

BROADCASTERS' NEWS BULLETIN

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

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THE NATIONAL ASSOCIATION OF BROADCASTERS

Incorporated
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
Telephone District 9497

Issued by

EXECUTIVE PERSONNEL

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

May 2, 1931

"THE AMERICAN PLAN"

The idea of broadcasting sponsored by advertising, operated by private enterprise and regulated in the public interest by the Federal Government was referred to by Senator Dill a year ago as the American Plan of broadcasting.

Broadcasting in the United States is the most successful in the world. Its development has been more rapid and its public acceptance has been more widespread than in any other country.

In a period of general business depression, broadcasting has continued to show increased growth. The American Plan of broadcasting has been tried and has proved its success.

The National Association of Broadcasters has been the staunchest defender of this American Plan.

While the Association's membership has increased enormously during the past six months, a successful defense of the American Plan in the hectic days ahead call for 100 per cent organization of the industry. Every intelligent broadcaster must understand the legislative battles looming in the horizon. Every broadcaster knows of the attempts being made to restrict broadcasting's further development. Every broadcaster owes a duty to the industry to help the NAB in its defense of the American Plan.

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Executive Committee: William S. Hedges, Chicago, Ill., Chairman; Henry A. Bellows, Minneapolis, Minn., and Frank M. Russell, Washington, D. C. Directors: William S. Hedges, Chicago, Ill.; H. K. Carpenter, Raleigh, N. C.; George F. McClelland, New York, N. Y.; Dr. Frank W. Elliott, Davenport, Ia.; A. J. McCosker, Newark, N. J.; Edgar L. Bill, Chicago, Ill.; A. B. Church, Kansas City, Mo.; J. G. Cummings, San Antonio, Tex.; Don Lee, Los Angeles, Cal.; E. P. O'Fallon, Denver, Colo.; C. R. Clements, Nashville, Tenn.; Henry A. Bellows, Minneapolis, Minn.; John J. Storey, Worcester, Mass.; E. B. Crane, Butte, Mont.; and Leo Fitzpatrick, Detroit, Mich.

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HIGH POWER DECISIONS DELAYED

Action on high power applications will be delayed indefinitely as a result of the refusal of the Supreme Court of the United States to review the lower court's decision in the DeForest Radio Company's suit against the Radio Corporation of America. The court's action has the effect of making final the decision of the U. S. Circuit Court of Appeals for the Third Circuit rendered on February 11, 1931, holding that the famous "tube clause" violated the Clayton Act.

Section 13 of the Radio Act of 1927 directs the Commission to refuse licenses to "any person, firm, company, or corporation, or any subsidiary thereof, which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this act takes effect, radio communication, directly or indirectly, through the control of the manufacture, or sale of radio apparatus, through exclusive traffic arrangements, or by any other means or to have been using unfair methods of competition."

The RCA and its subsidiaries, including the National Broadcasting Company, hold more than 1400 licenses from the Commission. What action the Commission is bound to take under the court's decision must be decided by the Legal Division of the Commission to which the licensing body this week referred the matter.

Extensive litigation undoubtedly will follow if the Commission decides to refuse license renewals to the RCA and such litigation might have as its foundation the validity of the Radio Act itself and the power of the Federal government with respect to the licensing of radio stations of all classes.

Anticipating action adverse to the RCA and its subsidiaries, WTMJ, The Journal Company, Milwaukee, Wisc., which has pending an application for 870 kc, the channel occupied by WENR and WLS, Chicago, Illinois, this week filed a motion requesting that the Commission allocate to it the channel which WENR now occupies. It is set up that WENR is now being operated by the National Broadcasting Company and that its license is affected by the court's action in the tube case.

The action of the court drew statements from both the RCA and complaining independent manufacturers.

"The so-called 'Clause 9' case involved no issue and resulted in no adjudication of the kind contemplated by Section 13 of the Radio Act which relates to the matter of licenses granted by the Federal Radio Commission for the operation of radio transmitting stations," John W. Davis, counsel for the RCA stated.

Oswald F. Schuette, executive secretary of the Radio Protective Association, which has consistently attacked the RCA, issued a statement saying;

"Besides settling legal questions involved in more than fifty million dollars worth of triple damage suits already filed against the Radio Corporation of America, the Supreme Court's decision is a mandate to the Federal Radio Commission to stop at once all grants of broadcasting or communication licenses to the Radio Corporation of America, National Broadcasting Company, R.C.A. Communications Inc. and Radio-Marine Corporation of America."

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Senator Couzens, chairman of the Senate Interstate Commerce Committee, was one of the first on Capitol Hill to make public his views. He said the intent of Congress was clearly expressed in Section 13 of the act and if the Commission needed more specific legislation, Congress was ready to supply it.

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COMMISSION BATTING AVERAGE HIGH

The Government was successful in its fourth criminal prosecution involving the operation of radio stations without licenses. The most recent conviction was obtained in the U. S. District Court for the Eastern District of New York and as a result of the conviction Cecil F. (Sparkey) Molyneux has been sentenced to a year in penitentiary. Macomb McMaster, who was also convicted in the same proceeding, was given a year in the penitentiary but sentence was later suspended. Of the four indictments secured for violation of the Radio Act, all resulted in convictions. Two persons in Pennsylvania are now under indictment for operating without a license. Paul D. F. Spearman, assistant general counsel, appeared for the Commission in each of the cases.

