. With respect to the denial of a second assignment to Lebanon, Mo., South Central submits that this case rested upon the fact that the requested assignment would deprive another community of its first FM assignment and in no way applies to the subject request.

8. We have carefully considered the contentions of the petitioner for the proposed second assignment in Waynesville and the opposition arguments of Mr. Briesacher and conclude that the Waynesville-Fort Leonard Wood area merits a second Class A assignment. We are of the view that a sufficient showing has been made as to the relationship between Waynesville and the Fort to warrant a determination that they should be considered together for the purpose of

FM station assignments. Nor do we feel the existence of newspapers in the general area and the presence of broadcast signals from other communities to be a bar to the assignment proposed. In the case of the specific assignment requested. petitioner has shown that it would not preclude use of 272A or any of the six adjacent channels in any other community of substantial size in which there may be a future need or where another assignment could not be made. factor distinguishes this case from others such as the Lebanon, Mo., case mentioned by Mr. Briesacher, wherein a second assignment was denied. In view of the foregoing we are adding the assignment of Channel 272A to Waynesville, Mo.

9, RM-1059; Danville, III. On November 9, 1966, the Commission invited comments on a request by Paul K. Bresee, prospective applicant for a new FM station in Danville, III., for the addition of Channel 256 to Danville as follows:

City	Channel No.	
	Present	Proposed
Danville, Ill	271, 276A	250, 271, 270 A

Danville, located near the east-central border of Illinois, has a population of 41,856, and is the county seat and largest community in Vermilion County, which has a population of 96,176. There are presently two fulltime AM stations in Danville, WITY and WDAN. WDAN-FM holds a construction permit for Channel 271 but no applications have been filed for Channel 276A. Since we did not believe that Danville warrants the assignment of three FM channels, and since we wished to avoid the mixture of Class A and B assignments in the same community in order to assign technically competitive facilities wherever possible, we invited comments on the assignment of Channels 256 and 271 only

10. Petitioner submits that the current population of Danville is 52,000 and attributes this increase over the 1960 figure to the recent influx of large manufacturing plants. He adds that WDAN-FM will duplicate a substantial portion of the AM programing and that there is a need for an independent broadcasting service. Finally he urges that no new FM station could survive on the available Class A channel due to the severe power and coverage limitations of such a station.

11. We are of the view that the proposed assignment of a second Class B channel to the large and important Danville market will serve the public interest and should be adopted. We are therefore assigning Channel 251 to Danville and deleting 276A in order that the two assignments will be of the same class.

12. RM-1061; Clinton, Okla. Western Oklahoma Broadcasting Co., licensee of Station KWOE(AM), Clinton, Okla., filed a petition for rule making on November

10, 1966, requesting the substitution of Channel 295 for 237A at Clinton, Okla., as follows:

City	Channel No.	
	Present	Proposed
Clinton, Okla	207A	295

At the time of our notice, no applications were on file for Channel 237A. However, since then an application has been filed (BPH-5606) for this assignment at Weatherford, Okla., under the "25 mile rule". Weatherford, a community of 4,499 persons is located about 14 miles from Clinton and in the same county. Clinton, a community of 9,617 persons, is located in the west-central portion of Oklahoma, about 80 miles west of Oklahoma City. It is the largest community (but not the county seat) in Custer County, which has a population of 21,040. KWOE, licensed to petitioner, is a daytime-only station and the sole radio station in the county. Petitioner points out that the western portion of Oklahoma is sparsely populated and that a new FM station, in order to be economically feasible, must draw upon a wide area for listener and advertising support. In view of this, it is urged a Class C operation is necessary and that such an operation would provide service to a wide area now without

any AM or FM nighttime radio service. 13. Normally, a community the size of Clinton would be assigned a Class A channel. However, in view of the sparsely populated area around the community and its great distance from centers of population, we are of the view that it merits a departure of our policy in this respect. We believe, therefore, that the assignment of Channel 295 to Clinton, Okla., will serve the public interest. In view of the demand for Channel 237A at Weatherford, we are also of the view that this channel should also be retained at Clinton in order that it may be available for use in the former community. Petitioner urges the assignment of Channel 237A to Weatherford rather than its retention in Clinton. However, since this would require further rule making and would serve no useful purpose, we are retaining it in Clinton where it is available for use at Weatherford."

