

# TELECOMMUNICATION: NORTH AMERICAN REGIONAL BROADCASTING

*Interim agreement signed at Washington February 25, 1946, with  
annexes*

*Entered into force March 29, 1946*

*Expired March 29, 1949*

60 Stat. 1862; Treaties and Other  
International Acts Series 1553

## INTERIM AGREEMENT (MODUS VIVENDI), CONCLUDED AT THE SECOND NORTH AMERICAN REGIONAL BROADCASTING CONFERENCE, TO REGULATE THE USE OF THE STANDARD BROADCAST BAND IN THE NORTH AMERICAN REGION

The undersigned, duly authorized representatives of the Governments of Canada, Cuba, the Dominican Republic, His Majesty's Government in the United Kingdom in respect of the Bahama Islands, His Majesty's Government in the United Kingdom and the Government of Newfoundland in respect of Newfoundland, the United Mexican States, and the Government of the United States of America, meeting in Washington, D.C., at the Second North American Regional Broadcasting Conference from February 4 to 25, 1946, for the purpose of considering the problems incident to the expiration on March 28, 1946, of the North American Regional Broadcasting Agreement, signed in Habana, Cuba, on December 13, 1937,<sup>1</sup> as well as improvements in the use of the standard broadcast band in the North American Region,

### A G R E E :

#### ARTICLE I

To continue, during the interim period described in Article XVII hereof, the application within their respective jurisdictions of all the provisions of the North American Regional Broadcasting Agreement signed at Habana December 13, 1937, subject to the modifications and additions hereinafter stipulated.

---

<sup>1</sup> TS 962, *ante*, vol. 3, p. 503.

## ARTICLE II

Parts V and VI of the North American Regional Broadcasting Agreement, Habana 1937, are hereby expressly made inapplicable to this Interim Agreement.

## ARTICLE III

Cuba agrees to relinquish to the United States of America the use of the clear channel 1540 kc with Class I-A privileges in exchange for the use of the frequency 640 kc in the manner stipulated in Annex 1 hereof.

## ARTICLE IV

Cuba shall have the right to use the additional broadcasting facilities detailed in Annex 1 hereof with the power, and under the conditions of operation and limitations specified therein. The so-called 650-mile rule contained in Part II, C, Section 4, paragraph B, of the North American Regional Broadcasting Agreement, Habana 1937, shall not be applicable to Cuba in connection with the use of those frequencies in Annex I hereof.

## ARTICLE V

Cuba shall have the right to operate Special Class II stations on the regional frequencies described in Annex 2, with the power and under the conditions of operation and limitations specified therein.

## ARTICLE VI

The Government of the Bahama Islands will cease all operations on the frequency of 640 kc not later than August 1, 1946. On or before June 1, 1946, the Government of the Bahama Islands shall notify directly the Government of Cuba the exact date on which it will cease using the said frequency.

## ARTICLE VII

The United States of America agrees to the assignment of the frequency 1540 kc with Class I-A protection in accordance with the North American Regional Broadcasting Agreement, Habana 1937, to the Government of the Bahama Islands subject to the terms of this Agreement.

The United States of America further agrees to collaborate with the Government of the Bahama Islands, after tests have been conducted on 1540 kc or other frequencies which may be suggested by the United States, with a view to determining whether the 1540 kc frequency or some other frequency should be substituted in the Bahama Islands for 640 kc.

## ARTICLE VIII

The Governments parties to this Agreement shall cooperate to minimize interference to their respective services. Recognizing that propagation over

sea water is superior to over-land propagation and that the present standards do not adequately take into account conditions of this nature, the Governments parties to this Agreement agree to cooperate with a view to minimizing interference in the event that sky wave signal intensities exceed the values stipulated in this instrument.

#### ARTICLE IX

Except as herein specifically provided, nothing contained in this Interim Agreement shall limit or restrict the use of any clear channel assigned under the North American Regional Broadcasting Agreement, Habana, 1937, for use by Class I-A stations in the country in which such stations may be located.

