

A special meeting of the State Lands Commission was held in the State Capitol, Sacramento 14, California, at 11:30 a.m., on Thursday, July 16, 1953.

Present: A. E. Washburn, Deputy Director of Finance (acting for James S. Dean, Chairman)

Goodwin J. Knight, Member
Robert C. Kirkwood, Member

Staff Member in Attendance:

J. Stuart Watson, Assistant Executive Officer

Others in Attendance:

T. H. de Lap
H. Sturdy

1. (APPLICATION FOR LEASE AMENDMENT, RADIO DIABLO, INC. - P.R.C. 4.2)
Application has been received from the State's lessee, Radio Diablo, Inc., for an amendment to Lease P.R.C. 4.2. This lease covers school lands at the top of Mt. Diablo, Contra Costa County, and has nine years to run, at the annual rental of \$540. Paragraph 3 of this lease provides:

"That the demised premises shall be used during the term hereof for the purpose of constructing and maintaining a commercial radio station, and for no other purpose."

It is the Staff's opinion that this paragraph would cover broadcasting of television. However, since Radio Diablo, Inc. has an application pending before the Federal Communications Commission for a television license, they desire to have the lease amended to make certain the lease gives them the right to televise. The lessee is agreeable to include provision No. 7 of the Division of Communications, Department of Finance policy in the amendment, which provides that Radio Diablo, Inc. will, at their expense, eliminate any interference they might cause to properly operated State communications on the leased premises.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

The Executive Officer is authorized to amend Paragraph 3 of Lease P.R.C. 4.2 to read as follows:

"That the demised premises may be used during the term hereof for the purpose of constructing, maintaining and operating a station or stations, commercial or otherwise, for the transmission and/or reception of energy by electrical waves for broadcasting and/or other communication (including transmission and/or reception of writing, signs, signals, pictures either still or moving, and sounds and information of all kinds, and including all installations, facilities, apparatus and services incidental thereto) and for no other purposes.

"In the event that Lessee operates a television station, apparatus or equipment on the demised premises and creates interference with the operation of any radio or television equipment

owned and/or operated by the State or any political subdivision thereof on Mt. Diablo, the Lessee shall eliminate such interference to the satisfaction of the State Division of Communications at no expense to the State.

"Questions of use or interference not involving the State or a political subdivision thereof, which are within the jurisdiction of the Federal Communications Commission, shall be consigned or remanded to that agency.

"State assumes no responsibility or liability for the efficacy of site for television purposes. Any television mast hereafter constructed on the demised premises shall be of such height and workmanship that at least two separate channels may be transmitted therefrom, which channels may be of very high and ultra high frequency."

All other provisions and conditions of the lease to remain in full force and effect.

There being no further business to come before the Commission, the meeting was adjourned.

Elma M. Penny
Senior Stenographer-Clerk
STATE LANDS COMMISSION

JULY 27, 1953