14. RM-1062; Lincoln, Nebr. Comments were invited on a petition for rule making filed jointly on November 14, 1966 by Cornbelt Broadcasting Corp., and Shurtleff-Schorr Broadcasting Corp., competing applicants for Channel 297 at Lincoln, Nebr., requesting the deletion of Channel 276 from Omaha, Nebr., and its assignment to Lincoln, as follows:

On Mar. 6, 1967, after the last day for fling reply comments, Mr. Briesacher filed a reply to the South Central reply comments. No showing was made to justify the additional late-filed pleading. In view of this we are not considering this reply of Mr. Briesacher.

<sup>\*</sup>If the applicant for Channel 237A at Weatherford or any other party wishes to petition the Commission for a change in the assignment of this channel to that community instead of Clinton, we will entertain such a request.

City	Channel No.	
	Present	Proposed
Lincoln, Nebr	287 A, 274, 292 A, 297 222, 231, 241, 253, 280, 264, 270, 283	287 A, 270, 274, 292 A, 267 222, 231, 241, 253, 260, 264, 283

Omaha has a population of 301,598. Of its eight Class C assignments, five are occupied and three have not been applied for. It also has six AM stations, four of which are fulltime operations. Lincoln has a population of 123,521. Stations are in operation on one of the Class A channels and on one of the Class C channels, 274. Petitioners are applicants for the sole remaining Class C Channel, 297. Cornbelt is also the licensee of KPOR (AM) and Shurtleff-Schorr is the licensee of KLIN(AM), both Class IV AM stations in Lincoln. In addition, Lincoln has another unlimited time AM station and one daytime-only station, or a total of four.

15. Petitioners point out that Channel 270 was previously assigned to Lincoln but was removed to Omaha in order that Channel 279 could be shifted from Omaha to Atlantic, Iowa. See first re-port and order in Docket No. 15935, 1 FCC 2d 732. They submit that Omaha, with about twice the population, has four times as many wide-area channels as Lincoln, that there is a need and demand for another Class C assignment in Lincoln, and that the proposed addition of Channel 270 would permit resolution of the conflict between the two applicants for Channel 297 at the same time that it would leave two Class C assignments available in Omaha. Finally, petitioners urge that the proposal will serve the public interest in that it would provide for a fair and equitable distribution of available facilities as provided for in section 307(b) of the Communications Act.

16. The proposed amendment would result in a number of assignments in both Lincoln and Omaha which conforms to the criteria used in setting up the table, would bring about additional FM service in Lincoln at an early date, and would represent a fair and equitable distribution of available facilities. We conclude therefore that it would serve the public interest and should be adopted.

and we are so doing.

17. RM-1067; Fresno, Calif. In a petition filed on November 18, 1966, Radio KYNO, Inc., licensee of Station KYNO (AM), Fresno, Calif., requests the addition of a sixth Class B FM assignment (Channel 238) to Fresno as follows:

CRy	Channel No.	
	Present	Proposed
Fresno, Calif	229, 233, 250, 270, 274	229, 233, 238, 280, 270, 274

18. Fresno has a population of 133,929 and its county has a population of 365,-945. All of its five FM assignments are in operation. In addition, it has 10 AM stations, five of which are daytime-only

operations. Petitioner states that the present population of Fresno is 159,300 and of the county is 412,100. It submits that the city has also grown in retail sales, buying income per household and other similar characteristics. It is urged that for these reasons and because of the remoteness of Fresno from other major markets, Fresno merits an additional FM facility. Finally, petitioner states that it will file for the assignment in the event it is made final.

