

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

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THE NATIONAL ASSOCIATION OF BROADCASTERS

Incorporated
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WASHINGTON, D. C.

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May 9, 1931

GOVERNMENT OWNERSHIP

The National Congress of Parents and Teachers in annual meeting at Hot Springs, Ark. this week adopted the following resolution:

"We believe radio broadcasting is an extension of the home; that it is a form of education; that the broadcasting channels should forever remain in the hands of the public; that facilities should be fairly divided between national, State and county governments; that they should be owned and operated at public expense."

This action undoubtedly is one of the by-products of the aggressive and well-financed campaign being conducted by organized educators to secure broadcasting channels for the exclusive use of educational institutions through federal legislation.

It would cost the American public millions of dollars annually in taxes to support a government monopoly of broadcasting such as that advocated. Furthermore, with competition eliminated from the industry, programs of inferior quality would follow. But the principal danger of Government monopoly is the temptation it provides for political patronage.

The American public jealously guards its freedom of the press and this same public will demand that its broadcasting be kept free of government domination.

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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. Craney, Butte, Mont., and Leo Fitzpatrick, Detroit, Mich.

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RCA HEARING JUNE 15

The Commission May 7 adopted the following minute with respect to applications for renewal of licenses of the RCA and its subsidiaries:

(1) That any renewal applications filed by RCA or any of its so-called subsidiary companies which are now pending decision before the Commission be designated for hearing and if such applications request licenses which are necessary for the maintenance of the existing service, that until after the conduct of such hearing and the decision of the Commission as a result thereof, the existing licenses be extended upon a temporary basis to July 15, 1931, at 3 a.m.

(2) That such further renewal applications, if any, as come before the Commission prior to its decision in these matters be treated in a similar manner.

(3) That the hearing on these renewal applications should be held before the entire Commission sitting en banc on Monday, June 15, 1931, at 10 a.m.

(4) That such steps should be taken prior to the hearing date as will be necessary to insure that at least one renewal application of each of the above-named companies is designated for hearing on that date and that if necessary to accomplish this result these companies should be directed by the Commission to file applications for renewal forthwith and without regard to the expiration date of the existing licenses or the requirements of General Order No. 89 with respect to filing applications for renewal of license.

(5) That any applications other than applications for renewal of licenses or applications for instruments of authorizations necessary for the maintenance of an existing service now pending upon behalf of the above-named parties, or hereinafter filed by them, be held in abeyance and no decision made thereon until after the conduct of the hearing herein recommended and the rendition of a decision as a result thereof.

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SENATOR DILL VISITS EUROPE

Senator C. C. Dill of Washington will sail from New York Saturday, May 9, for Europe where he will study the development of radio.

"My principal purpose in going to Europe is to study the development of radio there," he said before leaving Washington. "How does government operation of radio compare in service to the plain people of Europe with our system of private ownership? What use is being made of radio telephones in Germany? What about television in Europe? What is the practical development of the use of microray waves and ultra short waves in Germany? How do they handle the patent situation in Europe? How can international radio be made a greater means for promoting international understanding and world peace? These are some of the questions to which I hope to find answers with a view to the preparation of such new legislation as may be needed."

The Senator will return to the United States about the middle of June.

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ANA DECRIES TALENT COMMISH

Opposition to any attempt to establish a practice whereby a commission on talent is mechanically allowed for advertising agents was expressed in a resolution adopted by the Association of National Advertisers at its meeting in Detroit last week. The resolution follows:

"Whereas, certain groups of advertising agents and radio interests have expressed the opinion that purveyors of radio talent should sell talent at a price which would automatically include 15 per cent commission for advertising agents, which commission would be in addition to the commission of 15 per cent allowed by broadcasting stations to advertising agents for the time purchased, and

"Whereas, it is the strong conviction of buyers of advertising that the question of compensation to advertising agents for the handling and purchasing of talent is a matter that should be decided between the advertiser and his agent, and not by the agent and purveyors of talent, be it

"Resolved, that the association of national advertisers hereby declare its opposition to any attempt to establish a practice whereby a commission on talent is mechanically allowed for advertising agents."

