

BROADCASTERS' NEWS BULLETIN

Reporting accurately and promptly current happenings of special interest to Broadcasting
Stations in the Commercial, Regulatory, Legislative and Judicial Fields

Issued by

OFFICERS

WALTER J. DAMM, . Milwaukee, Wis.
President
EDWIN W. SPENCE, Atlantic City, N. J.
Vice President
O. D. FISHER, Seattle, Wash.
Vice President
PAUL W. MORENCY, Hartford, Conn.
Treasurer

THE NATIONAL ASSOCIATION OF BROADCASTERS

Incorporated

NATIONAL PRESS BUILDING
WASHINGTON, D. C.

Telephone District 9497

EXECUTIVE PERSONNEL

PHILIP G. LOUCKS
Managing Director
EUGENE V. COGLEY
Assistant to Managing Director
OLIVINE FORTIER
Secretary

February 7, 1931

"BY THEIR FRUITS YE SHALL KNOW THEM"

This doctrinal declaration recorded by St. Matthew twenty centuries ago in his Biblical writings has just been adopted by the Court of Appeals of the District of Columbia as the controlling legal principle in the relicensing of broadcasting stations.

Sustaining the Commission's action in denying to the K F K B Broadcasting Association Inc. a renewal of Station K F K B's license on 1050 kc with 5 KW power (limited time) at Milford, Kansas, the Court took occasion to enunciate a far-reaching rule to be followed in all cases where stations fail to adequately meet the standard of public interest, convenience and necessity. The decision was handed down February 2, 1931 and is as yet unreported.

The court found that Dr. J. R. Brinkley was actually in control of the station and that his "medical question box" was devoted to "diagnosing and prescribing treatments of cases from symptoms given in letters" written by patients he had never seen. The court ruled that Station K F K B was conducted "only in the personal interest of Dr. J. R. Brinkley" and that the "medical question box" conducted by him was "inimical" to public health and safety and for that reason is not in the public interest.

In considering an application for a renewal of license, an important consideration is the past conduct of the applicant, the court held, adding that "by their fruits ye shall know them."

The question of censorship was not involved in the case, the court stated, because "there has been no attempt on the part of the Commission to subject any part of appellant's broadcasting matter to scrutiny prior to release." The prohibition against censorship in the law does not preclude the Commission from its undoubted right to take note of a station's past conduct.

Stations operated carelessly and without due regard to the general interests of the public they serve, will find a note of warning in the Brinkley decision. Now that doubt has been removed from its authority, the Commission will probably enter upon a campaign to rid the country of stations failing to meet the standard of public interest.

COMMERCIAL COMMITTEE MEETING FEBRUARY 14

A joint meeting of the Commercial Committee of the National Association of Broadcasters with the Radio Committee of the American Association of Advertising Agencies will be held in New York on Friday, February 13. This meeting will be preceded by a meeting of the NAB Commercial Committee. Many interesting commercial questions have been submitted to the committee and all of these will receive consideration during the two-day meeting.

- - - -

DO YOU UNDERSTAND COPYRIGHT?

What is the solution to the present copyright question? Will the Vestal Bill help? What about the American Society and the future?

Copyright will be one of the broadcasters' most troublesome questions for some time to come. Its solution depends upon every broadcaster understanding the problem. Every broadcaster will want to read the complete discussion of the copyright question as it effects broadcasting which is now published in the Proceedings of the Eighth Annual Convention of the National Association of Broadcasters. The question is discussed by E. C. MILLS, former general manager of the American Society and now president of Radio Music Company; and LOUIS G. CALDWELL, former general counsel of the Commission and special counsel to the NAB Copyright Committee.

The Proceedings contain discussions of every phase of the broadcasting business. A limited supply of copies are available at \$5.00 per copy. Your check should be made out to the National Association of Broadcasters and mailed to the National Press Building, Washington, D. C. Orders will be filled in the order received until the supply of copies is exhausted.