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CHANNEL DUPLICATION DELAYED

Action on a resolution introduced by Commissioner Lafount under which the other zones would enjoy clear channel facilities similar to those now enjoyed by the first zone was deferred by the Commission on April 30. The resolution, following two explanatory paragraphs, is as follows:

"Be it resolved that Zones Two, Three, Four and Five be allowed the privileges enjoyed by the First Zone, and that the Engineering Division be, and they are hereby, instructed to recommend to the Commission such changes in station assignments and such power increases as shall bring about the equality here sought."

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G.O.P. PLANS RADIO STATION

The Republican party must be added to the growing number of special groups demanding broadcasting facilities. Reports from Little Rock, Ark. state that the Republican Committee of that State has offered to build a radio station for use in the 1932 campaign. This announcement was made following a conference of state leaders with Representative Franklin W. Fort of New Jersey.

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FLORIDA OVERQUOTA - APPLICATION DENIED

The Commission decided, in the case of Lakeland Broadcasting Co. Lakeland, Fla. (Docket 1030) requesting authority to erect a new local station, that where both the Zone and State are over quota the granting of an application increasing facilities would result in a violation of the Davis Amendment. The decision stated that Lakeland and surrounding area are now receiving good radio service from several nearby regional stations, and that the granting of this application would not serve public interest, convenience or necessity.

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CUBA HAS SEVENTY TWO STATIONS

The Electrical Division of the Department of Commerce on May 1 made public the latest revised list of North American Broadcasting stations which shows that Cuba has 72 stations; Canada, 67; Mexico, 34; Newfoundland, 2; Salvador, 1; Dominican Republic, 1; Costa Rica, 1; Haiti, 1; Honduras, 1; and Bermuda, 1. Except for Canada, these countries do not adhere to a 10 kilocycle frequency separation.

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HONG KONG REQUIRES RECEIVING SET LICENSES

Licenses are required for radio receiving sets in Hong Kong and the total number of licenses issued in 1930 was 1,596, according to the Department of Commerce. In January, 116, and in February 48, new license were issued, making a total of 1760 licensed sets in the colony at the present time. It is estimated that between 60 and 75 per cent of these license are owned by Chinese.

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ITALIANS REGULATE TELEVISION

The Italian Government has approved a tentative plan under which additional control over radio broadcasting is to be extended to telephotography and television, according to the Department of Commerce.

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DX PROGRAMS SCHEDULED

Station WEAQ, Columbus, Ohio, will broadcast a special DX program, Saturday, May 9, at 1:30 a.m. WEAQ operates on a frequency of 570 kc, with 750 W. Telegrams will be read and requests are solicited.

The Committee on Programs for the Newark Evening News Radio Club announces the following DX programs for the season: SUNDAY, May 3, KFSG, Los Angeles, 1120 kc, until 1:30 a.m. EST; KFOR, Lincoln, Nebr. 1210 kc, 4:00 to 5:00 a.m. EST. WEDNESDAY, May 6, WOPI, Bristol, Tenn. 1500 kc, 3:00 to 5:00 a.m. EST. SUNDAY, May 10, WHBF, Rock Island, Ill. 1210 kc, 3:00 to 5:00 a.m. EST; KVOA, Tucson, Ariz. 1260 kc, 3:00 to 5:00 a.m. EST. And, SUNDAY, May 17, KFOR, Lincoln, Nebr. 1210 kc, 4:00 to 5:00 a.m. EST. Mr. C. M. Falconer, vice president of the Newark Evening News Club has furnished the NAB with this DX program service since the first of the year in the hope that it might be of value to member stations.

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ATTEMPT TO AMEND 102 FAILS

A resolution presented by Commissioner Sykes to amend General Order 102 was defeated by a vote of 3 to 2 by the Commission on April 30. The defeated amendment, which would have constituted a new paragraph in the order, is as follows:

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"An application for radio facilities or for additional radio facilities may also be granted by the Commission in any state regardless of quota, provided the Commission is satisfied that there will be no interference or increase in interference caused by the operation of the applicant with existing stations, and that the community is in need of additional radio facilities, and that it would be in the public interest, convenience or necessity to grant said application."

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ASKS BAN ON LOTTERIES

As an aftermath of the annual meeting in New York last week, the American Newspaper Publishers Association, on April 27, addressed a letter to the Commission insisting that a general order be adopted forbidding the broadcasting of advertising programs, or other programs, which involve the advertising of lotteries or other schemes of chance in which the prizes depend, in whole or in part, upon chance.

The letter stated that lotteries are illegal in the United States, not only under the Federal laws, but under State laws in practically all the forty-eight states, but that because of the absence of any specific provision of the Radio Law preventing the broadcasting of lotteries, during the last few months the practice of broadcasting lottery programs has grown to such proportions that the Commission should take immediate cognizance of it.

It was further pointed out in the letter that Section 213 in the Criminal Code makes it illegal for a newspaper to print any lottery advertising or scheme of chance advertising of any kind or description, and that, in view of the Federal Statutes, as well as the State laws, the Commission, under the broad terms of the Act which created it, not only has authority, but should exercise such authority to prevent the further broadcasting of lottery and scheme of chance advertising.

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SOME WANT ADS

Middle-aged man with wide experience in advertising and publishing fields desires broadcasting station connection. Prefers position on Pacific Coast where he has had advertising experience. Address NAB A5131

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Creator of several successful radio features, performer, announcer, continuity writer desires position in program department of broadcasting station. Has filled successfully positions with two leading eastern stations. Address NAB B5131.

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Station in large eastern city is looking for a commercial man who can really sell time and aid in development of station. Give details of experience and references with reply. Address NAB C5131.