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CCIR DELEGATES SAIL MAY 13

The American delegation to the meeting of the CCIR at Copenhagen May 27 to June 8 will sail from New York on May 13. The American delegates are Senator Wallace H. White of Maine, chairman; Dr. John Howard Dellinger, chief radio section Bureau of Standards; and Dr. Charles Byron Jolliffe, chief engineer, Federal Radio Commission. Technical assistants are Dr. Irvin Stewart, Department of State; Gerald C. Gross, radio engineer, Radio Commission; Lieut. Com. Joseph R. Redman, U. S. N.; Lieut. Wesley T. Guest, U. S. A.; Lieut. Thomas H. Maddocks, U. S. A.; Dr. Charles Goldie McIlwraith, Bureau of Standards; and Lieut. Com. E. M. Webster, U. S. Coast Guard. Technical advisor to the delegation is Capt. Kenneth D. Warner, American Radio Relay League.

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RADIO HEADS ON PROGRAM

Radio chiefs of two countries will address the first annual assembly of the National Advisory Council on Radio in Education to be held in New York on May 21, 22, and 23, according to the program just made public by Levering Tyson, director of the Council. Sir John C. W. Reith, director of the British Broadcasting Corporation, will speak on the subject of "What Europe's Experience Can Offer to America" and General C. McK. Saltzman, chairman of the Federal Radio Commission, will speak on the subject of "The Radio Commission and its Work."

"Commercial Broadcasting and Education" will be the subject of an address by Henry A. Bellows, Vice President, Columbia Broadcasting System. Other speakers include W. C. Bagley, Columbia University; Dr. R. H. Jones, Cleveland, Ohio; Benjamin H. Darrow, Ohio School of the Air; A. N. Goldsmith, Radio Corporation of America; Joy Elmer Morgan, chairman, National Committee on Education by Radio; Ray Lyman Wilbur, Secretary of the Interior; and R. A. Millikan, president of the National Advisory Council on Radio in Education.

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LOTTERY WARNING ANNOUNCED

Having determined that the Radio Act does not empower the Commission to adopt a general order on the subject, the Commission nevertheless has decided to curb radio lotteries and fortune telling by the indirect method of taking such programs into consideration in passing upon applications for renewal of broadcasting licenses.

By its action on May 7 the Commission has impliedly invited members of the public to complain to the licensing body about stations engaging in practices which might amount to the conduct of lotteries. Upon receipt of a "substantial" number of complaints the station alleged to be offending will be faced with a fight to have its license renewed.

The following statement was made to the press on May 7:

"Upon frequent occasions there has been brought to the attention of the Commission complaints against radio stations broadcasting fortune telling, lotteries, games of chance, gift enterprises, or similar schemes offering prizes dependent in whole or in part upon lot or chance. On that subject the Commission has to say:

'There exists a doubt that such broadcasts are in the public interest. Complaints from a substantial number of listeners against any broadcasting station presenting such programs will result in the station's application for renewal of license being set for a hearing.

'Copies of this statement were this day ordered by the Commission to be mailed to each broadcasting station licensed by the Commission.' "

Three days earlier, on May 4, the Commission held it was without authority to adopt a general order on the subject. The following is from the minutes of the Commission on May 4:

"The Commission denied the petition of Elisha Hanson, Attorney for the American Newspaper Publishers' Association, asking promulgation of an order banning the broadcasting of 'lottery and gift programs'.

"The Commission took the position that such a regulation cannot be legally promulgated, that the question of prohibiting lottery advertisements by radio is a matter for legislation by Congress.

"The action of the Commission was based on the following memorandum from its Legal Division:

"While the Commission has the power under Section 11 of the Act to make its decision upon pending applications dependent upon its conception of the statutory standard of public interest, convenience, and necessity as applied to the particular set of facts and circumstances shown by the evidence, its authority to make rules and regulations is not this broad. Congress has not seen fit to authorize the Commission to make such rules and regulations as its conception of public interest, convenience, and necessity would seem to require without fur-

LOTTERY WARNING ANNOUNCED (Continued)

ther restraint. On the other hand, in each instance where the Act confers a rule-making power upon the Commission the object and purpose of such rules are limited and restricted by the language of the Act which confers the grant of power (see Sections 4, 11, 14 and 18).

"What appears at first blush to be an exception to this rule is in fact not an exception. Reference is made to Paragraph (f) of Section 4 which provides:

'Except as otherwise provided for in this act, the Commission, from time to time, as public convenience, interest, or necessity requires, shall * * * *

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act. * * * '

"The rule-making powers conferred by the quoted provisions of Section 4 are confined to regulations: (1) for the purpose of preventing interference between stations, and (2) to carry out the provisions of the Act. The requested regulation is clearly not for the purpose of preventing interference. Moreover, it can not be for the purpose of carrying out the provisions of the Act because there are no provisions of the Act which can be carried out in this manner.