THERE WILL BE NO REPRINT.

- - - -

ENGINEERING COMMITTEE ARRANGING STUDY

The Engineering Committee of the National Association of Broadcasters, headed by John V. L. Hogan, New York, is arranging to make a complete study of the broadcasting engineering plan offered to the Federal Radio Commission by Commander T. A. M. Craven, former acting chief engineer of the Commission. Chairman Hogan is planning to call a meeting of his committee in the near future for the purpose of making a preliminary study and report on the plan in which every broadcasting station in the United States has an interest.

- - - -

KOH JOINS COLUMBIA

KOH, Reno, Nevada, will become a link in the CBS on February 15.

- - - -

FIGHT LOOMS ON FESS BILL

The National Committee on Education by Radio, headed by Joy Elmer Morgan, has just received a donation of \$200,000. from the Payne Fund which will be used to secure enactment by Congress of the Fess Bill to set aside 15 per cent of the present band for educational purposes. The NAB is opposed to this bill and will be prepared to wage a successful fight against it if the moral and financial support of all broadcasting stations can be mobilized. Passage of the Fess bill would mean a new reallocation which would result in virtually every commercial station in the country being forced into power reduction, frequency change and further uneconomic time division. The bill has enormous support in Congress and can be defeated only if broadcasters will organize their maximum strength under the NAB.

- - - -

RADIO STATUTES COMPILED

Elmer A. Lewis, superintendent of the House Document Room, has compiled the 20 radio acts passed by Congress since 1910. Your Congressman or Senator may be able to secure copies for you.

- - - -

NEW WE 100-WATT IN AUGUST

The Western Electric Company plans to have ready for marketing in August a new 100-watt transmitting set, according to information received this week.

- - - -

BETTER PROGRAM CHECK SOUGHT

The Commission is requesting prices for the purchase of recording apparatus which would be used in making permanent records of broadcast programs to be used as evidence in passing upon renewal applications. It now has access to such a device privately-owned but has not as yet put it to use.

- - - -

VESTAL BILL STILL MUCH ALIVE

The Senate Patents Committee will hold a meeting next week for the purpose of considering the Vestal Copyright Bill, which already has passed the House. An attempt will be made to have the Committee report the bill favorably to the Senate next week and there is strong sentiment for Senate action before adjournment of the Congress. There are numerous amendments to be considered, among them are 19 submitted by the NAB on behalf of the broadcasters of the United States. Unless these amendments are incorporated in the bill, the broadcasters will have to throw their organized strength against passage of the measure. Watch next week's bulletin for developments.

- - - -

MADRID COMMITTEE TO MEET

A general meeting of the Radio Regulations Committee preparing for the Madrid Conference is scheduled for Wednesday, February 11, 1931, in the offices of the Commission. At this meeting final reports of the three Committees preparing U.S. proposals on the regulations will be made.

M. D. GETS COMMITTEE APPOINTMENT

The Managing Director of the National Association of Broadcasters has been named a member of the Membership Committee, American Section of the International Committee on Wireless Telegraphy. Senator-Elect Wallace H. White, jr. of Maine, is president of the American Section.

FIVE NEW MEMBERS WELCOMED

Stations W R A K, Williamsport, Pa.; W G A R, Cleveland, Ohio; W J B K, Detroit, Mich.; K Q V, Pittsburgh, Pa.; and W T O C, Savannah, Georgia, this week filed applications for memberships in the NAB. The Broadcasters' News Bulletin is pleased to welcome these five stations into the Association.

EDWARDS HEADED FOR COAST

S. W. Edwards, former Federal Radio Supervisor at Detroit, left Washington last week for a trip to the Pacific Coast. He will stop off at Grand Island, Nebraska, to inspect the government's giant monitoring station there, which he designed and constructed. According to Martin Codel, radio editor of McClure Newspaper Syndicate, "tests already conducted have brought in stations on all of the continents, including speech and music being broadcast on long, intermediate and short waves from England, France, Germany, Russia, Japan and Java." Although the plant has cost the Government about \$250,000, it has failed to appropriate the \$100,000 needed to man the station with adequate engineering personnel.