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WISCONSIN RANKS THIRD

Wisconsin, with 51.1 per cent of its families radio-equipped, ranks third among the 20 states for which the Census Bureau has announced receiving sets statistics. Connecticut ranks first with 54.9 per cent and the District of Columbia second with 53.9 per cent.

The figures for the first 20 states announced are as follows:

<u>STATE</u>	<u>NO. OF FAMILIES</u>	<u>PERSONS PER FAMILY</u>	<u>NO. OF RADIOS</u>	<u>PER CENT</u>
ALABAMA	592,530	4.5	56,491	9.5
ARIZONA	106,630	4.1	19,295	18.1
ARKANSAS	439,408	4.2	40,248	9.2
COLORADO	268,531	3.9	101,376	37.8
CONNECTICUT	389,596	4.1	213,821	54.9
DELAWARE	59,295	4.0	27,183	45.8
DISTRICT OF COLUMBIA	126,014	3.9	67,880	53.9
FLORIDA	377,823	3.9	58,446	15.5
GEORGIA	654,009	4.5	64,908	9.9
IOWA	636,905	3.9	309,237	48.6
KANSAS	488,055	3.9	189,527	38.8
MAINE	198,372	4.0	77,803	39.2
NEVADA	25,730	3.5	7,869	30.6
NEW HAMPSHIRE	119,660	3.9	53,111	44.4
NEW MEXICO	98,820	4.3	11,404	11.5
NORTH DAKOTA	145,382	4.7	59,352	40.8
UTAH	116,254	4.4	47,729	41.1
VERMONT	89,439	4.0	39,913	44.6
WEST VIRGINIA	374,646	4.6	87,469	23.4
WISCONSIN	713,576	4.1	364,425	51.1

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WHAT IS PROFANE LANGUAGE?

The action of Howard Miller, WELK, Philadelphia, Pa. last Saturday in cutting off the speech of Maj. Gen. Smedley D. Butler for using the word "hell" in a speech has provoked wide comment in the press.

The only direct injunction against the use of profane language by radio communication in the Radio Act of 1927 is contained in Section 29 of the law which states that "no person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

Each of the words "obscene," "indecent" and "profane" have been defined legally. A discussion of the word "profane" as used in the Radio Act appears in the recent decision of the U. S. Circuit Court of Appeals for the Ninth Circuit in the case of Robert Gordon Duncan v U. S. (not yet reported). The court said:

"The question of what constitutes profane language has been before the courts for centuries. The subject is usually dealt with as a branch of the common law offense of blasphemy, but in the United States particularly it has been a frequent subject of legislation. In the Century Dictionary, "profane" is defined as follows: 'Irreverent toward God or holy things; speaking or spoken, acting or acted, in manifest or implied contempt of sacred things; blasphemous; as, profane language; profane swearing.' In *Gaines v State*, 75 Tenn. 410, decided in 1881, the defendant was charged with uttering a profane oath in a public place, etc. It was said:

'Any words importing an imprecation of divine vengeance or implying divine condemnation, so used as to constitute a public nuisance, would suffice. *Isom v State*, September Term, 1880; *Holcomb v Cornish*, 8 Conn. 375.'

"In *Stafford v State*, 44 So. 801, 91 Miss. 158, in dealing with the following language, 'Go to hell, you low down devils' the court said:

'That language does not violate the statute since, upon strict construction, which is required of the courts, it lacks any 'imprecation of divine vengeance' and does not 'imply divine condemnation.' (Citing *State v Wiley*, 76 Miss. 282). There was simply a rude request or order to go to hell, with no necessity to obey, no power to enforce obedience, and no intimation that the irresistible Power had condemned, or was invoked to condemn, them to go to hell.'

"In a more recent case, *City of Georgetown v. Scurry*, 73 S.E. 352, the court said:

'It is true that profane language is irreverent toward God or holy things.'

"In the case of *Roberts v. State*, the Supreme Court of Georgia in May, 1904, seemed to be of the opinion that the words, 'I can whip any damn Groover of the name,' was profane language, but remanded the case for a new trial because of erroneous instructions with relation to other language contained in the indictment.

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"In *Holcomb v. Cornish*, 8 Conn. 374, decided by the Supreme Court of Connecticut in 1831, defendant was found guilty of the use of profanity in referring to another as a "damned old rascal," and also using the name of the Deity in that connection. The court, speaking through Williams, Justice, in answering the contention that the language used did not constitute profane cursing and swearing, said:

'Some of these words, I have no doubt, are clearly within the statute. They are imprecations of future divine vengeance upon the magistrate. Others may be of more doubtful import. It will hardly be denied that they are profane. * * *'

"The Supreme Court of Mississippi in *Orf v. State*, decided in June, 1927, 113 So. 202, said:

'We think the language, 'Well, the damn thing is done broke up' (referring to Sunday school being held in the church), implied divine condemnation, and was 'so used as to constitute a nuisance.'

"In reaching that conclusion the court quoted the definition of 'damn' given in Webster's Dictionary, as follows:

'To invoke condemnation; to curse; to swear; to invoke condemnation upon; to condemn to eternal punishment in a future world; to consign to perdition.'

"This court also relied on *State v. Wiley*, 76 Miss. 282, 24 So. 194, *supra*.