19. We are of the view that the requested additional FM assignment would serve the public interest and should be adopted. It would provide an additional broadcast service to the public without exceeding the criteria used in making FM assignments in this large and growing community. We are therefore assigning Channel 238 to Fresno, Calif.

20. RM-1071; San Antonio, Tex. Our notice invited comments on a petition for rule making filed on November 25, 1966, by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA(AM), San Antonio, Tex., requesting the addition of a Class C channel to San Antonio by making the following necessary changes in other Texas communities:

City	Add	Delete
San Antonio	298 279 282A 244A 296A	206A 206A 280A 276A

21. San Antonio has a population of 587,718 and its Standard Statistical Metropolitan Area has a population of 687,-151. It has six full-time AM stations and five daytime-only stations. Of the eight Class C channels assigned to San Antonio, all but one (274) have been authorized. There are two applications for the remaining assignment, that of petitioner and that of another party specifying Alamo Heights, Tex., under the "25 mile rule". Waterman submits that the proposed addition of Channel 298 to San Antonio will remove the conflict for 274 and will result in the earlier inauguration of additional FM service to the area. It points out that there has been a 43.9 percent increase in the city population from 1950 to 1960 and that the proposal would not adversely affect any other station or assignment. Finally, Waterman urges that the rate of growth of the area shows the compelling need for an additional assignment in San Antonio.

22. Since the additional assignment requested for San Antonio would not make the total exceed the criteria used in setting up the table of assignments (we attempted to put from 6 to 10 assignments in a city the size of San Antonio) and since the proposal would substitute an equivalent assignment in each of the other communities affected (with the exception of San Marcos, where a Class C is used to replace a Class A) we were of the view that comments should be invited on the Waterman proposal as outlined above.

23. In a counterproposal, The Camel Co., licensee of Station KAML(AM), Kenedy-Karnes, Tex., and a prospective

applicant for a new FM station in that community, requests the assignment of Channel 298 to Kenedy-Karnes instead of San Antonio. Kenedy has a popula-tion of 4,301 and Karnes City has a population of 2,693. Channel 296A has been assigned to these communities in common. This party states that Kenedy-Karnes is located a substantial distance from present Class C assignments, the closest being in San Antonio and Victoria, about 50 miles distant. It urges that a Class C assignment in Kenedy-Karnes will provide the wide-area coverage needed to obtain broad support that the area around the communities is a potential "white area" because of its location, and that Channel 298 is technically feasible in the event 296A is deleted from the area.

24. In reply comments Waterman points out certain facts about the Camel proposal for Kenedy-Karnes, noting that the chief stockholder of that corporation is also the principal stockholder in Sound Distributors, Inc., licensee of Class C Station KEEZ, San Antonio (81 kw ERP, 450 ft. a.a.t.) and also an applicant for a Class C station at Victoria (BPH-5731, proposing 38.8 kw ERP and 155 ft. a.a.t.) San Antonio is some 50 miles northwest of the Kenedy-Karnes area, and Victoria some 55 miles east. Therefore, use of a Class C channel in that area by Camelthe only party which has shown an interest in it-would have to be with quite small facilities in order to avoid 1 mv/m overlap of commonly owned stations proscribed by § 73.240 of our rules (it would be limited, in the direction of San Antonio, to 28.5 kw ERP (assuming an antenna height of 250 ft.), putting its 1 mv/m contour about 20 miles from Kenedy-Karnes, and the limitation in the direction of Victoria would be only slightly less). Thus, it is asserted, the facilities possible would not meet the minimum for new Class C stations we propose in pending rule making (50 kw ERP) and would be only slightly larger than the Class A facilities possible on the channel now assigned there. Service to "white area" claimed by Camel-as to which there was no specific showingwould thus be extremely small if it would exist at all, and it is urged that the Commission should adhere to its general policy of not assigning Class C channels to small communities. Finally, Waterman states that the objectives of Camel can virtually be accomplished through the operation of the existing Class A assignment.

