

No. 9772

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of notes constituting an agreement relating to pre-sunrise operation of certain standard (AM) radio broadcasting stations (with figure). Ottawa, 31 March and 12 June 1967

Authentic texts: English and French.

Registered by the United States of America on 6 August 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Échange de notes constituant un accord touchant l'exploitation, avant le lever du soleil, de certaines stations de radio à bande ordinaire de fréquences — AM (avec diagramme). Ottawa, 31 mars et 12 juin 1967

Textes authentiques : anglais et français.

Enregistré par les États-Unis d'Amérique le 6 août 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT ¹
BETWEEN THE UNITED STATES OF AMERICA AND
CANADA RELATING TO PRE-SUNRISE OPERATION OF
CERTAIN STANDARD (AM) RADIO BROADCASTING
STATIONS

I

EMBASSY OF THE UNITED STATES OF AMERICA

Ottawa, March 31, 1967

No. 241

Sir:

I have the honor to refer to discussions which have taken place between representatives of the Government of the United States of America and representatives of the Government of Canada relating to pre-sunrise operation of certain standard (AM) radio broadcasting stations. Those representatives have proposed a reciprocal understanding with respect to this matter in the following terms, which are acceptable to the Government of the United States of America.

Pursuant to Section A, Subsection 6, of Annex 2 of the North American Regional Broadcasting Agreement, the Governments of the United States of America and Canada agree to permit, bilaterally, certain AM broadcasting stations to operate for a limited period of time prior to local sunrise, at least during the winter months, using all or part of their authorized daytime facilities in accordance with the criteria as set forth below:

Program transmission by standard broadcast stations with authorized daytime facilities from 6:00 a.m. local standard time to local sunrise (pre-sunrise operation) will be permitted subject to the following provisions:

The privilege of pre-sunrise operation would not extend to:

¹ Came into force on 12 June 1967 by the exchange of the said notes.

- (1) Class I stations.
- (2) Class II stations operating on Clear Channels on which the other country has a Class I-A priority.
- (3) Class IV stations operating on Local Channels authorized for operation with daytime power in excess of 250 watts.

Class II stations other than as noted in (2) above to be permitted pre-sunrise operation in relation to other Class II stations in accordance with the provisions for Class III stations, where such stations:

- (1) afford NARBA night time protection to the 0.5 mv/m 50 per cent skywave contour of any co-channel Class I-B station in the other country, or
- (2) are located west of the co-channel Class I-B station(s) in the other country and begin no earlier than sunrise at the location of the western-most Class I-B station located east of the Class II station.

Class III stations will be permitted to operate pre-sunrise with their authorized day-time facilities provided that such operations afford night time protection for stations in the other country in accordance with the NARBA, or, in the event authorized day-time facilities would not afford such full protection, the operating power shall be reduced, with radiation toward the protected station in the other country limited at the pertinent vertical angle, in accordance with the attached curves, Figure 1.¹

Pre-sunrise operations would not receive protection from stations duly notified under the NARBA. Adjustments in operating power of pre-sunrise operations shall be made as necessary to meet the foregoing criteria with respect to future night time assignments normally notified under the NARBA. Conversely, deletions of existing assignments may also permit future increases in operating power during pre-sunrise operation.

Proposed pre-sunrise operations may be presumed to be acceptable if they are within the provisions set out in this understanding. However, each proposal shall be notified directly between the Federal Communications Commission of the United States and the Department of Transport of Canada and within sixty days of receipt of a proposal the recipient agency may object thereto. The notification shall include the exact operating characteristics of each station permitted to operate with authorized (or reduced) daytime facilities during pre-sunrise hours.

¹ See figure 1 between pages 42 and 43 of this volume.

Pre-sunrise operation for a station on 1540 Kc/s in Toronto, Ontario, is permitted as a special case as follows:

CHIN, Toronto, Ontario, 1540 Kc/s, may begin operation at 6:00 a.m., Toronto time, with a power of 500 watts into its authorized directional antenna system and to continue that mode until local sunrise.

If the Government of Canada agrees to the outlined above, the Government of the United States of America will consider that this note and a reply from you confirming such agreement constitute an agreement between the two Governments, the provisions of which shall be implemented by each of the two Governments so that full effect shall be given to the provisions not later than July 1, 1967.

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

Joseph W. SCOTT
Chargé d'Affaires ad interim

Enclosure:
Figure 1

The Honorable Paul Martin
Secretary of State for External Affairs
Ottawa

II

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
CANADA

Ottawa, June 12, 1967

No. E-2028

Excellency,

I have the honour to refer to your Note No. 241 of March 31, 1967 proposing an Agreement between our two Governments relating to pre-sunrise operation of certain standard (AM) radio stations. The terms proposed in your Note are acceptable to the Government of Canada, and I have the honour to confirm that your Note and this reply, which is authentic in French

and in English, shall constitute an Agreement between the Government of Canada and the Government of the United States of America effective from the date of this reply.

Accept, Excellency, the assurances of my highest consideration.

Paul MARTIN
Secretary of State for External Affairs

His Excellency W. Walton Butterworth
Ambassador of the United States of America
Ottawa