"While Congress can and does confer upon administrative bodies of its creation the power to enact rules and regulations, these rules are not for the government of such bodies but for administering the laws that do govern. When Congress has indicated its will by appropriate legislation it can give to those who are authorized to act under such general legislative provision: 'power to fill up the details' but not to further the scope and effect of such legislation to cover matters not included therein (Field v. Clark, 143 U.S. 649; United States v. Grimaud, 220 U.S. 508, 521; Union Bridge Co. v. United States, 204 U.S. 364). As was said in the case of Cincinnati W. & Z. R. R. Co. v. Commissioners (1 Ohio State 88) quoted with approval in the case of Field v. Clark (supra).

'The true distinction is between the delegation of power to make a law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made.' '

"To prohibit by regulation the advertisement of lottery by radio or attempt by regulation in such manner to restrict and limit the character or programs broadcast in advance of their rendition would in our opinion constitute an exercise of a power which is not expressively or even impliedly conferred by the Act. On the other hand, the construction which we place upon the Act and particularly Section 29 thereof would seem to make it clear that Congress did not intend the Commission to exercise this power.

"This section provides in part;

'Nothing in this Act shall be understood or construed to give the licensing authority the power of censorship over the radio communication or signals transmitted by any radio station, and

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LOTTERY WARNING ANNOUNCED (Continued)

no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication. * * *

"The question here presented is not the same as that presented to and decided by the Court of Appeals in the case of KFKB Broadcasting Association, Inc. v. Federal Radio Commission. In that case the appellant contended that the action of the Commission in considering the character of programs already broadcast by a station in determining whether or not a renewal of its license would be in the public convenience, interest, and necessity constituted censorship and as such was prohibited by Section 29. In disposing of this contention the Court said:

'The contention is without merit. There has been no attempt on the part of the Commission to subject any part of appellant's broadcasting matter to scrutiny prior to its release. In considering the question whether the public interest, convenience, or necessity will be served by renewal of appellant's license, the Commission has merely exercised its undoubted right to take note of appellant's past conduct, which is not censorship.'

"The promulgation of an order or regulation which prohibits the rendition of a certain program is not, however, within the rule announced by the Court in the KFKB case. The violation of any such rule or regulation would subject the station to revocation of license under Section 14 of the Act and is clearly not taking note of a station's past conduct but perhaps the most effective form of censorship that could be employed under the circumstances.

"It is not enough to say that the results of such an order would be beneficial or that in the language of the statute, public interest, convenience, and necessity would be served thereby. Neither is it sufficient to say that as to other agencies Congress has prohibited the dissemination or advertisement of information pertaining to lotteries or schemes or chance. The Commission has only such powers as are expressly and impliedly given it by the Act and while it may and perhaps should consider the matter of lottery broadcasts in determining whether or not a station's past operation has been in the public interest in appropriate proceedings conducted in pursuance of Section 11, this is because the scope of the Commission's quasi-judicial powers as fixed and prescribed by Section 11 are broader than its quasi-legislative powers as prescribed elsewhere in the Act and not because of any inherent power on the part of the Commission to make any determination or order which in its opinion will promote the public interest, convenience and necessity as pertains to the regulation of radio."

The Commission in 1928 indicated that the conduct of lotteries by radio was not in the public interest although it has never taken formal action barring such practices. The Commission has, however, taken such practices into consideration in passing upon individual applications. But the action of May 7 is very broad and indefinite. While lotteries have been held to be illegal and are not proper subjects of interstate commerce, the Congress in legislating for the District of Columbia has provided for the licensing of fortune telling.

The whole subject could be more satisfactorily handled if wrongful acts,

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LOTTERY WARNING ANNOUNCED (Concluded)

such as lotteries, were made the subject of a federal criminal statute.

Due to the competition which now exists between stations in the same areas and between newspapers and stations, it can be expected that complaints will be received in great numbers, that is, if the public actually cares. It is to be hoped that these complaints will be investigated thoroughly before stations are put to the trouble and expense of hearings.