WALKER NAMED EXAMINER

Ralph L. Walker, formerly a member of the legal staff of the Commission, has been appointed as an examiner, bringing the number of examiners up to four. Ellis A. Yost, is chief of the examiners' division, which includes Elmer W. Pratt and R. H. Hyde. Mr. Walker is an attorney and has had wide experience at the Commission's table in hearings during the past year.

W A B C PETITION DISMISSED

The New Jersey Supreme Court has refused to review the decision of the Public Utilities Commission granting Station WABC authority to construct its new 50 KW transmitter in Wayne County, N. J. The petition for review filed by Richard E. O'Dea, Station WODA, Paterson, N.J. was dismissed for procedural reasons.

SYNCHRONIZED CHAIN RUMOR REVIVED

Rumors that a large motion picture corporation is contemplating the construction of a national system of synchronized broadcasting stations with an important New York station as key, have been revived. If such a system is contemplated it has not been officially brought to the attention of the Commission. No applications proposing such a system have been filed by any applicant.

SHORT WAVE CASES MARCH 16

The Commission has fixed March 16 for a hearing in the short wave cases in which the Universal Wireless Communications Inc. bankrupt radio telegraph company, has been summoned to show cause why 40 frequencies allocated to it in December, 1928, shall not be recaptured by the Commission for reallocation in line with the decision of the Court of Appeals of the District of Columbia.

STATIONS WARNED OF G. O. No. 97

The transmitters of a number of broadcast stations do not conform to the terms of General Order 97, according to a letter sent out by the Commission during the past week. Licenses after April 30, will be issued only in accordance with this order, the Commission announced. The equipment of the stations concerned does not meet the requirements of the Commission in either one or more of the following respects: 1. The maximum rated carrier power of the transmitter is less than the licensed power; 2. The maximum percentage of modulation is less than 75%, as specified in Section 1 of the Order, and; 3. The operating current and voltage of the final radio stage as specified in the last renewal license gives a power output, which is less than the licensed power under the terms of General Order 91. It should be noted this letter pertains to conditions as outlined in renewals for October 31, or license in effect, January 1, 1931. If construction permits are outstanding, or applications have been filed, which would correct these conditions, this letter from the Commission may be ignored, provided the proposed installations can be completed and in operation to conform to the Order before April 30. The Commission calls attention to the known engineering principle that a 100-watt station using 100% modulation will render far better service and give greater coverage than a 500-watt station with 40% modulation. The coverage factor in a station is a function of power and modulation, but the heterodyne interference depends on power alone, and is changed by modulation.

not

MYSTERY STATION ON 1370 KC

A mystery station will broadcast on 1370 kc from two to three the morning of February 9, according to an announcement of C. M. Falconer, chairman of the program committee of the Newark Evening News Radio Club. The identity of this station is purposely being withheld. On this same morning, W Q D M, St. Albans, Vt. will broadcast a program from three to four-thirty on 1370 kc. On February 10, 10BP, Wingham, Ont. will broadcast from 1.00 to 2.30 a.m. on a frequency of 1190 kc. C K X, Brandon, Manitoba, will broadcast from 2.00 to 3.00 a.m. on 540 kc. On Friday, February 13, W P A W, Pawtucket, R. I. will broadcast a special program on 1210 kc starting at 10.30 p.m. and ending on Saturday morning at 1.00 o'clock.