#### ARTICLE X

The Governments parties hereto undertake to apply the provisions of this Interim Agreement and to take the steps necessary to enforce said provisions upon the operating agencies recognized or authorized by them to establish and operate broadcast stations within their respective countries.

#### ARTICLE XI

Notifications of a complete list of all broadcasting stations in the standard broadcast band actually in operation in each country having been made and accepted without objection on the part of any Government pursuant to Part III of the North American Regional Broadcasting Agreement, Habana 1937, and of changes similarly made and accepted during the life of said Agreement, the signatories and adherents hereto will continue to recognize these notifications including the specific changes and modifications stipulated in this instrument.

#### ARTICLE XII

A permanent North American Regional Broadcasting Engineering Committee composed of four experts, one each from Canada, Cuba, Mexico, and the United States, shall be established for the purpose of determining facts and making recommendations thereon which will enable Governments to comply with the technical provisions of this Agreement to their mutual satisfaction. The organization, duties, and procedures of the committee shall be governed by Annex 3.

#### ARTICLE XIII

In order to conclude a new North American Regional Broadcasting Agreement at the earliest possible date, the signatory Governments will

A. Commence immediately the necessary studies for the conclusions of such an Agreement.

B. Exchange views following their respective studies. For this purpose each Government shall, on or before October 1, 1946, submit to the Inter-

American Radio Office, twelve copies of its conclusions together with supporting data.

C. Hold a meeting of their technicians in Habana, Cuba, on or about January 2, 1947, preparatory to the Third North American Regional Broadcasting Conference, who shall examine the technical aspects of the documents communicated by the interested Governments. A joint report of their findings, views and recommendations shall be circulated to the Governments by the Inter-American Radio Office not later than March 1, 1947.

D. Communicate to the other Governments through the Inter-American Radio Office, before June 1, 1947, after consideration of this joint report, their proposals for the Third North American Regional Broadcasting Conference.

#### ARTICLE XIV

The preparation and circulation of the agenda for the Third North American Regional Broadcasting Conference not later than August 1, 1947, shall be the responsibility of the Inter-American Radio Office.

#### ARTICLE XV

The Government of Canada shall be in charge of the organization and convocation of the Third North American Regional Broadcasting Conference, which shall be held in Canada on or about September 15, 1947.

#### ARTICLE XVI

This Interim Agreement shall be considered in connection with the provisions of the North American Regional Broadcasting Agreement, Habana 1937, but in case of conflict the terms of this Interim Agreement shall prevail.

#### ARTICLE XVII

This Interim Agreement shall be in force for a period of three years commencing March 29, 1946, unless before its expiration there shall be signed and ratified a new North American Regional Broadcasting Agreement.

#### ARTICLE XVIII

This Interim Agreement shall remain open for signature by the Government of the Republic of Haiti, a signatory to the North American Regional Broadcasting Agreement, Habana 1937.

In witness whereof the respective representatives have signed this Interim Agreement in duplicate, one in English and one in Spanish, each of which shall remain deposited in the archives of the Government of Cuba and a certified copy of each of which shall be forwarded to each Government.

Done at Washington, this 25th day of February 1946.

For the Government of Canada:

F. H. SOWARD  
G. C. W. BROWNE

For the Government of Cuba:

CARLOS MARISTANY  
L. MACHADO  
NICOLÁS MENDOZA

For the Government of the Dominican Republic:

T. R. RODRÍGUEZ

For His Majesty's Government in the United Kingdom in Respect of the Bahama Islands:

A. D. HODGSON

For His Majesty's Government in the United Kingdom and the Government of Newfoundland in Respect of Newfoundland:

H. T. CLARKE

For the Government of the United Mexican States:

With reservation in regard to Article XII

R. AVILA CAMACHO

For the Government of the United States of America:

EWELL K. JETT  
HARVEY B. OTTERMAN

For the Government of the Republic of Haiti: <sup>2</sup>

## ANNEX 1

### *Use by Cuba of Clear Channels*

Cuba may operate Class II unlimited time stations on the following clear channels assigned to Class I-A stations in other countries, subject to the conditions of operation, power and limitations hereinafter specified:

