

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D. C.

<p>In the Matter of THORNE DONNELLEY, SAULT STE. MARIE, MICH. Application for Construction Permit.</p>	}	DOCKET No. 5327
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June 6, 1939

Ben S. Fisher and Charles V. Wayland on behalf of the applicant;
Frank C. Dunbar on behalf of Lorain County Radio Corporation;
and *Frank B. Warren* on behalf of the Commission.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF THE COMMISSION

FINDINGS OF FACT

Thorne Donnelley, doing business as Donnelley Radiotelephone Co., is the owner and operator of Station WAY at Lake Bluff, Ill. WAY is a coastal-harbor radiotelephone station licensed to use the frequency 2514 kilocycles with a maximum power of 400 watts.

Thorne Donnelley (hereinafter referred to as the applicant) filed with this Commission, on July 28, 1938, an application for authority to construct a coastal-harbor radiotelephone station on Mackinac Island, which is in the Straits of Mackinac, between Lake Michigan and Lake Huron. The applicant proposed to make use of the frequencies 2514, 2550, 2738, 6470, 6480, and 8550 kilocycles. The application was heard before an examiner on December 5, 1938. Proposed findings of fact and conclusions have been filed by the applicant and by the Lorain County Radio Corporation.

On March 20, 1939, the Commission reopened this proceeding for further hearing in so far as it involves use of the frequencies 6470, 6480, and 8550 kilocycles. There remains for disposition at this time the application for authority to construct a coastal-harbor radiotelephone station on Mackinac Island and the use of the frequencies 2514, 2550, and 2738 kilocycles.

Effective March 31, 1939, this Commission issued Special Temporary Rules Governing the Operation of Ship Telephone and Coastal-Harbor Telephone Stations in the Great Lakes Region. These rules

provide that the frequency 2514 kilocycles may be used for transmitting message traffic to ship stations from coastal-harbor telephone stations after establishing contact on the calling frequency 2182 kilocycles. The rules further provide that the frequency 2738 kilocycles shall be used primarily for communication between ship stations but may also be used by coastal-harbor telephone stations for emergency purposes only. The rules referred to were issued by the Commission on the basis of a request from operators of vessels on the Great Lakes, and are for the purpose of permitting the operation, for a trial period, of a tentative system of radiotelephone communication primarily for safety purposes. Under these rules the frequency 2514 kilocycles is available to new applicants, only for a temporary period, to be used in conjunction with the other frequencies making up the system provided for in the above-mentioned temporary rules. However, the frequency 2738, while included in the temporary safety system, is also available to coastal-harbor telephone stations on a permanent basis for emergency use only.

The frequency 2550 kilocycles, allocated to coastal-harbor telephone stations, was formerly limited in the Great Lakes area to use on Lake Erie. Witnesses for the Lorain County Radio Corporation stated at the hearing that the use of the frequency 2550 kilocycles by the proposed station would somewhat limit the availability of that frequency at Lorain, Ohio, during the night hours. However, since March 31, 1939, the frequency 2550 kilocycles has been made available under the modified working agreement between the United States and the Canadian Government to public coastal-harbor radiotelephone service on all of the Great Lakes. It is presently assigned to Station WMI, Lorain, Ohio; Station WAS, Duluth, Minn.; and the Canadian Station VBB at Sault Ste. Marie, Ontario. In view of the fact that the frequency is now available for use on all of the Great Lakes, it is obvious that it must be shared and used to greatest advantage by several stations.

It has been shown that the proposed station could be expected to handle a substantial amount of business from vessels moving through Sault Ste. Marie, as well as through the Straits of Mackinac. This would include both cargo and passenger vessels of the larger type and, in addition, the yachts and ferries operating regularly in the vicinity which do not have a satisfactory radiotelephone service at the present time. It is established also that the station would constitute a definite safety factor in an area subject to severe storm and fog conditions.

The applicant introduced an agreement with the Michigan Bell Telephone Co. to provide for connections with the land-line telephone system. The evidence further indicates that the applicant is finan-

cially and otherwise qualified to render a satisfactory public coastal-harbor radiotelephone service.

If the applicant is eventually licensed to operate the proposed station, using the frequencies 2738 and 2550 kilocycles, he will then be eligible to apply for special temporary authority to use the frequencies 2182, 2514, 2572, and 4282.5 under and in accordance with the special temporary rules referred to above. Since the location of the proposed station on Mackinac Island appears to be well suited to fit into the temporary operating plan for coastal-harbor telephone stations, it could be expected that its operation under that plan would develop information of value to the Commission in determining a permanent plan for the future.

CONCLUSIONS

Upon consideration of the record and also giving consideration to the temporary general plan for operation of coastal-harbor radiotelephone stations on the Great Lakes, it is our conclusion that public convenience and necessity will be served by the erection and operation of a coastal-harbor radiotelephone station on Mackinac Island as proposed by the applicant, using the frequencies 2738 and 2550 kilocycles.

The proposed findings of fact and conclusions of the Commission were adopted by the Commission as the "Findings of Fact and Conclusions of the Commission" on November 8, 1939.