

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

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| In the Matter of WARNER AND TAMBLE RADIO SERVICE, MEMPHIS, TENNESSEE. For Construction Permit (Coastal Harbor Station, Public Coastal Service). | } | DOCKET No. 4244. |
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Decided April 13, 1938

Held, that public interest, convenience, or necessity will not be served by the granting of a permit to Warner and Tamble Radio Service to construct a coastal harbor radio station at Memphis, Tennessee, to operate in the public coastal service.

James H. Hanley on behalf of the applicant; *Elmer D. Hays* and *Basil P. Cooper* on behalf of the Commission.

REPORT OF THE COMMISSION

This proceeding arose out of the application of Warner and Tamble Radio Service for a permit to construct a coastal harbor radio-telephone station at Memphis, Tennessee, to operate in the public coastal service. The Commission being unable to determine that public interest, convenience, or necessity would be served by the granting of the application set the case for hearing. The hearing was held before an Examiner of the Commission on May 7, 1937. The Examiner on October 16, 1937, released his report (No. III-25) and recommended that the application be denied. Exceptions have been filed and oral argument heard before the Commission.

STATEMENT OF FACTS

The applicant, Warner and Tamble Radio Service, is a partnership composed of R. V. Warner and G. H. Tamble. R. V. Warner and G. H. Tamble are citizens of the United States by birth and reside at Memphis, Tennessee.

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The partners, R. V. Warner and G. H. Tamble, operate tugboats out of Memphis, Tennessee. Both partners are licensed pilots on the Mississippi River. A financial statement of the partnership lists assets consisting of three tugs, a wharf boat, accounts receivable, and bank balance showing a net worth in excess of \$170,000. The partners have no individual liabilities which diminish the net assets of the partnership.

The applicant proposes to install on a wharf boat, moored on Wolf River, near Union Street, a transmitter Type 32G, manufactured by the Collins Radio Company, together with the necessary antenna and receiving equipment.

The applicant proposes to operate on a frequency of 2558 kilocycles, with power of 25 watts, unlimited hours of operation. The proposed station would have an effective transmitting range of from 3 to 15 miles.

The applicant proposes to furnish two types of service: (1) a dispatching service to tow boats and tugs operating in the Memphis harbor, and (2) a two-way communication service with vessels suitably equipped in the Memphis harbor. The applicant proposes to charge rates similar to those charged by other coastal harbor stations.

The applicant has made arrangements to secure the service of a competent engineering staff to construct and supervise the operation of the proposed station.

It is estimated that the proposed station would cost approximately \$1,000, including cost of the transmitter, antenna, and receivers. No estimate has been made as to the expected revenue to be derived from the operation of the proposed station, and the applicant testified that he was willing to bear the financial loss which would likely result from its operation.

Memphis harbor is located at the junction of the Wolf River with the Mississippi River. It is estimated that vessels operating in this harbor handle approximately 1,000,000 tons of commerce annually.

As a general rule the vessels operating on the Mississippi River do not carry passengers. The major portion of commerce on the Mississippi River, which passes the Memphis harbor, is handled by barges which are propelled by towboats. A towboat can handle from 15 to 25 barges. It is stated that a towboat's time is worth \$600 a day, and that delays incident to the handling of barges may be valued at from \$10 to \$50 per hour.

At the present time the only means of communication between privately owned towboats operating up and down the Mississippi River in the vicinity of Memphis harbor and the shore is by means of a motor or row boat. In the event a tow becomes stranded or

the vessel breaks down, it is necessary to send a man in a boat to summon aid.

Under existing arrangements, once a tugboat has left the wharf to take barges to and from the towboats, which frequently do not leave the channel of the Mississippi River, it is necessary to dispatch a motorboat to contact the tug in order to give any new or additional orders relative to the handling of various barges.

In the event of a fire along the Memphis waterfront, the radio service of the proposed station could be used to direct the various tugs to move barges and other vessels from the area of the conflagration. Radio service to vessels would be of assistance in times of floods and other disasters.

A number of commercial concerns evidenced considerable interest in the proposed station and indicated that such station would have their commercial support. Applicant intends to install a receiving set on one of its tugboats at once and place receiving sets on its other tugboats gradually. Eventually it is contemplated that various tugboats owned by applicant will be equipped with transmitters.