FREQUENCY (kc)	LOCATION	MAXIMUM POWER AT NIGHT	TYPE OF ANTENNA	LIMITATION TO SPECIFIED CONTOUR OR MAXIMUM RADIATION (mv/m unattenuated field at one mile) IN DIRECTION INDICATED
640 (U.S.)	Province of Habana	25 kw	Directional	225—Los Angeles, California Sec* 392—U.S. Class II Stations 500—St. John's Newfoundland The interfering signal at this station's 0.477 mv/m 50% sky wave contour shall not exceed 0.025 mv/m 10% of the time.
670 (U.S.)	Province of Oriente	1 kw	Directional	45—Chicago, Illinois Sec*
690 (Canada)	Province of Habana	25 kw	Directional	Signal at Canadian border shall not exceed 0.039 mv/m 10% of the time. Maximum limitation 2.5 mv/m to XEN.
730 (Mexico)	Province of Oriente	10 kw	Directional	175—Cabo Catoche, Quintana Sec** Roo. Maximum limitation to CKAC, Montreal, Quebec 2.5 mv/m ground wave contour.
740 (Canada)	Province of Habana	10 kw	Directional	Signal at Canadian Border shall not exceed 0.050 mv/m 10% of the time. Maximum limitation to KTRH at Houston, Texas 2.25 mv/m ground wave contour.

<sup>2</sup> The agreement was signed for Haiti on Dec. 18, 1946.

FRE- QUENCY (kc)	LOCATION	MAXI- MUM POWER AT NIGHT	TYPE OF ANTEN- NA	LIMITATION TO SPECIFIED CON- TOUR OR MAXIMUM RADIATION (mv/m unattenuated field at one mile) IN DIRECTION INDICATED
800 (Mexico)	Province of Oriente	250 w	Non- Direc- tional	75—Cabo Catoche, Quintana Sec*** Roo. Maximum limitation of 2.5 mv/m ground wave contour of CHRC, Que- bec, Quebec; CJAD, Montreal, Que- bec; CKLW, Windsor, Ontario; CHAB, Moose Jaw, Saskatchewan.
830 (U.S.)	Province of Habana	1 kw	Direc- tional	42—Minneapolis, Minnesota. See*
850 (U.S.)	Province of Oriente	2 kw	Non- Direc- tional	200—Denver, Colorado. See*
860 (Canada)	Province of Habana	15 kw	Direc- tional	Signal at Canadian Border shall not exceed 0.030 mv/m 10% of the time.
890 (U.S.)	Province of Cama- guey	1 kw	Direc- tional	35—Chicago, Illinois. See*

\*The interfering signal shall not exceed 0.025 mv/m 10% of the time at night at the present 0.4 mv/m 50% contour of the respective U.S. Class I-A stations.

\*\*In any case, in order to prevent objectionable interference, the station at Holguin must reduce radiation so as not to exceed 10% of the time, one twentieth of the signal of XEX at any point in Mexico.

\*\*\*In any case, in order to prevent objectionable interference, the station at Oriente must reduce radiation so as not to exceed 10% of the time, one twentieth of the signal of XELO at any point in Mexico.

ANNEX 2

*Use by Cuba of Special Class II Stations on Regional Channels*

In addition to others specified in Table V, Appendix I of the North American Regional Broadcasting Agreement, Cuba may operate Special Class II stations on the following Regional Channels, subject to the conditions of operation, power and limitations hereinafter specified:

FRE- QUENCY (kc)	LOCATION	MAXI- MUM POWER AT NIGHT	TYPE OF ANTEN- NA	MAXIMUM LIMITATIONS TO CLASS III STATIONS TO THE CONTOUR INDICATED BELOW
590	Province of Habana	25 kw	Direc- tional	Uniontown, Pennsylvania (WMBS) 1.6 mv/m Austin, Texas (KTBC) 3.0 mv/m Kalamazoo, Michigan (WKZO) 1.12 mv/m Omaha, Nebraska (WOW) 1.0 mv/m Boston, Massachusetts (WEEI) 1.0 mv/m Mexico, D. F. (XEPH) 1.83 mv/m

