

N° 4271.

ÉTATS-UNIS D'AMÉRIQUE
ET CANADA

Echange de notes comportant un accord relatif à l'échange de renseignements concernant la délivrance de permis d'établissement de stations radiotélégraphiques. Washington, les 2 et 10 mars, 17 août, 8 et 20 septembre et 9 octobre 1937.

UNITED STATES OF AMERICA
AND CANADA

Exchange of Notes constituting an Agreement for the Exchange of Information concerning the Issuance of Radio Licences. Washington, March 2nd and 10th, August 17th, September 8th and 20th, and October 9th, 1937.

No. 4271. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE CANADIAN GOVERNMENT CONSTITUTING AN AGREEMENT FOR THE EXCHANGE OF INFORMATION CONCERNING THE ISSUANCE OF RADIO LICENCES. WASHINGTON, MARCH 2ND AND 10TH, AUGUST 17TH, SEPTEMBER 8TH AND 20TH, AND OCTOBER 9TH, 1937.

English official text communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Exchange of Notes took place January 31st, 1938.

I.

CANADIAN LEGATION.

No. 46.

WASHINGTON, *March 2nd*, 1937.

SIR,

I have the honour to refer to the Canadian Legation's *Aide Memoire* of January 7th, 1937, and the Department of State's reply of January 19th concerning the application of the Power City Broadcasting Corporation and the Niagara Falls Gazette Publishing Company of Niagara Falls, New York, for permission to establish a broadcasting station on a frequency of 630 kilocycles. This exchange of correspondence dealt with the possible interference which might be caused by the proposed station at Niagara Falls to Station CFCO operating on a frequency of 630 kilocycles at Chatham, Ontario.

It may be expected that from time to time the competent authorities of the Government of the United States will receive applications for permission to establish new broadcasting stations on frequency channels shared between Canada and the United States and for alteration in the assignment of such channels. In certain cases the granting of such applications might give rise to interference with Canadian stations operating on the same channel.

I have been instructed to enquire whether the Government of the United States would be agreeable to communicating with the Canadian Government in future before issuing licenses for new stations or altering the assignment of frequencies of existing stations on channels now shared between the United States and Canada, in cases where interference might be caused to the free and unrestricted use of such channels in Canada. The purpose of such a notification would be to give an opportunity to the Canadian Government of expressing their views in connection therewith.

I have the honour to be, with the highest consideration, Sir, your most obedient, humble servant,

Herbert M. MARLER.

The Hon. Cordell Hull,
Secretary of State of the United States,
Washington, D. C.

¹ TRADUCTION. — TRANSLATION.

N^o 4271. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU CANADA COMPORTANT UN ACCORD RELATIF A L'ÉCHANGE DE RENSEIGNEMENTS CONCERNANT LA DÉLIVRANCE DE PERMIS D'ÉTABLISSEMENT DE STATIONS RADIOTÉLÉGRAPHIQUES. WASHINGTON, LES 2 ET 10 MARS, 17 AOUT, 8 ET 20 SEPTEMBRE ET 9 OCTOBRE 1937.

Texte officiel anglais communiqué par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement de cet échange de notes a eu lieu le 31 janvier 1938.

I.

LÉGATION DU CANADA.

N^o 46.

WASHINGTON, le 2 mars 1937.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

J'ai l'honneur de me référer à l'aide-mémoire de la Légation du Canada en date du 7 janvier 1937 ainsi qu'à la réponse du Département d'Etat en date du 19 janvier concernant la demande adressée par la *Power City Broadcasting Corporation* et la *Niagara Falls Gazette Publishing Company of Niagara Falls, New York*, en vue d'établir une station de radiodiffusion d'une fréquence de 630 kilocycles. Dans cet échange de correspondance, on s'occupait des interférences que la station dont on projette la construction à Niagara Falls pourrait provoquer à l'égard de la station CFCO, qui émet sur une fréquence de 630 kilocycles à Chatham, Ontario.

On peut s'attendre à ce que les services compétents du Gouvernement des Etats-Unis reçoivent de temps à autre des demandes d'établissement de nouvelles stations de radiodiffusion sur des canaux de fréquence communs au Canada et aux Etats-Unis ou de modification de la répartition de ces canaux. Dans certains cas, l'octroi de l'autorisation demandée pourrait donner naissance à des interférences avec des stations canadiennes utilisant le même canal de fréquence.

Je suis chargé de demander au Gouvernement des Etats-Unis s'il accepterait d'entrer à l'avenir en rapport avec le Gouvernement canadien avant de délivrer des permis à de nouvelles stations ou de modifier la répartition des fréquences des stations déjà en exploitation et qui se servent des canaux de fréquence actuellement communs aux Etats-Unis et au Canada, lorsque ces mesures pourraient entraver l'utilisation libre et illimitée de ces canaux de fréquence au Canada. Cette communication aurait pour objet de permettre au Gouvernement canadien d'exprimer son avis sur ces points.

Veuillez agréer, etc.

Herbert M. MARLER.

L'honorable Cordell Hull,
Secrétaire d'Etat des Etats-Unis,
Washington, D. C.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

II.