"The Supreme Court of Judicature in the State of New Jersey in 1837, in the case of *Johnson v. Barclay*, 16 N. J. Law Reports 1, sustained a conviction for profane swearing. It was alleged in that case that the defendant swore thirty-three profane oaths in the words 'By God, etc.' It was held that this was sufficient allegation in an information where such language was alleged to have been used profanely. In answer to the contention that these words might have been used innocently the court stated:

'It is sufficient answer to this, to say, that if the words were so used, by the defendant, or were spoken by him in connection with any other words, in the ordinary course of argument, or conversation, then Barclay, the informant, has committed perjury, for he swears that Johnson uttered profane oaths * * *. Profane oaths and rational conversation, are very different things, and it does not require judicial skill to distinguish the one from the other.'

The Supreme Court of Arkansas in 1894, in the case of *Bodenhamer v. State*, 28 S.W. 507, 60 Ark. 10, considered the sufficiency of an indictment and instruction in the prosecution for profane swearing and cursing. It was held that the following instruction to the jury was proper, to-wit:

'The jury are instructed that, before they are authorized to find the defendant guilty, they must believe beyond a reasonable doubt that the defendant did, in Baxter county,

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and State of Arkansas, within twelve months preceding the indictment, profanely swear or curse. To profanely swear would be to irreverently, disrespectfully, or contemptuously take the name of God in vain.'

"Under these decisions, the indictment having alleged that the language is profane, the defendant having referred to an individual as 'damned,' having used the expression 'By God' irreverently, and having announced his intention to call down the curse of God upon certain individuals, was properly convicted of using profane language within the meaning of that term as used in the act of Congress prohibiting the use of profane language in radio broadcasting."

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STATE ARGUES CENSORSHIP POWER

The state has power to prohibit a station from broadcasting advertising of an insurance company if the company has failed to comply with the insurance laws of the state in which the station is located, it was argued by the New York Attorney General's office in a test action brought by the State Insurance Department against the International Broadcasting Corporation, WOV, New York. The station broadcast programs of the Mutual Life Insurance Company of Des Moines, Iowa, which company has not complied with the insurance laws of New York State. The station argues that the state has no power to interfere with interstate commerce. The case was argued in the Yorkville Court before Magistrate Weil who reserved decision until May 12 to give counsel opportunity to file briefs.

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84-YEAR OLD JUDGE RADIO FAN

Judge Buck, 84 years old, of the San Mateo County, Calif. superior court recommends radio programs for domestic difficulties. During a divorce hearing, the aged jurist referred to one of Edgar Guest's broadcasts including a poem on how parents should behave. He postponed the case, instructed attorneys to effect a reconciliation of the couple and announced from the bench that each complaining couple in his court would be given a copy of the Guest poem.

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RADIO EDUCATION TO BE STUDIED

Use of the radio as a means of direct education, indirect educational influence of broadcasting, technique of broadcasting the spoken word and relationship between the broadcaster and the listener are subjects which will be discussed at the International Conference on Education to be held in Vienna this summer, according to Levering Tyson, executive officer of the National Advisory Council on Radio in Education.

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65 STATIONS HOLD TO 50 CYCLES

Continued improvement in the ability of the country's broadcasting stations in staying within the allotted wave-lengths lead to the belief that they are becoming more familiar with technical means of operations, according to W. D. Terrell, Director of the Commerce Department's radio division.

"Stations are allowed to deviate 500 cycles either way on their frequencies, but many stations have now become so proficient as to permit deviations of only 50 cycles, it was stated. The month of March saw 65 of the country's stations in this category, while 63 were under the 100 mark, 77 under the 200 mark, and 132 ranging at 200 cycles and over. Only 337 stations out of the total 612 were measured during March," Mr. Terrell said.

A list of those deviating under 50 cycles is as follows:

KFDM, Beaumont, Texas; KFEQ, St. Joseph, Missouri; KFSD, San Diego, Calif.; KFXF, Denver, Colo.; KFYR, Bismarck, N. Dak.; KGBX, St. Joseph, Missouri; KGGY, Scotts Bluff, Nebraska; KHQ, Spokane, Wash.; KMBC, Kansas City, Missouri; KMO, Tacoma, Wash.; KREG, Santa Ana, Calif.; KWEH, Shreveport, La.; WAAF, Chicago, Illinois; WBBM, Chicago, Illinois; WBCM, Bay City, Mich.; WBEN, Buffalo, N. Y.; WCAP, Asbury Park, N. J.; KFH, Wichita, Kansas; WHB, Kansas City, Mo.; WHO, Des Moines, Iowa; WIBW, Topeka, Kansas; WICC, Bridgeport, Conn.; WIP, Philadelphia, Pa.; WJAR, Providence, R. I.; WJAX, Jacksonville, Fla.; WJAY, Cleveland, Ohio; WKBN, Youngstown, Ohio; WKRC, Cincinnati, Ohio; WLEY, Lexington, Mass.; WLIT, Philadelphia, Pa.; WMCA, New York, N. Y.; WMSG, New York, N. Y.; WMT, Waterloo, Iowa; WNAX, Yankton, S. Dak.; WOC, Davenport, Iowa; WCBM, Baltimore, Md.; WDAF, Kansas City, Missouri; WDBO, Orlando, Fla.; WDAF, New York, N. Y.; WEEI, Boston, Mass.; WENR, Chicago, Ill.; WFAN, Philadelphia, Pa.; WFBR, Baltimore, Md.; WGBS, New York, N. Y.; WGES, Chicago, Ill.; WGH, Newport News, Va.; WGR, Buffalo, New York; WGST, Atlanta, Georgia; WGY, Schenectady, N. Y.; WHAP, New York, N. Y.; WOQ, Kansas City, Missouri; WOR, Newark, N. J.; WOW, Omaha, Nebraska; WPTF, Raleigh, N. Car.; WRBX, Roanoke, Va.; WREC, Memphis, Tenn.; WRNY, New York, N. Y.; WRUF, Gainesville, Fla.; WSB, Atlanta, Georgia; WSBC, Chicago, Illinois; WSUI, Iowa City, Iowa; WTAG, Worcester, Mass.; WTMJ, Milwaukee, Wisconsin; WWRL, Woodside, N. Y.; WWVA, Wheeling, W. Va.

