

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON 25, D. C.

<p>In the Matter of Applications of R. V. WARNER AND G. H. TAMBLE, DOING BUSINESS AS WARNER AND TAMBLE RADIO SERVICE, PITTSBURGH, PA. RADIOMARINE CORP. OF AMERICA, PITTS- BURGH, PA.</p>	}	<p>DOCKET No. 6212 DOCKET No. 6213</p>
<p>For Construction Permits.</p>		

March 27, 1945

Camden R. McAtee, Esq., on behalf of Warner and Tumble Radio Service; *Willson Hurt*, Esq., on behalf of Radiomarine Corp. of America; *John E. Wicker*, Esq., on behalf of the Commission.

PROPOSED REPORT OF THE COMMISSION

1. On April 27, 1940, Warner and Tamble Radio Service, Memphis, Tenn., filed with the Commission an application for a permit which would authorize the construction of a coastal-harbor station at Pittsburgh, Pa., to operate on the frequency 2738 kilocycles, using 100 watts power, and A2 and A3 emissions, on an unlimited time basis. On July 31, 1941, this application was amended by requesting the additional frequencies 2782, 4162.5 kilocycles, unlimited; and 6455, 8840 and 11090 kilocycles, day only. The application was further amended by requesting 500 watts power for all operations.

2. On September 16, 1941, Radiomarine Corp. of America filed with the Commission its application for a permit which would authorize the construction of a coastal-harbor station at Pittsburgh, Pa., and requested the frequencies 2782 and 4162.5 kilocycles, unlimited; and 6455, 8840 and 11,090 kilocycles, day only. One hundred watts power was requested for all operations, while using A2 and A3 emissions.

3. On October 28, 1941, the Commission designated the applications for hearing in a consolidated proceeding on the following issues:

(1) To determine the extent and quality of the service proposed..

(2) To determine the classes of service to be rendered and the approximate charges to be made for same.

(3) To determine the need for the proposed service.

(4) To determine whether or not interference would result to the service of any existing or proposed stations.

(5) To determine whether or not the frequencies requested may be used upon a shared basis and to what extent.

(6) To determine whether or not public interest, convenience and necessity would be served by the granting of the applications.

4. On December 4, 1941, the applications came to hearing at Pittsburgh, Pa., before a duly authorized representative of the Commission. Proposed findings of fact and conclusions have been filed by the applicants.

5. On March 4, 1943, the applicants were advised that, under the Commission's memorandum opinion of July 12, 1942, applications for authorizations which involved the use of any materials to construct or change the transmitting facilities of any station operating in the coastal, marine relay, or fixed public service would be granted only upon a satisfactory verified showing that either (1) an essential military need or (2) a vital public need which cannot otherwise be met, will be served thereby. On April 24, 1943, the applicants submitted their verified statements in support of their claims that the construction of the proposed station would meet the requirements of the memorandum opinion.

6. Warner and Tamble proposes to operate a general public service coastal-harbor station at Pittsburgh, Pa., on the above-mentioned frequencies, using a Western Electric 14-B transmitter, having a rated power of 400 watts, with associated receiving equipment capable of monitoring six channel frequencies at the same time, for communication with vessels on the Mississippi River and its tributaries (including the Allegheny, Monongahela, and Ohio Rivers. The station will be kept open daily from 5:30 a. m. to 10 p. m., and longer if it is so warranted by increased radio traffic. Three classes of service are to be offered the public, namely: (a) ship-to-shore telephone service; (b) vessel position reports; and (c) message dispatch service. The station will offer free its daily broadcasts of weather forecasts, river status, channel changes, etc. The simplex method of using one frequency for two-way communication will be used. This method of operation of one channel at a time lessens the possibility of interference to other stations, and if the frequencies requested are shared with other stations in this service and such stations are operated in accordance with the Commission's rules and regulations, very little, if any, interference will result. Radiomarine proposes to operate on the same frequencies ex-

