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January 3, 1946

Dear Mr. York:

Just a hasty note confirming the sense of our telephone conversation this morning concerning your proposed broadcast project.

Apparently what I saw in the December 9th issue of "Broadcasting" on Page 86 as previously reported to you was not correct concerning FCC's grant of your final Construction Permit. There was something peculiar about it which I did not understand at the time - and which I still do not understand. The notice is preceded by an asterisk reading "In lieu of previous details".

I now take this to ^{mean} ~~mean~~ that everything has been approved but your new transmitter site. I never saw one similar to it. Usually, when the Commission issues these reports and gives the antenna height allowed which, in your case, is 590 feet, it carries with it full approval of all engineering including the site.

As a precaution that this interpretation may be in your favor and that the Commission has not yet given site approval, I recommend you have John Barren, your engineer, check it with FCC - just to make sure. One of my clients in northern New York has been granted his final CP but the only notice he received from FCC was in their daily public notices - and the trade journals. This was some time ago and we are progressing rapidly with construction even without official notice. Sometimes FCC never sends out these official notices. Yours may be one of that kind. I would check to make certain if I were you.

I cannot understand why your site has not been approved. The Commission usually acts much quicker than that. It is difficult to believe they would grant you your actual operating frequency of 92.5 mc and antenna height of 590 ft. without granting you approval of the site. That's why I recommend you

check it immediately to play safe.

The reason I believe it advisable for you to do so is wholly one of precaution since I knew from experience that the Commission does some queer things some times. They actually put the burden of proof on the applicant. Out in Toledo we built a complete station and put it on the air without actually getting an official piece of paper from FCC telling us of their grant of the construction permit. All we ever received was notice from Associated Press and in the trade journals.

Your application very likely carries a time limit of 180 days for completing your station and putting it on the air officially. Most applications are allowed that much time. It usually takes six months of steady effort to put one of these projects together and make it click. That would be particularly true now in view of material shortages, labor difficulties, etc. All the more reason for checking up now to see where you stand and make reasonable estimates on the length of time you have - even despite your statement you have not had your site approved.

I am in full agreement and sympathy ^{with} ~~as~~ your reluctance to go forward with your broadcast project until more receivers are in the hands of the public. I can truthfully say ^{THERE ARE} ~~you have~~ several hundred other FM applicants who feel exactly as you do but who are going ahead because of the "must" element to be considered in dealing with FCC. They can make it tough for applicants whenever they wish to. I know that from experience.

Therefore, my advice is to be on the safe side and do some checking - just in case.

Wishing you all good things for the New Year.

Very sincerely,


Ernest A. Barbeau

Mr Frank York
General Manager
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