## MULTILATERAL AGREEMENTS 1946-1949

FRE- QUENCY (kc)	LOCATION	MAXI- MUM POWER AT NIGHT	TYPE OF ANTEN- NA	MAXIMUM LIMITATIONS TO CLASS III STATIONS TO THE CONTOUR INDICATED BELOW
600	Province of Oriente	10 kw	Direc- tional	Winston Salem, North Carolina (WSJS) 1.7 mv/m Memphis, Tennessee (WREC) 0.9 mv/m Baltimore, Maryland (WCAO) 1.0 mv/m Bridgeport, Connecticut (WICC) 1.0 mv/m Merida, Yucatan (XEZ) 1.80 mv/m
630	Province of Santa Clara	25 kw	Direc- tional	Washington, D. C. (WMAL) 1.0 mv/m St. Louis, Missouri (KXOK) 1.04 mv/m Providence, Rhode Island (WPRO) 1.0 mv/m Monterey, Nuevo Leon (XEFB) 2.5 mv/m
790	Province of Habana	2 kw	Non- Direc- tional	Memphis, Tennessee (WMC) 1.6 mv/m Norfolk, Virginia (WTAR) 1.4 mv/m
		10 kw	Direc- tional	Mexico, D. F. (XERC) 1.0 mv/m
910*	Province of Habana	10 kw	Direc- tional	Richmond, Virginia (WRNL) 2.35 mv/m Johnson City, Tennessee (WJHL) 3.48 mv/m Meridian, Mississippi (WCOC) 5.60 mv/m
920	Province of Camaguey	10 kw	Direc- tional	Providence, Rhode Island (WJAR) 1.0 mv/m Fairmont, West Virginia (WMMN) 1.1 mv/m Atlanta, Georgia (WGST) 2.4 mv/m Little Rock, Arkansas (KARK) 1.0 mv/m Hermosillo, Sonora (XEBH) 1.0 mv/m
950	Province of Habana	2 kw	Non- Direc- tional	Houston, Texas (KPRC) 1.7 mv/m Spartanburg, South Carolina (WSPA) 2.5 mv/m
		10 kw	Direc- tional	Ciudad Trujillo, D. R. (HIX) 2.4 mv/m
960	Province of Camaguey	2 kw	Non- Direc- tional	Roanoke, Virginia (WDBJ) 1.2 mv/m Birmingham, Alabama (WBRC) 1.6 mv/m
		10 kw	Direc- tional	Nuevo Laredo, Tamaulipas (XEFE) 1.0 mv/m Veracruz, Veracruz (XEU) 1.0 mv/m

\*Cuba agrees to make every effort to reduce as much as possible the interference to the three above U.S. Class III stations using the Regional Channel 910kc.

## ANNEX 3

*North American Regional Broadcasting Engineering Committee*

A. The members of this Committee shall be appointed by their respective Governments under such circumstances and for such periods as each may decide. The first meeting of the committee shall be convened before June 1, 1946 by the member appointed by the United States of America for the purpose of electing a chairman, and of adopting rules of practice and procedure to be followed in the performance of the functions herein after set forth. These rules shall include detailed requirements as to the methods of measurements, and other matters of importance to the Committee. The rules will be distributed to all interested Governments.

B. This Committee shall, whenever a request is made by any signatory or adherent to this Agreement, perform the following duties:

1. Inspect new installations or changes in existing facilities prior to regular operation to insure that adequate provision is made to prevent radiation toward other countries in excess of the acceptable maximum.

2. Investigate whenever observed interference indicates the possibility of maladjustments of radio transmitting equipment, and recommend adjustments or modifications to insure that the specified radiation in pertinent directions is not exceeded.