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AMERICAN SOCIETY ASKS DATA

The American Society of Composers, Authors and Publishers have sent questionnaires to all broadcasting station licensees asking for the following information:

1. The name of each and every commercial or sponsored program which uses music.
2. The name of each and every commercial or sponsored program which does not use music.
3. A detailed statement, itemized daily, showing the amount of time utilized by each of the programs during the said week.
4. A detailed statement showing the rates charged for each such sponsored program during the week.
5. If the time sold is for broadcasting electrical transcription programs, then the name of the sponsor of each electrically transcribed program, the name of the manufacturer of the record, the time used and the amount charged for using the facilities of the station.

The information is being collected through the Society's district representatives.

The Managing Director of the NAB has been in touch with the New York headquarters of the Society and has been informed that the purpose of the questionnaire is to collect information upon which some action may be taken by the Society toward standardization of license fees. The NAB has also been told that the Society is considering asking the Association to appoint a committee to meet with its Committee to discuss in detail the copyright situation as it relates to broadcasting.

Members of the NAB have been urged to supply the data sought.

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COMMISSION RECESS JUNE 25

The Commission has tentatively decided to recess from June 25 to September 1. As in previous years, however, several members of the Commission will remain on the job to handle emergency and routine work and it is likely that one or more meetings will be held during the recess period.

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ASKS COURT TEST IN RCA CASES

A suggestion that the Commission refuse to grant one license to the RCA for the purpose of testing the validity of Section 13 of the Radio Act in the courts was made by Senator C. C. Dill before leaving Washington for a trip abroad.

"Now that the United States Supreme Court has decided that the Radio Corporation has violated the anti-monopoly law by its tube clause contract, it is to be hoped that the Radio Commission will not violate the radio law by failure to carry out both the letter and the spirit of that statute," Senator Dill said.

"If there be doubt as to the power of Congress to make such a law, let the Commission refuse to grant one license for the purpose of making it a test case in the courts. The Commission can extend other existing licenses while that case is being tried. By such a plan the Commission will be obeying the law, and the communications service established by the Radio Corporation will not be disturbed.

"But equally as important as carrying out the law in cases of this kind, is the breaking down of the patent monopoly which the Radio Corporation has established. The greatest need in the radio manufacturing industry today is a radio patent pool, similar to the automobile patent pool.

"If the Radio Corporation acts wisely, it will cancel the joint patent agreements by which it extorts unconscionable sums of money from other radio manufacturers, and thereby profiteers upon the purchasers of radio sets. By such action it should be able to free itself from further prosecution by the Department of Justice.

"Under such an arrangement all radio patents in the patent pool could be used by any responsible manufacturer on payment of a reasonable royalty to the owner of the patent. This would not only free those engaged in the radio industry from threats of suits, but would result in lower prices for radio sets to the public.

"Unless the Radio Corporation makes some such arrangement, it would seem the Department of Justice should not only press the government's suit to a decision at the earliest possible date, but should ask the court for an injunction prohibiting the enforcement of the indefensible royalty contracts during the period of the suit. The anti-trust law provides for such proceedings and it is highly important that such an injunction be issued to prevent the destruction of independent manufacturers while the case is being carried through the courts.

"Radio must be kept free. If the present radio law fails to prevent monopoly either in communications or manufacturing, the Congress will amend the law. The rights to the use of radio constitute the last public domain and what new services radio may yet render the human family, nobody can conceive, but the government must always have the power to allocate the use of any frequency for any purpose at any time to any person, and private interests must always be kept subservient to that end."

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NEW ENGLAND APPLICATION DENIED

Where the granting of an application for broadcasting facilities would result in serious heterodyne and cross talk interference to stations on the same and adjacent frequencies, thereby reducing the "good service areas" of existing stations, public interest, convenience and necessity would not be served by the granting of such a request, according to the opinion of the Commission in denying the application of Alfred Frank Kleindienst, Worcester, Mass. Station WORC, (Docket 924) for construction permit to change frequency to 1340 kc and increase the power to 500 watts. The Commission further stated that the granting of this application would work a violation of General Order 40, Paragraph 4 (C), in that the designated frequency is one that may not be used in less than two or more than three zones, except in those cases where its use in additional zones would not result in interference to other stations on the same frequency. It was concluded by the Commission that the use of this requested facility at Worcester would not add any material improvement to the broadcast service in this area, and that public interest would not be served thereby.

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APPLICATIONS DEFAULTED AND WITHDRAWN

The Commission acting on the application of Oklahoma Panhandle Broadcasting Co. Guymon, Okla. requesting authority to erect new station on 1500 kc with 100 watts and unlimited time (Docket 1138) sustained the action of the Examiner and denied the request as in the case of default.

