

cast license begins broadcasting to such area, (2) any holder of a broadcast license who has broadcast to an area of Alaska that did not have access to over the air broadcasts via translator, microwave, or other alternative signal delivery may continue providing such service even if another holder of a broadcast license begins broadcasting to such area, and shall not be fined or subject to any other penalty, forfeiture, or revocation related to providing such service including any fine, penalty, forfeiture, or revocation for continuing to operate notwithstanding orders to the contrary.

(June 19, 1934, ch. 652, title III, §307, 48 Stat. 1083; June 5, 1936, ch. 511, §2, 49 Stat. 1475; July 16, 1952, ch. 879, §5, 66 Stat. 714; Pub. L. 86-752, §3, Sept. 13, 1960, 74 Stat. 889; Pub. L. 87-439, Apr. 27, 1962, 76 Stat. 58; Pub. L. 97-35, title XII, §1241(a), Aug. 13, 1981, 95 Stat. 736; Pub. L. 97-259, title I, §§112, 113(a), Sept. 13, 1982, 96 Stat. 1093; Pub. L. 104-104, title II, §203, title IV, §403(i), Feb. 8, 1996, 110 Stat. 112, 131; Pub. L. 108-447, div. J, title IX [title II, §213(1), (2)], Dec. 8, 2004, 118 Stat. 3431.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (e), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

#### AMENDMENTS

2004—Subsec. (c)(3). Pub. L. 108-447, §213(1), substituted "any administrative or judicial hearing" for "any hearing" and inserted "or section 402" after "section 405".

Subsec. (f). Pub. L. 108-447, §213(2), added subsec. (f).  
1996—Subsec. (c). Pub. L. 104-104, §203, inserted heading and amended text generally, restructuring existing provisions into pars. (1) to (3) and substituting provisions providing 8 year term for licenses of broadcasting stations for provisions providing 5 year term for licenses of television broadcasting stations, 7 year term for licenses of radio broadcasting stations, and 10 year term for other broadcasting stations.

Subsec. (e). Pub. L. 104-104, §403(i), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows:

"(1) Notwithstanding any licensing requirement established in this chapter, the Commission may by rule authorize the operation of radio stations without individual licenses in the radio control service and the citizens band radio service if the Commission determines that such authorization serves the public interest, convenience, and necessity.

"(2) Any radio station operator who is authorized by the Commission under paragraph (1) to operate without an individual license shall comply with all other provisions of this chapter and with rules prescribed by the Commission under this chapter.

"(3) For purposes of this subsection, the terms 'radio control service' and 'citizens band radio service' shall have the meanings given them by the Commission by rule."

1982—Subsec. (c). Pub. L. 97-259, §112, redesignated subsec. (d) as (c), substituted "ten years" for "five years" after "station" shall be for a longer term than" and "term of not to exceed", and inserted provision that the term of any license for the operation of any auxiliary broadcast station or equipment which can be used only in conjunction with a primary radio, television, or translator station shall be concurrent with the term of the license for such primary radio, television, or translator station. Former subsec. (c), which

required the Commission to study proposal that Congress allocate fixed percentages of radio broadcasting facilities to nonprofit activities and report recommendations, with reasons, to Congress not later than Feb. 1, 1935, was struck out.

Subsec. (d). Pub. L. 97-259, §112(a), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 97-259, §§112(a), 113(a), added subsec. (e) and redesignated former subsec. (e) as (d).

1981—Subsec. (d). Pub. L. 97-35 substituted provisions authorizing term of five years for a television broadcasting station license, seven years for a radio broadcasting station license, and five years for any other class of license, with comparable provisions for renewal, for provisions authorizing term of three years for a broadcasting station license, and five years for any other class of station license, with comparable provisions for renewal.

1962—Subsec. (e). Pub. L. 87-439 inserted "in the broadcast or the common carrier services" before "shall be granted".

1960—Subsec. (d). Pub. L. 86-752 inserted last sentence dealing with the Commission's authority to grant licenses for periods shorter than 3 years.

1952—Subsec. (d). Act July 16, 1952, provided that upon the expiration of any license, any renewal applied for may be granted "if the Commission finds that public interest, convenience, and necessity would be served thereby", and provided that pending a hearing and final decision on an application for renewal and the disposition of any petition for a rehearing the Commission shall continue the license in effect.