25. Upon careful consideration of the comments and the counter-proposal submitted in the proceeding, we are of the view that the petitioner's proposal to assign an additional Class C assignment to San Antonio by the changes required would serve the public interest and should be adopted. It would provide the large and growing metropolitan market with an additional service and bring additional service to the area in a shorter time by eliminating the need for a comparative hearing. It would also provide the fairly large community of San Marcos (12,713) with a first Class C assignment as well. As for the counterproposal to assign the channel sought to

Kenedy-Karnes, this is the type of community to which we have assigned Class A channels. While the proponent mentions a potential "white area" to be served, no showing was made to support this claim. There are Class C assignments at San Antonio, Seguin, Victoria, Corpus Christi, and Laredo, all of which would serve a portion of the possible service area of a Class C assignment at Kenedy-Karnes. There are also several Class A assignments in the general area. Nor is a showing made that this community would or could afford to install the type of facilities which would provide wide-area coverage. In fact there is a serious question as to the possibility of any "white area" service in the event the party seeking the Class C assignment in Kenedy-Karnes is the successful applicant, in view of the overlap problem discussed by the petitioner. In any event, we believe that the assignment of Channel 298 to San Antonio should be preferred and that this assignment and the assignment of Channel 232A to Kenedy-Karnes represents a fair and equitable distribution of available facilities.

26. RM-1073; Columbus, Nebr. On November 28, 1966, City and Farm Broadcasting, Inc., licensee of Station KTTT (AM), Columbus, Nebr., filed a petition for rule making requesting the addition of Channel 228A to Columbus, Nebr., as

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City	City	Channel No.	
		Present	Proposed
Columi	bus, Nebr	266	228A, 266

27. Columbus, located in the east central portion of Nebraska, has a population of 12,476. It is the largest community and the county seat in Platt County, which has a population of 23,992. There are two daytime-only AM stations in Columbus, KTTT, licensed to petitioner, and KJSK. KJSK-FM operates on Channel 266. City and Farm states that it desires to provide a fulltime radio service to its audience and believes that a Class A channel would adequately serve its purpose. It urges that the additional assignment requested will not preclude other future assignments in the area and in an accompanying engineering attachment shows that numerous assignments are available to the areas surrounding Columbus.

28. We believe that Columbus needs and warrants the assignment of a second FM channel. This would permit the second daytime-only AM station in the community to provide full-time radio service without depriving any other community of a needed assignment. We are also of the view that the mixture of a Class A and C assignment is warranted under the circumstances presented in this case. We are therefore adding Channel 228A to Columbus. Nebr

Channel 228A to Columbus, Nebr.
29. RM-1074; Salt Lake City, Utah.
In a petition filed on November 28, 1966,
Salt Lake City Broadcasting Co., Inc.,
and Granite District Radio Broadcasting
Co., jointly request the additional assign-

ment of Channel 274 to Salt Lake City, Utah. These parties are the licensees of Stations KALL(AM) and KNAK(AM), and also applicants for the remaining FM channel (231) in Salt Lake City.

30. Salt Lake City has a population of 189,454 and its Standard Statistical Metropolitan Area has a population of 383,035. It has nine AM stations, four of which are daytime-only operations. It has been assigned seven Class C channels, one over the normal amount assigned to a city of its size, and all but one have been authorized. The pending applications for the remaining channel will have to go through a comparative hearing, in the event the subject request is not granted.