At the same time, an order was issued by the Commission in the case of J. C. and E. W. Lee, San Bernardino, Calif. station KFXM (Docket 950) granting the motion of the applicants for leave to withdraw the application without prejudice. This action sustained the Examiner's recommendation.

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NEW STATION DENIED

The Commission decided, in the case of the Atlanta Broadcast Company, Atlanta, Ga. (Docket 1004) requesting authority to erect a new local station on 1310 kc with 100 watts and unlimited time, that there was a probability of interference being caused with the proposed station and WKBC and WROL at Birmingham and Knoxville, with the result that their service areas of each station would be materially reduced. It was further held, in giving reasons for the denial of the application, that the Atlanta area is now receiving good broadcasting service from stations WSB and WGST at Atlanta, as well as additional service from several regional and cleared channel stations during the evening hours.

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DUNCAN FILES APPEAL

Robert Gordon Duncan, styled the Oregon "wildcat" has petitioned the Supreme Court of the United States for a review of the decision of the U. S. Circuit Court of Appeals for the Ninth Circuit holding that he violated Section 29 of the Radio Act through the use of profane language in his broadcasts.

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WROL FILES APPEAL

The Stuart Broadcasting Corporation, WROL, Knoxville, Tenn. has filed an appeal in the Court of Appeals for the District of Columbia from a decision of the Commission granting a construction permit to Oglethorpe University to move station WRBI from Tifton, Ga. to Atlanta, Ga. Both stations operate on 1310 kc, WROL with 100 watts and WRBI with 20 watts although it now has a construction permit for 100 watts. A stay order also is sought.

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LANGMUIR SUIT ARGUED

The suit brought by the DeForest Radio Company against the General Electric Company contesting the validity of the Langmuir tube patents was argued in the Supreme Court of the United States last Friday and Monday.

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NEW BROADCASTERS AGENCY LIST

Broadcast Advertising, 440 South Dearborn Street, Chicago, Illinois, has just published a booklet entitled "Broadcasters Agency List" listing 1182 advertising agencies of which 443 were identified as placing radio accounts and 127 had placed radio advertising but were not identified as doing so on April 20, 1931, the date of the booklet's publication. The list shows which of the agencies are recognized by the AAAA and the ANPA and other associations.

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TELEVISION SUIT AIRED

The District of Columbia Supreme Court this week heard testimony in the suit brought by the Radio Service Corporation of Jamaica, N. Y. against Charles F. Jenkins, Washington inventor, alleging that Jenkins violated certain contracts when he disposed of his television patents to the Jenkins Television Corporation. The plaintiff claimed that it purchased the Jenkins patents for \$350,000 and that the inventor disregarded this agreement and sold the patents to the Jenkins Company for \$2,000,000. The patents in question are now owned by the DeForest Radio Corporation as a result of a merger between the DeForest and Jenkins companies.

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CRAVEN TO GIVE TALK

T. A. M. Craven, former lieutenant-commander, United States Navy, will deliver an address on the subject "Improvements for Broadcasting" at the meeting of the Washington Section, I. R. E. May 14.

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STANDARD DATA QUESTIONNAIRES

Standard Rate and Data Service will mail shortly to all broadcasting stations a questionnaire form which has been approved by the American Association of Advertising Agencies and the National Association of Broadcasters. Members of the NAB are urged to give prompt attention to these questionnaires. Members of the NAB should be careful to note their affiliation at the top of the questionnaire.

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RMA SHOW PLANS READY

Arrangements for the Seventh Annual Convention and trade show of the Radio Manufacturers' Association will be completed at a meeting of the Board to be held at Scarborough, N. Y. on May 14. The RMA show will be held at Chicago during the week of June 8.

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UNIVERSAL EQUIPMENT FOR SALE

Should any NAB members be interested in the purchase of any part of the plant and equipment of the defunct Universal Wireless Communication Company, information can be obtained from William M. Pepper, 230 Park Avenue, New York, who represents the purchasers at the bankrupt sale. Stations of the former company are located at New York, Chicago, Cincinnati, Detroit, Buffalo, Boston and Cleveland.

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SECOND HAND 1 KW SET WANTED

The Electrical Equipment Division, Bureau of Foreign and Domestic Commerce has received a request for a secondhand 1 KW broadcasting transmitter. Inquiries in reference to this matter should be directed to NAB Headquarters, National Press Building, Washington, D. C. All specifications should be given in answer to this request.