APPLICATIONS SET FOR HEARING

The following applications were ordered set for hearing by the Commission at its sessions during the current week:

NEW	C. M. Schaap Ft. Collins, Colo.	Requests C.P. 1200 kc. 15 watts, share with KGEK equally if 5-P-B-1816 (designated for hearing Dec. 19) is granted, or one third time sharing with KGEK and KGEW if said appl. is denied.
KLCN	Chas. Leo Lintzenick Blytheville, Ark.	Requests Mod. of Lic. to increase operating power from 50 to 100 watts.
NEW	New Philadelphia Brdctg Co. New Philadelphia, Ohio	Requests C.P. to erect new station on 1370 kc with 100 watts.
WNBO	John Brownlee Spriggs Washington, Pennsylvania	Requests C.P. install new eqpt and increase 250 Watts, L.S.

EXAMINERS' REPORTS

In re application of Louis G. Baltimore (W B R E) for renewal of license on 1310 kc, 100 W. unlimited time, Docket 928, Report 60, by Examiner Pratt recommends denial of application.

In re application of Louis Falconi, Roswell, New Mexico, for construction permit to erect new station on 1300 kc with 15 W. and daylight hours of operation, Docket 1065, Report 61, by Examiner Hyde recommends denial of application as in the case of defaults.

In re application of Mayfield Music Company, Hutchinson, Kansas, for construction permit to erect new station on 1170 kc with 200 W. and daylight hours of operation, Docket 944, Report 62, by Examiner Hyde recommends denial as in the case of defaults.

In re application of Bensberg's Music Shop, El Dorado, Arkansas, for construction permit to erect new station on 1500 kc with 100 W. and daylight hours of operation, Docket 899, Report 63, by Examiner Pratt recommends denial of application.

In re application of E. R. Bennett, El Dorado, Arkansas, for construction permit to erect new station on 1200 kc with 20 W. and daylight hours of operation Docket 890, Report 63, by Examiner Pratt recommends denial of application.

CONSTRUCTION PERMITS GRANTED

During the current week the Commission granted construction permits to the following stations authorizing the installation of new equipment and changes in present transmitters to conform to the terms of General Orders 91 and 97: WLIT, Philadelphia, Penna.; KGA, Spokane, Wash.; WJJD, Mooseheart, Ill; WFI, Philadelphia, Penna.; WHEC, Rochester, N. Y.; KPQ, Wenatchee, Washington.

HEARING CALENDAR

The following hearings are scheduled for the week commencing Monday,

February 9th. All hearings commence at 10 a. m.

MONDAY, February 9, 1931

WEDH	Erie Dispatch Herald Broadcasting Corp. Erie, Penna.	C. P. Present Assgn.	940 kc Unlimited 1420 kc Unlimited	500 W Time 30 W Time
------	--	-----------------------------	---	-------------------------------

NOTIFIED: WKJC, WAAT, WCSH, WFIW, WDAY, WRC, WIBG, KDKA, WIOD, WLBW

WLBW	Radio-Wire Program Corp. of America, Oil City, Pa.	C. P. Present Assignment.	1260 kc Unlimited time 1260kc Unlimited time	500 W 1 KW LS 500 W 1 KW LS
------	--	----------------------------------	---	--------------------------------------

Applicant requests authority to erect a new transmitter at Erie, Pa. to synchronize with present transmitter at Oil City, Pa., experimentally.

NOTIFIED: WEDH

NEW	John Magaldi, Jr., Philadelphia, Pa.	C. P. Daytime hours except on Sunday, then 6 P.M. to 1 A.M.	1420 kc	250 W
-----	---	---	---------	-------

NOTIFIED: WILM, WTBO, WHP, WCBA, WSAN, WBBC

WEDNESDAY, February 11, 1931

NEW	J. E. Richards, Greenville, S. C.	C. P.	1200 kc Unlimited time	100 W
-----	--------------------------------------	-------	---------------------------	-------

NOTIFIED: WRBL, WFBC, WEHC, WSOC,

WPTF	Durham Life Ins. Co., Raleigh, N. C.	C. P.	680 kc Also requests change in transmitter loca- tion from 400 Fayetteville St., Raleigh, N.C. to 7 mi. west of Raleigh. Present Assign.	5 KW LT 1 KW LT
------	---	-------	--	------------------------