DEPARTMENT OF STATE.

WASHINGTON, *March 10th*, 1937.

SIR,

I have received your note of March 2nd, 1937, inquiring whether the Government of the United States would be agreeable to communicating with the Canadian Government in the future before issuing licenses for new stations or altering the assignment of frequencies of existing stations on channels now shared between the United States and Canada, in cases where interference might be caused to the free and unrestricted use of such channels in Canada.

In reply I take pleasure in informing you that a copy of the note under acknowledgment is being transmitted to the Chairman of the Federal Communications Commission. As soon as a reply shall have been received from Mr. Prall, I shall not fail to communicate with you again concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State :
R. Walton MOORE.

The Honorable
Sir Herbert Marler, P.C., K.C.M.G.,
Minister of Canada.

III.

DEPARTMENT OF STATE.

WASHINGTON, *August 17th*, 1937.

SIR,

Reference is made to your note of March 2nd, 1937, and my reply of March 10th, 1937, in regard to the communication by the United States to the Canadian Government of information concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which may affect the use in Canada of the radio channels involved.

The Government of the United States is prepared to communicate with the Canadian Government regarding proposed action on all applications for new or additional broadcast facilities which may involve interference with existing Canadian stations, provided the Canadian Government will likewise inform the Government of the United States of any new or additional facilities for broadcast stations for which application has been made to it and which may involve interference with existing stations in the United States.

It should be understood in this connection that the determination of interference would be made by means of the current mileage separation tables published by the Federal Communications Commission of this Government or from field intensity measurements combined with mutually agreeable standards of allocation.

I shall appreciate a statement of your Government's acquiescence in the proposed arrangement and an indication of the date upon which it is to be made effective.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State :
R. Walton MOORE.

The Honorable
Sir Herbert Marler, P.C., K.C.M.G.,
E. E. and M. P.,
Minister of Canada.

IV.

CANADIAN LEGATION.

No. 185.

WASHINGTON, *September 8th*, 1937.

SIR,

I have the honour to refer to your note of August 17th, 1937, in which you replied to the suggestion made in this Legation's note No. 46 of March 2nd, 1937, with regard to informing the Government of Canada concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which might affect the use in Canada of the radio channels involved.

I am now instructed to inform you that the Government of Canada agree in principle with the views expressed in your note of August 17th and are prepared to exchange information with the Government of the United States, commencing immediately, in the matter of any new or additional broadcast facilities which may involve interference with existing stations.

With reference to the third paragraph of your note, it is assumed that it will be understood that, in the event of an agreement being signed as a result of the forthcoming Conference in Havana, the use of shared waves and the methods of determining interference shall be governed by such agreement.

I have the honour to be, with the highest consideration, Sir, Your most obedient, humble servant,

H. H. WRONG,
Chargé d'Affaires.

The Hon. Cordell Hull,
Secretary of State of the United States,
Washington, D. C.

V.

DEPARTMENT OF STATE.

WASHINGTON, *September 20th*, 1937.

SIR,

I have received your note of September 8th, 1937, in further relation to the communication by the United States to the Canadian Government of any information concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which may affect the use in Canada of the radio channels involved. I have duly noted that the Government of Canada agrees in principle with the views expressed in my note of August 17th, 1937, and that it is prepared to exchange information with the Government of the United States, commencing immediately, in the matter of any new or additional broadcast facilities which may involve interference with existing stations.

I am sending a copy of your note under acknowledgment to the Federal Communications Commission with a request that I be advised concerning the inquiry contained in the third paragraph of your note with regard to the use of shared waves and the methods of determining interference. As soon as I receive a reply from the Commission, I shall communicate with you again.

Accept, Sir, the renewed assurances of my high consideration.

R. Walton MOORE,
Acting Secretary of State.

Mr. Hume Wrong,
Chargé d'Affaires ad interim of Canada.

VI.

DEPARTMENT OF STATE.

WASHINGTON, *October 9th, 1937.*

SIR,

I refer to a note of September 8th, 1937, from your Legation, and my reply of September 20th, 1937, in further relation to the communication by the United States to the Canadian Government, on a reciprocal basis, of information concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which may affect the use in Canada of the radio channels involved, and now advise you that the Department has received a letter from the Federal Communications Commission concerning the inquiry contained in the third paragraph of the note of September 8th, in regard to the use of shared waves and the methods of determining interference.

The Commission states that it is in accord with the understanding of your Government that, in the event of an agreement being signed as a result of the forthcoming conference in Habana, the use of shared waves and the methods of determining interference shall be governed by such agreement. The Commission adds that in the meantime it is felt that the determination of the interference should be made by the current mileage separation tables published by the Commission or from field intensity measurements combined with mutually agreeable standards of allocation.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State :
R. Walton MOORE.

The Honorable
Sir Herbert Marler, P.C., K.C.M.G.,
Minister of Canada.

Certified to be true and complete textual
copies of the original Notes exchanged, in the
sole language in which they were signed.

For the Secretary of State
of the United States of America :

Edward Yardley,
Chief Clerk and Administrative Assistant.