1936—Subsec. (b). Act June 5, 1936, amended subsec. (b) generally.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-35, title XII, §1241(b), Aug. 13, 1981, 95 Stat. 736, provided that: "The amendments made in subsection (a) [amending this section] shall apply to television and radio broadcasting licenses granted or renewed by the Federal Communications Commission after the date of the enactment of this Act [Aug. 13, 1981]."

### § 308. Requirements for license

#### (a) Writing; exceptions

The Commission may grant construction permits and station licenses, or modifications or renewals thereof, only upon written application therefor received by it: *Provided*, That (1) in cases of emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) in cases of emergency where the Commission finds, in the nonbroadcast services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant construction permits and station licenses, or modifications or renewals thereof, during the emergency so found by the Commission or during the continuance of any such national emergency or war, in such manner and upon such terms and conditions as the Commission shall by regulation prescribe, and without the filing of a formal application, but no authorization so granted shall continue in effect beyond the period of the emergency or war requiring it: *Provided further*, That the Commission may issue by

cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States.

**(b) Conditions**

All applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The Commission, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee in any manner or form, including by electronic means, as the Commission may prescribe by regulation.

**(c) Commercial communication**

The Commission in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 35 of this title.

**(d) Summary of complaints**

Each applicant for the renewal of a commercial or noncommercial television license shall attach as an exhibit to the application a summary of written comments and suggestions received from the public and maintained by the licensee (in accordance with Commission regulations) that comment on the applicant's programming, if any, and that are characterized by the commentator as constituting violent programming.

(June 19, 1934, ch. 652, title III, §308, 48 Stat. 1084; July 16, 1952, ch. 879, §6, 66 Stat. 714; Pub. L. 87-444, §3, Apr. 27, 1962, 76 Stat. 63; Pub. L. 102-538, title II, §204(b), Oct. 27, 1992, 106 Stat. 3543; Pub. L. 103-414, title III, §303(a)(15), Oct. 25, 1994, 108 Stat. 4295; Pub. L. 104-104, title II, §204(b), Feb. 8, 1996, 110 Stat. 113.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-104 added subsec. (d).  
1994—Subsec. (c). Pub. L. 103-414 made technical amendment to reference to section 35 of this title to correct reference to corresponding section of original act.

1992—Subsec. (b). Pub. L. 102-538 inserted before period at end “in any manner or form, including by electronic means, as the Commission may prescribe by regulation”.

1962—Subsec. (b). Pub. L. 87-444 struck out requirement that applications or statements of fact were to be signed under oath or affirmation.

1952—Subsec. (a). Act July 16, 1952, §6(a), provided that the Commission may grant construction permits and station licenses, or modifications or renewals, only upon written application except that during war or emergency periods no formal application need be filed.

Subsec. (b). Act July 16, 1952, §6(b), substituted “All applications for station licenses or modifications or renewals thereof, shall set forth” for “All such applications shall set forth”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-104, title II, §204(c), Feb. 8, 1996, 110 Stat. 113, provided that: “The amendments made by this section [amending this section and section 309 of this title] apply to applications filed after May 1, 1995.”

**§ 309. Application for license**

**(a) Considerations in granting application**

Subject to the provisions of this section, the Commission shall determine, in the case of each application filed with it to which section 308 of this title applies, whether the public interest, convenience, and necessity will be served by the granting of such application, and, if the Commission, upon examination of such application and upon consideration of such other matters as the Commission may officially notice, shall find that public interest, convenience, and necessity would be served by the granting thereof, it shall grant such application.

**(b) Time of granting application**

Except as provided in subsection (c) of this section, no such application—

(1) for an instrument of authorization in the case of a station in the broadcasting or common carrier services, or

(2) for an instrument of authorization in the case of a station in any of the following categories:

(A) industrial radio positioning stations for which frequencies are assigned on an exclusive basis,

(B) aeronautical en route stations,

(C) aeronautical advisory stations,

(D) airdrome control stations,

(E) aeronautical fixed stations, and

(F) such other stations or classes of stations, not in the broadcasting or common carrier services, as the Commission shall by rule prescribe,

shall be granted by the Commission earlier than thirty days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereof.

**(c) Applications not affected by subsection (b)**

Subsection (b) of this section shall not apply—

(1) to any minor amendment of an application to which such subsection is applicable, or

(2) to any application for—

(A) a minor change in the facilities of an authorized station,

(B) consent to an involuntary assignment or transfer under section 310(b) of this title or to an assignment or transfer thereunder which does not involve a substantial change in ownership or control,

(C) a license under section 319(c) of this title or, pending application for or grant of such license, any special or temporary au-