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CRITICIZE GOVERNMENT OWNERSHIP

Sharp criticism of the Canadian Radio League for its advocacy of government operation of broadcasting facilities is contained in an article written by John Murray Gibbon and published in the CANADIAN FORUM. In one part of the article he says: "Under private ownership radio entertainment is governed by the rules of demand and supply. The objective of the programme sponsor is to gain the goodwill of the unseen audience. Different types of programme are created by the realization of sponsors that it is impossible to please every one with one type of programme. Competition on this Continent has resulted in providing a great variety of programmes, far greater than is available through the B.B.C. or Continental European systems, and from the nature of things better adapted to North American mentality."

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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>
K G B	Pickwick Broadcasting Corp. San Diego, California	Granted consent to voluntary assignment of license to Don Lee, Inc.
W G A R	The WGAR Broadcasting Co. Cleveland, Ohio	Granted C. P. to move transmitter to Cuyahoga Heights, Ohio
K E X	Western Broadcasting Co. Portland, Oregon	Granted authority to operate daylight hours.
K O B	New Mexico College of Agr. & Mech. Arts State College, New Mexico	Granted authority to operate daylight hours.
W N B R	The Memphis Broadcasting Co. Memphis, Tennessee	Granted permission to continue use of WGBC's transmitter until construction now authorized is completed and transmitter of WNBR is in proper operating condition.
W C A C	Connecticut Agr. College Storrs, Conn.	Granted permission to discontinue operation from June 9 to Oct. 5. (WICC has agreed to use the additional time.)
W H B	WHB Broadcasting Co. Kansas City, Missouri	Granted authority for direct measurement of antenna input.
W C G U	United States Brdco Corp. Brooklyn, New York	Granted mod. of C. P. to extend completion date to May 15th.
W I B W	Topeka Broadcasting Ass'n Topeka, Kansas	C. P. make changes in equipment.
K F S L	Leese Brothers Everett, Wash.	Granted authority to install automatic frequency control
W R D O	Albert S. Woodman Auguste, Georgia	Granted mod. C. P. extend completion date to August 1, 1931.
W W S W	William S. Walker Pittsburgh, Pa.	Mod. C. P. requesting approval transmitter site at Frankstown Road, Pittsburgh, Pa. and studio in Schenley Hotel, Pittsburgh.
W N D R	Memphis Broadcasting Co. Memphis, Tenn.	Granted mod. lic. increase to unlimited time.
K W J J	KWJJ Broadcast Company Inc. Portland, Oregon	Granted permission to operate after WEAL and WTIC discontinue.

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APPLICATIONS GRANTED (Continued)

K O B	New Mexico College of Agriculture and Mechanical Arts Las Cruces, New Mexico	Granted mod. lic. operate simultaneous during daytime; share with KEX at night (KOB 1/3: KEX 2/3 time.)
K F E L	Eugene O'Fallon Inc. Denver, Colorado	Granted authority extend program tests for 15 days ending May 15.

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LICENSE APPLICATIONS GRANTED

During the current week the Commission granted applications for license covering previously authorized construction permits to the following stations: KTSI, Shreveport, La.; WILM, Wilmington, Del.; KUSD, Vermillion, S. D.; KGY, Lacey, Wash.; WBOW, Terre Haute, Ind.; WASH, Grand Rapids, Mich.; WMBO, Auburn, N. Y.; WOEU, Charleston, W. Va.; WMAZ, Macon, Ga.; KSTP, St. Paul, Minn.; WGES, Oak Park, Ill.; WCRW, Chicago, Ill.; WTAX, Springfield, Ill.

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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: WKAR, East Lansing, Mich.; KTFI, Twin Falls, Idaho; WDIG, Greensboro, N. C.; KSMR, Santa Maria, Calif.; KMPC, Beverley Hills, Calif.; KFQD, Anchorage, Ala.; WMMN, Fairmont, W. Va.

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7½ WATT STATION TOO SMALL

The assignment of a 7½ watt station on a local frequency would not be consistent with economical distribution and use of broadcasting facilities, under a ruling of Examiner Pratt in his recommendation for denial of the application for a new station to be erected on 1200 kc with daylight hours, filed by Tingley Roy and Larimore, Leroy, Minn. (Report 151, Docket 1061) issued this week. It was further concluded that the area proposed to be served is now receiving adequate broadcasting service from existing stations, and that the applicant lacked sufficient financial and technical ability to erect and operate the station in the public interest.