NOTIFIED: KFEQ, KPO

WRBT	Wilmington Radio Assn., Inc., Wilmington, N.C.	C. P.	1320 kc Unlimited time	1 KW
------	---	-------	---------------------------	------

NOTIFIED: WADC, WSMB, WSJS

NEW	W. T. Hamilton, Greenville, S. C.	C. P.	1240 kc Unlimited time	500 W
-----	--------------------------------------	-------	---------------------------	-------

NOTIFIED: WXYZ, KTAT, WACO, WRBL

NEW	The Greenville News-Pied- mont Co., Greenville, S.C.	C. P.	1180 kc	1 KW LT
-----	---	-------	---------	---------

NOTIFIED: WMAX, WDGY, WHDL, KEX, KOB

APPLICATIONS RECEIVED

The following applications were received by the Commission during the current week:

CALL	NAME OF APPLICANT	PRESENT FREQUENCY	FREQUENCY SOUGHT	NATURE OF APPLICATION
WDAY	WDAY, INCORPORATED Fargo, North Dakota	940	----	Cons. Permit application resubmitted to change equipment increase power 1 to 5 KW. on 940 kc
NEW	CONARD STUDIO Garden City, Kansas	----	1370	Cons. Permit new station 1370 kc., 100 watts, and unlimited time.
KLZ	THE REYNOLDS RADIO CO. INC. Denver, Colorado.	560	1270	Request for authority to experimentally use 1270 kc. for a period of 10 days between 12:00 A.M. and 6:00 A.M.
KPOF	PILLAR OF FIRE Denver, Colorado.	880	----	Mod. of License increase power to 1 KW. day and 500 watts night on 880 kc.
NEW	BERKS BROADCASTING COMPANY Reading, Penna.	----	830	Cons. Permit new station 830 kc., 1 KW., day-time hours.
KMA	MAY SEED & NURSERY COMPANY Shenandoah, Iowa.	930	710	Mod. of License amended application now request authority to operate limited time on 710 Kc.
KQV	DOUBLEDAY-HILL ELECTRIC COMPANY Pittsburgh, Penna.	1380	----	Request for authority to voluntarily assign license to KQV BROADCASTING CO.
KVL	KVL INCORPORATED Seattle, Washington.	1370	----	Mod. of Cons. Permit to move studio and Transmitter to Benjamin Franklin Hotel, Seattle, Washington.
KFUO	EVANGELICAL LUTHERAN Synod of Missouri, Ohio and other States Clayton, Mo.	550	----	Request for authority to measure power of station by direct antenna input method.
KFUO	EVANGELICAL LUTHERAN SYNOD of Missouri, Ohio, and other States, Clayton, Mo.	550	----	Requests authority to install automatic frequency control.

APPLICATIONS RECEIVED (CONTINUED)

CALL	NAME OF APPLICANT	PRESENT FREQUENCY	FREQUENCY SOUGHT	NATURE OF APPLICATION
WOW	WOODMEN OF THE WORLD LIFE INSURANCE ASSOCIATION, Omaha, Nebraska.	590	----	Mod. of License to in- crease power from 1 KW. to 5 KW. on 590 kc.
KFKB	THE KFKB BRDCSTG. ASSN. INC. Milford, Kan.	1050	----	Vol. Assgn. Lic. to THE FARMERS & BANKERS LIFE INSURANCE COMPANY
WDAY	WDAY, Inc., Fargo, N. D.	940	----	Mod. Lic. to increase power from 1 to 5 KW. on 940 kc.
WOMT	FRANCIS M. KADOW, Manitowoc, Wisconsin.	1210	----	C. P. to make changes in equipment.