At the present time there is no radiotelephone station on the Mississippi River open to public communication which may be used to transmit messages to privately owned towboats or tugs operating in the Memphis harbor. The U. S. Engineers and the Federal Barge Line operate radiotelegraph stations at Memphis but they are not open to public communication service.

The frequency 2558 kilocycles, requested by the applicant, is under the rules of the Commission allocated for use by coastal harbor radiotelephone stations. Under a working agreement between the representatives of the Federal Radio Commission and the representatives of the Department of Marine and the Department of National Defense of Canada, October 1933, the frequency 2558 kilocycles is allocated for assignment to coastal harbor radiotelephone stations in the New Orleans, Louisiana, area. At present there are no stations operating in the New Orleans area on this frequency. The proposed station would not cause interference to any existing stations.

Should this Commission license a station near New Orleans, Louisiana, as is contemplated by the allocation agreement heretofore referred to, with the power normally used by a coastal station located on the seacoast, there would be interference in the event of simultaneous operation with such a station and the proposed station at Memphis.

The record does not disclose the exact number of tugs and towboats which would likely be equipped so as to enable them to use the proposed service. It is apparent, however, that the number of vessels

which would be equipped for two-way radio communication telephone service is small. Rule 275 (c) contemplates the use of 2738 kilocycles by coastal harbor stations, and Rule 285 (d) contemplates the use of this frequency for communication primarily between ship harbor stations. These allocations contemplate the use of this frequency on inland waters.

The applicant is primarily interested in establishing a means of communication between the various tugs and towboats operating in the Memphis harbor and the wharf boat moored on Wolf Creek near Union Street, upon which the proposed station would be located. It is evident that the frequency 2738 kilocycles, if used by a coastal harbor station in this area, would adequately serve the needs of the applicant as well as other concerns engaged in handling commercial traffic in the Memphis harbor.

The applicant has contacted the Southern Bell Telephone Company and indicated a desire to obtain a connection with the facilities of this land line company in the event the Commission grants this application. The Southern Bell Telephone Company has indicated that it would be glad to consider such a connection.

The applicant is legally, technically, and financially qualified to construct and operate the proposed coastal harbor station. At the present time no stations are operating in this area on 2558 kilocycles, and the frequency requested can be used by the proposed Memphis station without causing interference to any existing station.

The equipment which the applicant proposes to install will meet the engineering requirements of this Commission.

GROUNDS FOR DECISION

1. The frequency 2558 kilocycles requested by the applicant is under the working agreement between this Commission and the Department of Marine and the Department of National Defense of Canada, allocated for use by coastal harbor stations in the New Orleans, Louisiana, area. Giving due consideration to the commercial needs of New Orleans harbor, upon which the frequency allocation agreement was predicated, no such showing has been made as would justify the Commission in assigning the use of this frequency to the proposed station at Memphis, Tennessee.

2. The frequency 2738 kilocycles, under the rules of this Commission, can be used by coastal harbor stations as well as ship stations operating in the vicinity of Memphis, Tennessee. Because of the geographical location of the proposed station, and the type and power of the transmitters which would be installed on ships operating on the Mississippi River and the Memphis harbor, this frequency can

be advantageously used in this area. The present commercial need of the shipping industry at Memphis can be adequately and advantageously handled by stations operating on the frequency of 2738 kilocycles.

CONCLUSION

Upon consideration of the entire record, the Commission is of the opinion, and so finds, that public interest, convenience, and necessity would not be served by granting of the application of Warner and Tamble Radio Service for a permit to construct a coastal harbor station at Memphis, Tennessee, to operate on the frequency of 2558 kilocycles.

Appropriate order will be issued.

Walker, Commissioner, concurring:

The applicant has shown that there is need for radio telephone service in the Memphis Harbor to facilitate the handling of commercial traffic, and has indicated that the proposed station would be operated in accordance with the rules and regulations of this Commission.

Our reason for denying the application is that the frequency 2738 kilocycles, which could be used by the proposed station, would adequately meet the needs of the shipping industry in this area, whereas the frequency 2558 kilocycles is allocated for use by a coastal harbor station in the New Orleans, Louisiana, area.

Inasmuch as there is need for the service proposed, and the applicant is qualified to give such service, the way is open for a renewal of the application on an available frequency.

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