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SAYS RADIO ADS THIRD BEST

D. F. Kelly, president of the National Retail Dry Goods Association, told the International Chamber of Commerce in Washington on May 7 that newspaper advertising ranks first, direct mail second, and broadcasting third.

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HEARING CALENDAR

The following hearings are scheduled for the week commencing Monday, May 11, 1931. All hearings commence at 10 a. m.

WEDNESDAY, May 11, 1931

10:00 A. M.

Docket 967 - Examiner's Report 100.

Oral argument on Radio Station KTNT, Muscatine, Iowa, before the Commission.

10:30 A. M.

Docket 934 - Examiner's Report 117.

Oral argument on Radio Station KGBZ, York, Nebraska, before the Commission.

KSMR	Santa Maria Radio Santa Maria, Calif.	C. P.	1200 kc	100 W. Unlimited time
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Requests authority to move studio and transmitter to Bakersfield, Calif.

Present Assignment: 1200 kc 100 W.
Unlimited time

NEW	Jos. E. Finch & C. P. Ritchie Trinidad, Colorado	C. P.	1420 kc	100 W. Unlimited time
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NEW	Gillette Stanford Chico, California	C. P.	1500 kc	100 W. Daytime hours only
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RECOMMENDED FOR MORE DAY POWER

The application of Independence Broadcasting Co. Philadelphia, Pa, station WHAT, requesting construction permit to change frequency from 1310 kc to 930 kc, increasing power from 100 to 250 watts, and change hours of operation from sharing with WFKD to sharing with WIEG, Elkins Park, Pa. on a daylight basis, was recommended by Examiner Yost in Report 155 (Docket 1128). It was stated that "the applicant is well qualified from the standpoint of finances and available talent - educational and otherwise - to operate the proposed station in a highly acceptable manner." The station would give "the people of Philadelphia and the territory immediately adjacent thereto, improved and additional radio broadcasting reception of a high quality, local and independent in character." The testimony at the hearing indicated that the applicant corporation is a subsidiary of the Curtis-Martin Newspapers, Inc. publishers of the Philadelphia-Inquirer, the Philadelphia Ledger, and is also affiliated with the Curtis Publishing Company, publishers of the Saturday Evening Post, The Ladies Home Journal, and The Country Gentleman.

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May 9, 1931

APPLICATIONS SET FOR HEARING

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

NEW	C. R. Cummins, Trustee for Community Radio Williamsport, Pa.	Requests that reallocation be made in order that 25 of the present 96 broadcast channels having a 10 kc separation - a total of 250 kc, may be set aside for the exclusive use of 267 community radio stations, these stations being located in the cities and towns having a population numbering between 10,000 and 100,000 inhabitants.
NEW	Dothan Broadcasting Co. Inc. Dothan, Alabama	Requests C.P. 1310 kc, 100 W. simultaneous daytime operation with WRBI; share with WRBI at night.
NEW	W. H. Allen, Eugene Levy and S. B. Pearce, D/B as W. H. Allen Co. Alexandria, Louisiana	Request C.P. 1210 kc, 50 W. daytime.
NEW	The Starr Piano Co. Richmond, Indiana	Requests C. P. 1500 kc, 100 W. share with WKBV.
KTSL	G. A. Houseman Shreveport, Louisiana	Requests C.P. to move transmitter and studio from Shreveport to Laurel, Miss. and change time from sharing with KRMD to unlimited.
KFOR	Howard A. Shuman Lincoln, Nebraska	Requests C.P. to install new equipment to conform to requirements of G.O. 91 and 97; change freq. from 1210 to 930 kc; change power from 250 W. day, and 100 W. night to 500 W.
WDGY	Dr. Geo. W. Young Minneapolis, Minnesota	Requests mod. of lic. to increase hours of operation from limited (WRDI 2/7 time. WDGY 5/7 time) to limited, not to share with WHDI.
WBAX	John H. Stenger, jr. Wilkes-Barre, Pa.	Requests mod. of lic. to change time from sharing with WJBU to unlimited.
WOBT	Tittsworth Radio & Music Shop Union City, Tennessee	Requests authority to move from Union City to Jackson, Tennessee.
NEW	John E. Hess York, Pennsylvania	C.P. 1500 kc; 100 W. unlimited.
NEW	John W. Lieuallen Moscow, Idaho	C.P. 1070 kc; 100 W. day.

