

84TH CONGRESS
1ST SESSION

S. 1648

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 10), 1955

Mr. MAGNUSON (by request) introduced the following bill; which was read twice and referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 309 of the Communications Act of 1934, in regard to protests of grants of instruments of authorization without hearing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That subsection (c) of section 309 of the Communications
4 Act of 1934, as amended, is amended to read as follows:

5 “(c) When any instrument of authorization is granted
6 by the Commission without a hearing as provided in sub-
7 section (a) hereof, such grant shall remain subject to protest
8 as hereinafter provided for a period of thirty days. During
9 such thirty-day period any party in interest may file a protest

1 under oath directed to such grant and request a hearing on
2 said application so granted. Any protest so filed shall be
3 served on the grantee, shall contain such allegations of fact
4 as will show the protestant to be a party in interest, and
5 shall specify with particularity the facts relied upon by the
6 protestant as showing that the grant was improperly made
7 or would otherwise not be in the public interest. The Com-
8 mission shall, within thirty days of the filing of the protest,
9 render a decision making findings as to the sufficiency of
10 the protest in meeting the above requirements; and, where
11 it so finds, shall designate the application for hearing upon
12 issues relating to all matters specified in the protest as
13 grounds for setting aside the grant, except with respect to
14 such matters as to which the Commission finds, for reasons
15 set forth in the decision, that, even if the facts alleged were
16 to be proven, no grounds for setting aside the grant are
17 presented. The Commission may also specify in such de-
18 cision that the application be set for hearing upon such
19 further issues as it may prescribe, as well as whether it is
20 adopting as its own any of the issues resulting from the
21 matters specified in the protest. In any hearing subse-
22 quently held upon such application issues specified by the
23 Commission upon its own initiative or adopted by it shall
24 be tried in the same manner provided in subsection (b)
25 hereof, but with respect to issues resulting from matters set

1 forth in the protest and not specifically adopted by the Com-
2 mission, both the burden of proceeding with the introduction
3 of evidence and the burden of proof shall be upon the
4 protestant. The hearing and determination of cases arising
5 under this subsection shall be expedited by the Commission
6 and pending hearing and decision the effective date of the
7 Commission's action to which protest is made shall be post-
8 poned to the effective date of the Commission's decision after
9 hearing, unless the authorization involved is necessary to
10 the maintenance or conduct of an existing service, or unless
11 the Commission affirmatively finds for reasons set forth in
12 the decision that the public interest requires that the grant
13 remain in effect, in which event the Commission shall
14 authorize the applicant to utilize the facilities or authoriza-
15 tion in question pending the Commission's decision after
16 hearing."

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