3. Investigate whenever observed interference indicates the possibility of other maladjustments of transmitting equipment resulting in objectionable interference from causes such as excessive frequency deviation, excessive modulation, spurious emissions, or other causes and to recommend all necessary adjustments or modifications to eliminate such interference.

C. Upon receipt of a notification for construction of a new station or changes in facilities of an existing station in another country, any Government receiving such notice may request that prior to regular operation there shall be an inspection by the North American Regional Broadcasting Engineering Committee. As construction nears completion, but prior to operation, the Government of the country in which the station is located shall notify the Government of the country requesting the inspection that the installation is ready for inspection. The representatives of these Governments on the Engineering Committee will then make immediate arrangements for inspection of the facilities.

D. When any Government signatory or adhering to this Agreement has reason to believe that interference in excess of that permitted by this Agreement is being caused to any station located in that country as a result of the operation of a station located in another country signatory or adhering to this Agreement, such Government shall notify its representative on the North American Regional Broadcasting Engineering Committee and the Government of the country in which the alleged interfering station is located that

it has reason to believe that excessive interference is being caused and shall state the general character of such interference. On receipt of the notice, the Government to which it is addressed will refer the same to its committee member. Within ten days the interested committee members shall meet at the location of the alleged interfering station and make such measurements as appear necessary to determine material facts bearing upon the issues raised in the complaint.

E. In the event the Government requesting an inspection or investigation or the Government of a country in which an inspection or investigation is requested does not have a representative on the North American Regional Broadcasting Engineering Committee, such Government shall designate a committee representative to serve the particular case. In any case where neither Government is represented on the standing committee, both shall designate committee representative for that purpose.

F. In making field intensity measurements or inspections, committee members shall be governed by the standards of good engineering practice accepted by the Committee.

G. Each committee member shall be individually provided by his Government with appropriate items of radio measuring equipment or apparatus properly calibrated in accordance with mutually acceptable standards.

H. Where examination shows that the construction referred to in Paragraph "C" hereof is in accordance with the notification, and that provisions have been made for protection in accordance with the notification, the Committee will so report to the Government of the country in which the station is located and at the same time communicate a copy of such report to the Government or Governments requesting the examination. Where the examination indicates that the construction is not in accordance with the notification, or that provisions have not been made for protection in accordance with the notification, the Committee shall make such report to the Governments together with recommendations as to changes of construction, modification, or adjustments of circuits necessary to comply fully with the notification.

I. Where measurements are made following a complaint by a signatory or adhering Government, the results of such measurements with recommendations of the Committee members shall be communicated forthwith to the interested Governments.

J. Upon receipt of a report that inspection of facilities shows that adequate provisions had not been made to prevent radiations in excess of the accepted maximum with recommendations as to measures necessary for correction, the Government of the country in which the facilities are located shall take steps to see that the necessary corrections or adjustments are made prior to operation of the facilities.

K. Upon receipt of a report indicating that interference investigated is, in fact, excessive, the Government of the country in which the interfering station

is located shall immediately take steps providing for the elimination of such interference. If the interference found by the Committee cannot be eliminated within ten days by adjustments of equipment, the power of the offending station shall be reduced as much as is necessary to eliminate such interference.

L. Where the committee members of the interested Governments do not agree as to their report or recommendations relating to inspection of new or changed facilities, or upon the investigation of an interference complaint, each committee member shall make a complete report covering all material facts with respect to the matters under consideration and such recommendations as he may believe proper, transmitting the same immediately to the interested Governments. Copies of both reports shall be referred to the full committee. The full committee shall review the case and make such additional investigations as it may deem necessary and then report its findings and recommendations to the Governments of the stations concerned in the matter. Upon receipt of such recommendations, the Government of the country in which the facilities concerned are located shall take such steps as is necessary to comply with the recommendations of the Committee. If the interference found by the Committee cannot be eliminated within ten days by adjustments of equipment, the power of the offending station shall be reduced as much as is necessary to eliminate such interference.