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SIMULTANEOUS DAY OPERATION AUTHORIZED

At a session on April 27, the Commission issued special temporary authorization for the period beginning April 30, and ending July 1, permitting the following stations to operate simultaneously during daylight hours, pending action on formal applications for modification of licenses: WJBK, Highland Park, Michigan, and WIBM, Jackson, Michigan; WAPI, Birmingham, Alabama, and KVOO, Tulsa, Oklahoma; WOWO, Fort Wayne, Indiana, and WWVA, Wheeling, West Virginia; KSCJ, Sioux City, Iowa, and WTAQ, Eau Claire, Wisconsin; WOS, Jefferson City, Missouri, WGBF, Evansville, Indiana, and KFRU, Columbia, Missouri; WSFA, Montgomery, Alabama, and WODX, Mobile, Alabama; WKBH, La Crosse, Wisconsin and KSO, Clarinda, Iowa.

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KPSN LICENSE IS REFUSED

In the cases of C. Merwin Dobyns, Long Beach, Calif. (KGER) requesting change in operating hours to unlimited time, and Pasadena Star News Publishing Co. Pasadena, Calif. (KPSN) applying for renewal of license, the Commission, sustaining the Examiner's Report, granted the request of KGER and denied a license to the Pasadena station. The Commission decided that where two stations are supposed to share time, and one station uses less than its portion, the station not making full and complete use of the assigned facilities does not serve the public interest, convenience or necessity. Where two or more stations serve the same community, and the programs of one are duplicated in their entirety by other stations serving that area, the Commission is of the opinion that it would result in a more economical use of broadcast facilities if the license of one of the stations broadcasting the duplicated programs be withdrawn.

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OHIO APPLICATION DENIED

Transmitters proposed to be used in the operation of broadcast stations must conform to modern engineering practice and the regulations of the Commission, according to the opinion of the Commission issued in denying the application of Alliance Radio Engineering Laboratories, Alliance, Ohio, to erect a new 10 watt station on 1500 kc, unlimited time, (Docket No. 912). The Commission further cited the possibility of interference with WWSW, Pittsburgh, Pa. in giving reasons for sustaining the Examiner's Report.

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DENIAL OF LICENSE RECOMMENDED

Denial of the application of WREC Inc. Memphis, Tenn. for renewal of the license of WREC is recommended by Examiner Elmer W. Pratt in a report proposed to the Commission this week. The report, however, is not final and may be accepted or rejected by the Commission.

"In view of the present state of the radio broadcasting art and the responsibility to the public assumed by the licensee when it engaged in broadcasting, it appears that the continued use of excess power, the representations to prospective customers of such use of excess power and the continued failure over a long period of time to comply with regulations relative to apparatus and the computation of power are due to negligent and inefficient management and operation," the Examiner stated in his report.

WREC operates on 600 kc with 500 watts night, and 1 KW day, unlimited. The case was heard on January 20, 1931 (Docket No. 1049).

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APPLICATION DENIED

WGBS	General Broadcasting System Inc. New York, N. Y.	Denied authority to operate until 11 p.m. EST on evening of April 30, in order to broadcast political speeches.
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HEARING CALENDAR

The following hearings are scheduled for the week commencing Monday, May 4, 1931.

TUESDAY, May 5, 1931

NEW	Wm J. Hays Portsmouth, Ohio	C. P.	1310 kc Unlimited time	100 W.
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(For parties notified because of pending applications,
see hearing notice.)

W D R C	WDRC, Inc. Hartford, Conn.	Mod. Lic.	1330 kc Unlimited time	1 KW
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Present Assignment: 1330 kc 500 W.
Unlimited time

(For parties notified because of pending applications, see
hearing notice.)

W S A I	Crosley Radio Corp.	Mod. Lic.	1330 kc Unlimited time	500 W. 1 KW LS
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Present Assignment: 1330 kc 500 W.
Unlimited time

(For parties notified because of pending applications,
see hearing notice.)

NEW	New Philadelphia Bldg Co. New Philadelphia, Ohio	C. P.	1370 kc Unlimited time	100 W.
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(For parties notified because of pending applications,
see hearing notice.)

NEW	Howard B. Hoel and Chas. M. Dean Norwood, Ohio	C. P.	1420 kc Unlimited time	100 W.
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(For parties notified because of pending applications,
see hearing notice.)

NEW	Ohio Broadcasting Corp. Cleveland, Ohio	C. P.	1210 kc Unlimited time	100 W.
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(For parties notified because of pending applications,
see hearing notice.)

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HEARING CALENDAR (Continued)

TUESDAY, May 5, 1931 (continued)

W A L R	Roy W. Waller Zanesville, Ohio	Vol. Assign. of Lic.	1210 kc	100 W.
			Unlimited time	
	*	Requests authority to assign his radio broadcasting license to the Akron Broadcasting Company.		
W A L R	Akron Broadcasting Co. Akron, Ohio	C. P.	1210 kc	100 W.
			Unlimited time	
	*	Requests authority to move studio and transmitter from Zanesville to Akron.		
NEW	Ohio Radio Broadcasting Canton, Ohio	C. P.	1200 kc	100 W.
			Unlimited time except to share with WNBO Sundays.	
	*			

*(For parties notified because of pending applications, see hearing notice.)