cept that it does not request 2738 kilocycles. It proposes to use a Radiomarine Model ET-8020 transmitter having a power of 100 watts input to the antenna with unmodulated power, and a companion receiver of 6 channels, crystal controlled, cable of monitoring all 6 channels. The transmitter as now constructed is not capable of operating on the 11090 kilocycle channel. However, this defect may be remedied by making minor changes in the transmitter. This station will offer a ship-shore communications service to vessels on the Mississippi River and its tributaries. Until necessity requires longer hours of service, the station is to be open, daily, from 7:30 a. m., to 7 p. m. There are two classes of service to be offered the public, namely: (a) ship-to-shore telephone service, and (b) message dispatch service. Radiomarine proposes to render the free service offered by Warner and Tamble, and would operate in substantially the same manner. Both applicants have offered uncontroverted evidence of their respective experience and ability to render satisfactory and efficient service as proposed.

7. A comparison of the rates and charges proposed by the respective applicants shows that all of the Warner and Tamble proposals (including the higher ship-to-shore telephone zone rate) are somewhat lower than those of Radiomarine. Also Warner and Tamble proposes to furnish an additional low rate class of service (vessel position reports), not offered by Radiomarine. These rates are as follows:

<i>Warner and Tamble proposed rates</i>	<i>Radiomarine proposed rates</i>
(a) Ship-to-shore-telephone service:	(a) Ship-to-shore telephone service:
When a vessel is located within approximately 10 miles of the coastal-harbor station and the land telephone is located within the Pittsburgh local exchange area:	First 3 minutes or fraction thereof..... \$1. 00
First 3 minutes or fraction thereof..... \$0. 60	Each additional minute or fraction thereof35
Each additional minute or fraction thereof..... .20	Report charge25
When the vessel is located outside of the above area:	These charges are exclusive of ship or land telephone charges.
First 3 minutes or fraction thereof..... .90	
Each additional minute or fraction thereof..... .30	
When the land telephone is located outside of the Pittsburgh local exchange area, the long distance person-to-person rates will be added to the radio link charges.	

Warner and Tumble proposed rates

(b) Message dispatch service:

Delivering messages to or from
vessels, at the following
rates:

Messages of 30 words or less,
each message..... \$0.30

Each additional 10 words or
less..... .10

(c) Vessel position reports:

Reports of vessel positions will
be offered by the coastal-
harbor station at Pitts-
burgh at the following rate:

Each vessel position report... .30

Radiomarine proposed rates

(b) Message dispatch service:

A flat rate of..... \$0.75

8. At the present time there is no coastal-harbor station located in the Pittsburgh area. The record clearly indicates a definite need for such a station, as the river traffic flowing in and out of Pittsburgh is the heaviest of any place on the Mississippi River or its tributaries. Further, the existing methods of communicating with the vessels navigating these waters, are slow, awkward, unsatisfactory, and expensive. The only means of communication between the shore and these vessels are by sight signaling or land wire connection. The latter, of course, is available only when the vessel is tied up. When it becomes necessary for the master of one of these vessels to contact his home office, he is compelled to wait until he arrives at one of the lock houses on the river which has telephone or telegraph facilities. The rivers in this area are subject to heavy ice formations in the winter months, seasonal flood waters, and dense fogs, all of which are dangers to navigation. A coastal-harbor station in the Pittsburgh area could lessen these dangers materially, and much time could be saved the masters and their tows by being able to receive changes in orders, instructions, etc., from their home offices via radiotelephony. Many witnesses, called by both applicants, appeared and testified as to the need of a coastal-harbor station in this area and most of these testified that they would be subscribers to a coastal-harbor service.