31. Petitioners point out that the Commission last considered the Salt Lake City FM situation in its first report and order issued in Docket No. 16212, 2 FCC 2d 647. In that proceeding a seventh channel was added to Salt Lake City (by making a change in Tooele) but a request from Salt Lake to add an eighth assignment (Channel 274) was denied.' It was concluded that the addition of one channel would represent a fair and equitable distribution of available facilities since the city had the number of assignments contemplated by the allocation principals. The decision also stated that it was recognized that a number of unused assignments in the general area existed but that the future need and demand could not be foretold

32. Salt Lake and Granit now submit additional reasons why they believe an eighth assignment should be made to Salt Lake City in addition to the avoidance of a lengthy and costly comparative hearing. They submit that within a radius of 70 miles of Salt Lake City, as of January 1, 1966, 87.6 percent of the population of Utah reside, that the population growth of the State is within this area, and that there has been a 16.2 percent growth since 1960 in the twelve counties within the radius. On the other hand, they point out that in all but five of the remaining counties in the State there has been a population loss. They show that there are a number of Class A and C channels in most of the listed communities for which no applications have been filed. A showing is also made as to the future availability of assignments in communities throughout Utah in the event the need or demand arises. Thus, petitioners conclude that the proposal would insure additional service to the area having the greatest need without adversely affecting the future needs of other communities.

33. We have expressed concern in the past about assigning additional channels to Salt Lake City and are not convinced by the subject showing that such additions would be wise. Since this city already has one more Class C assignment (seven) than was contemplated for a city of its size, we do not believe that we would be warranted in assigning still an-

other such channel in order to eliminate the need for a comparative hearing. Our principal concern is the fact that the assignment of Channel 274 to Salt Lake City could preclude its assignment (or that of adjacent channels) in communities which do not now have assignments and may need them in the future. Petitioners show that a large part of the population of the State lives within 70 miles of Salt Lake City and that this area is growing. It is for this reason that we should not assign the very few remaining available frequencies in this area to the city which now has a rather large share of them. Petitioners also show that many assignments are available in the southern portion of the State. However. this area is not related to the Salt Lake City area and the fact that many assignments are available to such places as Cedar City and Saint George is of no concern to us here. The area of concern is that in which the proposed assignment could preclude future needed assignments. Since there are fairly large communities, such as American Fork and Clearfield, in which Channel 274 is technically feasible, we believe that we should not adopt the petitioner's proposal but should retain this channel for future needed assignments. Accordingly, we are denying the joint request of Salt Lake City Broadcasting Co., Inc., and Granit District Radio Broadcasting Co.

34. RM-1075; Bemidji, Minn. On December 2, 1966, Paul Bunyan Broadcasting Co., licensee of Station KBUN(AM), Bemidji, Minn., filed a petition looking toward the substitution of Channel 266 for 252A and 269A in Bemidji, as follows:

City	Channel No.	
	Present	Proposed
Bemidji, Minn	252A, 209A	206

Bemidji has a population of 9,958 and Beltrami County (in which it is the county seat and largest community) has a population of 23,425. The only radio station in the county is KBUN, a Class IV AM station, licensed to petitioner. Petitioner urges the assignment of a wide-area Class C channel in view of the rural nature of the area (the population density of the county is 9.3 persons per square mile), the great distance from population centers (the nearest town of comparable size is 75 miles), and the fact that Bemidii is the business center for Beltrami and several adjacent counties. It is also submitted that Bemidji has a number of important industries, tourist resorts, churches and schools. Finally, petitioner points out that, due to the limited coverage of the AM station, there is great need for wide area coverage to provide fire prevention and other safety messages, school closings, sports, news, and educational programs.

35. While we have generally assigned Class A channels to the smaller communities and Class B and C channels to the large cities and metropolitan areas, we believe that Bemidji warrants a departure from this policy in view of the

<sup>\*</sup>Another party filed for this new assignment and was granted a construction permit, leaving Salt Lake and Granit still in a hearing situation.

rural nature of the surrounding area and the great distances from population centers. We are therefore adopting the proposal as outlined above. Channel 252A could be retained in Bemidji if desired but there does not presently appear warrant for assigning two channels there and it will be deleted.

36. Longview, Wash., and Astoria, Oreg. In addition to the above discussed proposals made by interested parties, the Commission wished to make two additional changes on its own motion. Channel 240A is presently assigned to Longview, Wash., at spacings below the minimums. In order to remove this short-spaced assignment, comments were invited on the following:

City	Channel No.	
	Present	Proposed
Longview, Wash	240A 289	288.A 225

In view of the fact that these changes will remove short-spaced assignments and will provide each community with the same type of channel, we are adopting the changes proposed.

37. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

38. In accordance with the determinations made above: It is ordered, That effective May 22, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
California:	200 000 000
Fresno	229, 233, 238, 250, 270, 274
Illinois:	055 051
	256, 271
Indiana: Rockville	285A
Minnesota:	266
	200
Missouri: Waynesville	249A, 272A
Nebraska:	
	228A, 266
Lincoln	237A, 270,
The contract of the contract o	274, 292A, 297
Omaha	222, 231, 241, 253, 260, 264, 283
Oklahoma:	200, 200, 201, 200
Clinton	237A, 295
Oregon:	
Astoria	225
Texas:	
	296A
	244A
	232A
San Antonio	258, 262, 270, 274, 283, 298
San Marcos	279
Washingtons	CONTRACTOR OF THE PARTY OF THE
Longview	288A
(Secs. 4, 303, 307, 4	8 Stat., as amended, 1066,

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 164, 303, 307)

Adopted: April 12, 1967. Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION, 5
[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-4291; Filed, Apr. 18, 1967;

8:49 a.m.) [Docket No. 17108; FCC 67-453]

### PART 73—RADIO BROADCAST SERVICES

# Television Broadcast Channels; Short-Spaced Assignment, Lake City, Fla.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 34 with Channel 41 at Lake City, Fla. Channel 34 may not be used within 60 miles of the transmitter site or standard reference point where Channel 20 is assigned. Channel 20 is assigned to Gainesville, Fla., only 40.263 miles from Lake City. Channel 41 may be assigned to Lake City in full compliance with the geographic separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 34 at Lake City. Channel 41 may be assigned to Lake City without making other changes in the table of assignments.

3. Therefore, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: It is ordered, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

Nors: The appropriate offset for Channel 41 will be supplied in a subsequent order.

4. It is further ordered, That this proceeding is terminated.

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

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary. [F.R. Doc. 67-4292; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket No. 17109; PCC 67-454]

# PART 73—RADIO BROADCAST SERVICES

### Television Broadcast Channels; Short-Spaced Assignment, Lansing, Mich.

Report and order. 1. On January 20, 1967, the Commission issued a notice of

\* Commissioner Cox dissenting to the action on Waynesville, Mo.

proposed rule making in the aboveentitled matter, proposing to replace Channel 47 with Channel 36 at Lansing, Mich. Channel 47 at Lansing may not be used within 75 miles of the transmitter site of Station WXON, Channel 62, Detroit, Mich. The actual distance between the standard reference point in Lansing and the transmitter site of WXON is only 65.635 miles. Channel 36 may be assigned to Lansing in full compliance with the separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 47 at Lansing. Channel 36 may be assigned to Lansing without making other changes in the table of assignments.

3. Therefore, pursuant to the authority contained in section 4(1), 303, and 307(b) of the Communications Act of 1934, as amended: It is ordered, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City Channel No.
Lansing, Mich....... 6-, 36, 53

Nore: The appropriate offsets for Channels 36 and 53 will be supplied in a subsequent order.

4. It is further ordered, That this proceeding is terminated.

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

Adopted: April 12, 1967. Released: April 14, 1967.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4293; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket No. 17110; FCC 67-455]

# PART 73—RADIO BROADCAST SERVICES

# Television Broadcast Channels; Short-Spaced Assignment, Temple, Tex.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 28 with Channel 46 at Temple, Tex., in order to eliminate a short spacing between the standard reference point for the Channel 28 assignment at Temple and the transmitter site of Station KHFI-TV, Channel 42, Austin, Tex. Although the shortage is relatively small, the retention of Channel 28 in Temple would restrict the choice of a transmitter site to a location north of Temple. Channel 46 may be assigned to Temple in full compliance with the geographic separation requirements.

 Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could