FRIDAY, May 8, 1931

NEW	Warren C. Davenport Augusta, Georgia	C. P.	1200 kc	100 W.
			8 hours daily	

(For parties notified because of pending applications, see hearing notice).

NEW	Charles S. Andrews Charlotte, N. C.	C. P.	920 kc	1 KW
			Unlimited time	

(For parties notified because of pending applications, see hearing notice.)

W I L	Missouri Broadcasting Corp.	Mod. of Lic.	1200 kc	250 W.
		Unlimited time		100 W LS
		Present Assignment:	1200 kc	250 W
		Shares time with WMAY & KFWF		100 W LS

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ACTION ON EXAMINER'S REPORTS

WBBS	Boston Broadcasting Co.	Application for renewal of license denied, sustaining Chief Examiner Yost.
Ex. Rep.	Boston, Mass.	
No. 93		
WLOE	Boston Broadcasting Co.	Application for mod. of lic. so as to have unlimited time, denied - sustaining Chief Examiner Yost.
Ex. Rep.	Boston, Mass.	
No. 93		
EGER	C. Merwin Dobyns	Application for unlimited time, from sharing with KPSN, Pasadena, granted - sustaining Examiner Pratt.
Ex. Rep.	Long Beach, Calif.	
No. 102		
KPSN	Pasadena Star News Publ. Co.	Application for renewal of license sharing time with EGER on 1360 with 1 KW power, denied effective April 30 - sustaining Examiner Pratt.
Ex. Rep.	Pasadena, Calif.	
No. 102		
NEW	Lakeland Broadcasting Co.	<u>Denied</u> C. F. for new station to operate on 1310 kc, 100 watts, unlimited hours - sustaining Examiner Yost.
Ex. Rep.	Lakeland, Florida	
No. 101		
KFUL	Will H. Ford	<u>Granted</u> renewal of license - sustaining Examiner Pratt;
Ex. Rep.	Galveston, Texas	
No. 89		
	- and -	and
KTSA	Lone Star Broadcast Co. Inc.	<u>Denied</u> mod. of lic. - sustaining Examiner Pratt.
Ex. Rep.	San Antonio, Texas	
No. 89		
NEW	Alliance Radio Engr. Labs	<u>Denied</u> C. F. for new station to operate on 1500 kc, 10 watts, unlimited hours - sustaining Examiner Pratt.
Ex. Rep.	Alliance, Ohio	
No. 95		

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BOSTON STATIONS LOSE DECISION

Where an application for renewal of license is filed by a licensee who has not made use of the station's facilities for a period of more than ten months, and the equipment of such station has been dismantled, there has been an abandonment or forfeiture of license, according to a decision by the Commission in the cases of Boston Broadcasting Co. (WBBS) Boston, Mass. and Boston Broadcasting Co. (WLOE) Boston, Mass. (Dockets 1002, 1003, and 997), sustaining the report of the Examiner. WBBS had filed an application for renewal of license and also requested a change in frequency from 1500 to 1180 kc and limited time. The second application of WLOE sought unlimited time on the present assignment of 1500 kc. The Commission was of the opinion that where an area is now receiving good service from local, regional and cleared channel stations, applications for more facilities in such area should be denied unless there is a clear showing that public interest, convenience or necessity would be served by the granting of said application.

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May 2, 1931

APPLICATIONS GRANTED

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

<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF GRANT</u>
W S A Z	WSAZ, Inc. Huntington, W. Va.	Granted mod. of C. P. change location of transmitter to outside of city limits, and extend commencement date to 3/15/31.
K F I	Earle C. Anthony, Inc. Los Angeles, Calif.	Granted mod. of lic. extend completion date of C. P. to July 1st.
W T I C	Travelers Brdgc Service Hartford, Conn.	Granted authority to operate synchronously to May 31, 1931.
W B A L	Cons. Gas & Elec. Co. Baltimore, Md	
W E A F	National Brdgc Co.	
W J Z	New York, N. Y.	
WHEC-WABO	Hickson Elec. Co. Rochester, N. Y.	Granted extension to July 1, 1931, of special authorization to operate simultaneously on frequency 1430 kc.
W H P	WHP, Incorporated Harrisburg, Pa.	
W O K O	WOKO, Inc. Albany, New York	
W C A H	Commercial Radio Service Columbus, Ohio	
W C F L	Chicago Federation of Labor Chicago, Illinois	Granted special authorization to operate the first 2 hours after sunset at Seattle, subject to revocation in case such operation results in interference with station KJR, Seattle, for period ending August 1, 1931, on 970 kc.
K E L W	Union Bank & Trust Co. of Los Angeles Guardian of Estate of Earl L. White, Burbank, California	Granted temporary 30 day license pending action on Examiner's Report.
W M C A	Knickerbocker Brdgc Co. New York, N. Y.	Granted authority use portable to test new transmitter location.
K F W I	Radio Entertainments, Inc. San Francisco, Calif.	Granted mod. of lic. change name to Radio Entertainments, Inc. Ltd.
W H F C	Triangle Broadcasters Cicero, Illinois	Granted mod. of lic. change name to WHFC, Inc.
W B N X	Standard Cahill Company New York, N. Y.	Granted telegraphic request for approval of certain changes in transmitter to conform to G. O. 91 & 97 and to issue new license accordingly.

