

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

FCC 55D-65

In the Matter of

518

Cease and Desist Order
to be directed against
C. J. COMMUNITY SERVICES, INC.
Bridgeport, Washington

DOCKET NO. 11332

Appearances

Mr. Richard A. Solomon and Mr. John H. McAllister of Washington, D.C., on behalf of the Federal Communications Commission; the respondent was not represented by legal counsel.^{1/}

INITIAL DECISION OF HEARING EXAMINER J. D. BONDPreliminary Statement

1. By order dated March 30, 1955 (released April 1), the Commission directed, "pursuant to Section 312(c) of the Communications Act of 1934, as amended," that the above-named respondent show cause why an order should not be issued commanding it and its officers or agents to cease and desist from the television booster station^{2/} activities hereinafter described.

^{1/} The respondent corporation's president, James E. Livingston, who is not an attorney, participated in the hearing on behalf of the respondent through an opening statement, cross-examination, and discussions of various objections to evidence; he also testified and presented some documentary evidence. Representative participation was permitted because counsel for the Commission expressly waived any question that might otherwise surround Mr. Livingston's so conducting the case; counsel's argument that Section 1.711 of the Commission's Rules authorizes such corporate representation was explicitly not sustained. (cf. Section 6 (a) of the Administrative Procedure Act.)

^{2/} A television booster station is not defined in the Commission's Rules or Standards; the Bridgeport booster station was extensively described and pictured (by six photographic exhibits) in the evidence. Basically this operation consists of mountain-top installations of receiving and transmitting antennas, with intermediate separately powered co-channel amplifiers, which receive and amplify and re-direct into Bridgeport the television signals of two Spokane stations. This operation is actually two supplemental stations as described by Commissioner Rosel H. Hyde on April 25, 1951:

"We have not established a definition for booster stations, but the booster-station idea as presented to us by the industry contemplates a subsidiary station, a supplemental station, if you please, which would pick up the program of the basic station and rebroadcast it at some point not reached by the central station..." (Hearings before the Committee on Interstate and Foreign Commerce, House of Representatives, 82nd Congress, 1st Session, on S. 658, page 238.)