9. Both applicants propose using the same frequencies at the same place. Serious interference problems exist in the coastal-harbor service generally, because of the necessity for the use of the same frequencies by each station. These problems can only be avoided by keeping the total number of stations in the entire service at a minimum. Interference problems would be greatly aggravated if more than one coastal-harbor station operated at a given point or within a given area on the same frequencies, as would be the case if both applicants herein were authorized to operate stations at Pittsburgh.¹ Furthermore, it

¹Cf. *In the Matter of Radiomarine Corp. of America, etc.*, 8 FCC 517.

has not been shown that the expected volume of traffic technically requires, or economically justifies, the establishment of more than one station at Pittsburgh. Where communications common carrier operations are involved duplication of facilities and services is not, in every case, desirable.² This is especially true under present wartime conditions when the policy of conservation of critical materials, reflected in the Commission's Memorandum Opinion, *supra*, requires that duplication of facilities be avoided wherever possible. We, therefore, find and conclude that it would not serve public interest, convenience or necessity to permit the construction and operation of more than one coastal-harbor station to serve the Pittsburgh area.

10. Upon comparison of the merits of the application of each applicant, we find and conclude that the Warner and Tamble proposal of lower rates (even considering the higher of its two ship-to-shore telephone zone rates) weighs in favor of the grant of the Warner and Tamble application. Therefore, we find and conclude that public interest, convenience, or necessity would be served by the grant of the Warner and Tamble application, on the following condition: That within 90 days from the date hereof Warner and Tamble shall obtain War Production Board approval for the acquisition and use of such equipment and materials necessary for construction of the proposed station, and shall file with the Commission a verified statement evidencing such approval. In view of our finding that public interest, convenience, or necessity would be served by authorizing only one of the applicants to establish the proposed service, we further find that the public interest, convenience, or necessity would not be served by the grant of Radiomarine's application.

11. An appropriate order will issue.

Decided May 15, 1945

ORDER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of May 1945;

The Commission having under consideration the record herein, including its proposed report (P-33) dated March 27, 1945; and

It appearing, that the time provided by the Commission's rules and regulations for the filing of exceptions to said proposed report, and for the requesting of oral argument, has elapsed, and no party to the proceeding herein has filed exceptions or requested oral argument; and

It further appearing, that the Commission has this day made and

² Cf. *In the Matter of Postal-Telegraph Cable Co., etc.*, 9 FCC 271, and *In the Matter of Radiomarine Corp. of America, etc.*, *supra*.

10 F. C. C.

filed its report herein on the basis of said proposed report as corrected in certain particulars deemed appropriate;

It is ordered, that the report so made and filed, be, and it is hereby, made a part hereof by reference and adopted as the report of the Commission; and

It is further ordered, that the application of Warner and Tamble Radio Service be, and it is hereby, granted subject to the condition that, within 90 days from the date hereof, Warner and Tamble Radio Service shall obtain War Production Board approval for the acquisition and use of such equipment and materials necessary for construction of the proposed station, and shall file with the Commission a verified statement evidencing such approval; and

It is further ordered, that the application of Radiomarine Corp. of America be, and it is hereby, denied.

10 F. C. C.

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WASHINGTON, D. C.

In the Matter of Application of R. V. WARNER & G. H. TAMBLE, DOING BUSINESS AS WARNER AND TAMBLE RADIO SERVICE, PITTSBURGH, PA. For Construction Permit.	} P-33 FILE NO. P 2-PC-84-A DOCKET NO. 6212
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August 14, 1945

ORDER

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of August 1945;

The Commission, having under consideration a request of the applicant, filed August 1, 1945, for an extension of time to December 15, 1945, within which to obtain War Production Board approval for the acquisition and use of such equipment and materials as may be necessary for construction of the proposed station, and to file such approval with the Commission;

It is ordered, That the Commission's order of May 15, 1945, be, and it is hereby, amended to provide that the applicant shall have until December 15, 1945, within which to obtain War Production Board approval for the acquisition and use of such equipment and materials as may be necessary for construction of the proposed station, and to file with the Commission a verified statement evidencing such approval.

10 F. C. C.