May 2, 1931

APPLICATIONS GRANTED (Continued)

W R A F	Charles Middleton LaPorte, Indiana	Granted consent voluntary assignment to The South Bend Tribune.
W R A F	The South Bend Tribune La Porte, Indiana	Granted C. P. move studio and transmitter to South Bend, Indiana.
W O Q	Unity School of Christianity Kansas City, Missouri	Granted consent voluntary assignment to Fairfax Broadcasting Corp.
K Q V	Doubleday-Hill Electric Co. Pittsburgh, Pa.	Granted consent voluntary assignment to KQV Broadcasting Company
W D A H	Eagle Broadcasting Co. El Paso, Texas	Granted consent voluntary assignment to W. S. Bledsoe & W. T. Blackwell
W K B N	Warren P. Williamson, jr. Youngstown, Ohio	Granted consent voluntary assignment to WKBN Broadcasting Corporation.
K P J M	Miller and Klehn Prescott, Arizona	Granted consent to transfer of half in- terest of G. R. Klehn to A. P. Miller.
K T H S	Hot Springs Chamber of Com- merce Hot Springs, Arkansas	Granted a regular term license instead of 60 days, as the station has now com- plied with the terms of G. O. 97.
W I L M	Delaware Broadcasting Co. Wilmington, Delaware	Authority conduct test programs until May 30, pending action on license ap- plication.
K I C K	Red Oak Broadcasting Corp. Red Oak, Iowa	Authority conduct tests until May 15, pending action on license application.

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LICENSE APPLICATIONS RECEIVED

During the current week, the Commission received applications for license following construction permits which had previously been authorized by Commission action from the following stations: KPQ, Wenatchee, Wash.; KOL, Seattle, Wash.; KVOS, Bellingham, Wash.; WCGU, Brooklyn, N. Y.; WMIL, Brooklyn, N.Y.; KWLC, Decorah, Iowa; WAAB, Quincy, Mass.; KRLD, Dallas, Texas; KFLV, Rockford, Ill.; KGIZ, Grant City, Missouri; KUJ, Walla Walla, Wash.; WIJC, Lancaster, Pa.; KPOF, Denver, Colo.; and KEX, Portland, Oregon.

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PERMIT APPLICATIONS RECEIVED

During the current week, the Commission received applications from the following stations requesting authority to install new transmitters, or make changes in present equipment: WBBL, Richmond, Va.; KLLX, Oakland, Calif.; WPAW, Pawtucket, R. I.; KQV, Pittsburgh, Pa.; KGFX, Pierre, S.D.; WBER, Brooklyn, N.Y.; WMBR, Tampa, Fla.; IREG, Santa Ana, Calif.; and KGIX, Las Vegas, Nevada.

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May 2, 1931

APPLICATIONS SET FOR HEARING

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

NEW	The Advent Christian Church Portsmouth, N. H.	Requests C. P. 1310 kc, 100 w. share with WKAV.
NEW	The Owosso Brdcg Co. Inc. Owosso, Michigan	Requests C. P. 950 kc, 1 KW unlimited time.
NEW	Knoxville Journal Co. Knoxville, Tenn.	Requests C. P. 1330 kc, 1 KW unlimited time.
NEW	First Baptist Church R. S. Beal, Pastor Tucson, Arizona	Requests C. P. 1420 kc, 100 w. 19 hours per week; also automatic frequency control.
WMCA	Knickerbocker Brdcg Co. Inc. New York, N. Y.	Requests mod. of lic. to increase power from 500 w. to 1 KW.
KFLV	Rockford Brdcasters, Inc. Rockford, Illinois	Requests mod. of lic. to increase hours of operation to simultaneous day operation with WHBL, share with WHBL at night.
KFH	Radio Station KFH Co. Wichita, Kansas	Requests mod. of lic. to increase hours of operation from sharing with WOQ to unlimited.
WJAY	Cleveland Radio Brdcg Corp. Cleveland, Ohio	Requests mod. of lic. to change frequency from 610 to 590 kc; increase hours of operation from daytime only to unlimited.
WOBT	A. F. Tittsworth, d/b as Tittsworth Radio & Music Shop Union City, Tennessee	Reconsidered and set for hearing application to move from Union City to Jackson.
NEW	Olney Broadcasting Co. Olney, Illinois	Requests C. P. 1370 kc; 100 w. Day.
NEW	C. Hayne Whitaker Horseheads, N. Y.	Requests C. P. 830 kc; 7½ W. Sunday Daytime.
NEW	Indiana's Community Broadcast Corporation Hartford, Indiana	Request C. P. 600 kc; 500 W. Unlimited.
K G W	Oregonian Publishing Co. Portland, Oregon.	Requests C. P. install new equipment; increase power from 1 KW to 5 KW.
WTBO	Associated Broadcasting Corp. Cumberland, Maryland	Mod. of lic. change frequency from 1420 to 1010 kc and increase power to 250 W.

May 2, 1931

APPLICATIONS SET FOR HEARING (Continued)

K G G C	The Golden Gate Broadcast- ing Company San Francisco, Calif.	Mod. of lic. increase to unlimited time.
W A A T	Bremer Broadcasting Corp. Jersey City, N. J.	Mod. of lic. change frequency from 940 to 930 kc; increase power to 250 W. night and 500 W. day and unlimited time.