LICENSE APPLICATIONS RECEIVED

During the current week, the Commission received the following applications for licenses to cover construction permits which had been previously authorized by Commission action: WJSV, Alexandria, Va; WRAK, Williamsport, Penna; KEJI, Astoria, Ore; KGB, San Diego, Calif; WRAW, Reading, Penna; KJR, Seattle, Wash.

REGIONALS RENEW 5 KW REQUESTS

Regional stations on 590 and 940 kc--WEEI, Boston, Mass., KHQ, Spokane, Wash., WOW, Omaha, Nebr., WCSH, Portland, Me., WDAY, Fargo, N. D., WFIW, Hopkinsville, Ky., and KOIN, Portland, Ore.-- whose applications to increase power to 5KW were returned by the Commission as being contrary to the terms of General Order 40, have been refiled with requests that hearings be granted. This is obviously a direct attack on the validity of the order. The Commission has not yet taken action on these applications.

STATION K F N F RAISES RELIEF FUND

Station K F N F, The Henry Field Company station at Shenandoah, Iowa, has been instrumental in raising more than \$10,000 for Arkansas famine relief. This information was contained in a telegram from Henry Field, which was inserted in the Congressional Record February 3, 1931, by Senator Smith W. Brookhart of Iowa.

APPLICATIONS GRANTED

The following applications were granted by the Commission at its session during the current week:

CALL	NAME OF APPLICANT	NATURE OF ACTION
WOCL	A. E. NEWTON Jamestown, N. Y.	Granted C.P. to install new eqpt increasing licensed power from 25 to 50 watts, and move studio locally in Jamestown.
KGNF	HERBERT LOGAN SPENCER N. Platte, Nebraska	Granted consent to vol. assignment of license to Great Plains Broadcasting Co.
WPTF	DURHAM LIFE INS. CO. Raleigh, N. C.	Granted Authority to operate until 9:30 PM, EST, Feb. 12th, in order to broadcast speech by Chairman Legge of Federal Farm Board.
WOKO	HUDSON VALLEY BROADCASTING CO. Poughkeepsie, N. Y.	Granted permission to be off the air two or three weeks while transmitter is being moved.
WQDM	A. J. St. ANTOINE St. Albans, Vt.	Granted permission to broadcast Friday Feb. 6, from 7 to 8 PM, with 5 Watts power only.
WODX	MOBILE BROADCASTING CORP. Mobile, Ala.	Granted auth. to operate with power output of about 360 watts for several days until permanent repairs can be made to transm. in order that operation will be at regular licensed output which is 500 watts.
WOBU	WOBU, Inc. Charleston, W. Va.	Granted Mod. of C.P. to change location of transm. and studio locally and install new equipment to conform to G.O. 91 and 97.

DELAWARE AND VERMONT FIGURES RELEASED

More than one half the families in Wilmington, Delaware, own radio receiving sets, according to a report issued by the United States Census Bureau this week. Out of a total of 25,694 families there are 13,720 who own radio receivers in that community. In the State, 45.8%, or 27,183 out of 59,295 families have receivers.

In Vermont, 39,913 families have receiving sets, or 44.6% of the total families have receiving sets in the state. Copies of these reports may be obtained by writing to the Bureau of Census, Washington, D. C. or to NAB Headquarters, National Press Building, Washington, D. C.

DEPRECIATION RATES AVAILABLE

The National Association of Broadcasters has secured from the Valuation Division of the Internal Revenue Bureau a schedule of depreciation rates for broadcasting stations which will prove helpful in the preparation of income tax returns. Copies of the Special Bulletin containing the rates may be secured without charge by addressing a request to the Managing Director, National Association of Broadcasters, National Press Building, Washington, D. C.

COPIES OF BRIEF AVAILABLE

There are still available for distribution a small number of copies of the brief filed by the N A B in the *Geno Buck, as president of the American Society et al v. Jewell-La Salle Realty Company* case which will be argued in the Supreme Court of the United States this Spring. Until the supply is exhausted, copies will be sent to all stations requesting copies. Address your request to NAB Headquarters.