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COMMISSION POSTPONES HEARINGS

At its session on April 30, the Commission postponed the hearing dates originally scheduled in the following cases:

WFLA- WSUN	Chamber of Commerce Clearwater, Florida	Hearing on 620 kc channel set for May 11, postponed to May 25, 1931.
W W L	Loyole University New Orleans, Louisiana	Application for full time on 850 kc, set for hearing May 15th, postponed until some time in June, at request of station KWKH.

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CRYSTAL CONTROL MANDATORY

High percentage modulation and automatic frequency control are virtually mandatory in the operation of broadcasting stations, the Commission ruled in an opinion handed down on April 30 in the cases of Will H. Ford (KFUL) Galveston, Texas, and Lone Star Broadcast Company Inc. (KTSA) San Antonio, Texas, (Docket Nos. 933 and 923). The Examiner had recommended the granting of KFUL's request for renewal, and denial of the KTSA application for unlimited time. The findings of the report were upheld by the Commission.

The Commission's decision states that where an applicant has transferred only the title to the physical transmitting apparatus to secure a debt and has not assigned the station license or any rights thereunder, such acts do not work a violation of Section 12, Radio Act of 1927, as amended. Where an applicant shows that it is offering a type of program suitable to the community and surrounding area, it is not in public interest, convenience or necessity to deny such applicant's renewal, even though considerable service is received from other stations outside the community, the decision states. If the granting of an application for increased hours of operation would result in the withdrawal of facilities from another station which has been found to be operating in public interest, convenience and necessity, the application should be denied, according to the decision.

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May 2, 1931

APPLICATIONS RECEIVED

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

<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>PRESENT FREQUENCY</u>	<u>FREQUENCY SOUGHT</u>	<u>NATURE OF APPLICATION</u>
W A A T	BREMER BROADCASTING CORP. Jersey City, N. J.	940	----	Install automatic frequency control.
NEW	ANTHRACITE BRDGO CO. Pottsville, Pa.	---	1420	C. P. erect new station, 100 W. unlt'd hrs.
NEW	DOTHAN BROADCASTING CO. INC. Dothan, Alabama	---	1310	C. P. amended, simultaneous daytime operation with WRBI, share with WRBI at night.
K F O R	HOWARD A. SHUMAN Lincoln, Nebraska	1210	----	C. P. amended request unlimited hours.
W S A Z	WSAZ, INCORPORATED Huntington, W. Va.	580	----	Mod. of C. P. amended request extension of completion and commencement of construction.
NEW	THE STARR PIANO COMPANY Richmond, Indiana	----	1500	C. P. amended 100 watts and share with WKBV.
NEW	EVENING HERALD & MORNING NEWS Klamath Falls, Oregon	----	1210	C. P. amended.
K G E K	BEEHLER ELEC. EQUIPMENT CO. Yuma, Colorado	1200	----	Mod. of C. P. increase to 100 watts, extend commencement and completion dates to 5/5/31 and 6/25/31 respectively.
W B Z A	WESTINGHOUSE ELEC. & MFG. CO. Boston, Mass.	990	----	Mod. C. P. extend completion to 8/5/31.
W A B I	PINE TREE BROADCASTING CORP. Bangor, Maine	1200	1180	C. P. increase power to 500 watts, change equipment and move to location in Penobscot County, Maine.
NEW	D. R. WALLACE Tulsa, Oklahoma	----	1210	C. P. erect new station 100 watts. unlimited.

May 2, 1931

APPLICATIONS RECEIVED (Continued)

<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>PRESENT FREQUENCY</u>	<u>FREQUENCY SOUGHT</u>	<u>NATURE OF APPLICATION</u>
W K B H	CALLAWAY MUSIC CO. LaCrosse, Wisconsin	1380	----	Change hours of operation to unlimited to 7 P.M. divide remaining hours with KSO (Hours specified).
K S O	HERRY SEED COMPANY Clerinda, Iowa	1380	----	Mod. of lic. change hrs to unlimited daytime until 6 pm, divide with WKBH at night (Hours specified).
K X R O	KXRO, INCORPORATED Aberdeen, Washington	1310	----	Mod. of C. P. move transmitter and studio locally.
K C R C	CHAMPLIN REFINING CO. Enid, Oklahoma	1370	----	Vol. assign. of lic. to ENID PUBLISHING COMPANY.
K G K B	EAGLE PUBLISHING CO. Brownwood, Texas	1500	----	Vol. assign. of cons. permit to EAST TEXAS BROADCASTING COMPANY, INC.
WBBM-WJBT	ATLASS COMPANY, INC. Chicago, Illinois	770	----	Mod. of lic. to change name to WBBM BROADCASTING CORP.
K X L	KXL BROADCASTERS Portland, Oregon	1420	----	Mod. of lic. to show specified hours of operation.
K B P S	BENSON POLYTECHNIC SCHOOL Portland, Oregon	1420	----	Mod. of lic. to specify hours of operation. Shares with KXL.
K F J I	KFJI BROADCASTERS INC. Astoria, Oregon	1370	----	C. P. to move station to Klamath Falls, Oregon.
K G A R	TUCSON MOTOR SERVICE CO. Tucson, Arizona	1370	1450	Mod. of lic. increase power to 250 watts, day and night.
K G K X	C. E. TWISS & F. H. MCCANN Sandpoint, Idaho	1420	----	Vol. assign. of license to EDWARD GOODMAN.
W E X L	ROYAL OAK BROADCASTING CO. Royal Oak, Michigan	1310	----	C. P. install new eqpt increase to 100 watts.
W R A X	WRAX BROADCASTING CO. Philadelphia, Pa.	1020	----	Mod. of lic. amended to request 500 watts.

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