May 9, 1931

APPLICATIONS SET FOR HEARING (Continued)

NEW	Evening Herald & Morning News Klamath Falls, Oregon	C. F. 1210 kc; 100 W.; 8 hours daily, also install automatic frequency control.
NEW	Bakersfield Broadcasting Co. Bakersfield, Calif.	C. F. 1420 kc; 100 W.; unlimited.
WRAX	WRAX Broadcasting Co. Philadelphia, Pa.	C. F. make changes in equipment; and increase power to 500 watts.
WLVA	Lynchburg Broadcasting Co. Lynchburg, Virginia	C. F. install equipment; increase day power to 250 W.; change hours to unlimited; and change frequency to 1200 kc.
WFCC	North Shore Church Chicago, Illinois	C. F. move transmitter; install new equipment; increase power to 1 KW; and change time to certain specified hours in application.
WOQ	Unity School of Christianity Kansas City, Missouri	Consent voluntary assignment to Fair- fax Broadcasting Company.

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APPLICANTS DEFAULT

The experimental application of International Society of Radio Engineers, Indianapolis, Ind. (Docket 1121) for construction permit to erect a new station with power of between 250 and 300 watts, on a frequency between 1000 and 3000 kilocycles was recommended for denial because of default in Report 152 by Examiner Walker. No appearance had been entered by the applicant.

Due to failure of the applicant to enter an appearance in the case of Kenneth Aubrey Taylor, Boston, Mass. requesting authority to erect a new station on 1500 kc with 100 watts night and 250 watts LS, sharing with WLOE, Examiner Hyde has recommended denial of this application. (Report 153, Docket 1158).

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EXAMINER FAVORS WFI

The granting of an increase in day power from 500 watts to 1 KW to Station WFI, Philadelphia, provides improved radio reception to the people in the Philadelphia and adjacent territory, according to the finding of Examiner Yost in Report 149, Docket 1126, issued this week. The application for construction permit and modification of license originally requested an increase from 500 watts to 1 KW boty day and night. The Examiner concluded that the granting of the application as submitted "would result in objectionable interference and cross talk during night time operation to stations operating simultaneously on the 500 kc channel and frequencies adjacent thereto." He recommended that increased power be granted for day hours only.

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May 9, 1931

APPLICATIONS DEFAULTED

The following applications, which heretofore had been designated for hearing by the Commission, were denied on May 8, because applicants failed to file appearances within the time limit fixed by General Order 93.

<u>FRC File No.</u>	<u>NAME OF APPLICANT</u>	<u>CALL</u>	<u>NATURE OF APPLICATION</u>
4-PB-1933	Indianapolis Brdgc Co. Indianapolis, Ind.	WKBF	C.P. 1400 kc; 1 KW
4-PB-1745	Central Dist. Co. Champaign, Illinois	NEW	C.P. 1370 kc; 100 W.
3-PB-1241	High Point Enterprise Inc. High Point, N. C.	NEW	C.P. 750 kc; 5 KW
3-PB-1558	Montgomery Brdgc Co. Montgomery, Alabama	NEW	C.P. 1370 kc; 100 W.
4-PB-1660	Ned Lewis Beglein Michigan City, Ind.	NEW	C.P. 1240 kc; 250 W.
1-PB-1695	Earle H. Barton Lake Placid, N. Y.	NEW	C.P. 920 kc; 50 W.
3-PB-1702	B. M. Boyd Charlotte, N. C.	NEW	C.P. 1380 kc; 1 KW
3-PB-1729	Charles E. Meredith Mobile, Alabama	NEW	C.P. 1210 kc; 100 W.
1-PB-1628	Thomas Arnath Linden, New Jersey	NEW	C.P. 1180 kc; 75 W.
4-PB-1599	Clifford C. Sawyer Elkhart, Kansas	NEW	C.P. 1370 kc; 20 W.
5-PB-1741	H. B. Reed Chehalis, Wash.	NEW	C.P. 1220 kc; 1 KW
3-PB-1640	A. J. Kirby Music Co. Gastonia, N. C.	WSOC	C.P. 620 kc; 1 KW
4-PB-1794	Joplin Globe Publ. Co. Joplin, Missouri	NEW	C.P. 1340kc; 1 KW
3-PB-2019	Dadswell, Lord & Simington Sulphur Springs, Arkansas	NEW	C.P. 1340 kc; 1 KW
4-PB-1978	Conard Studio Garden City, Kansas	NEW	C.P. 1370 kc; 100 W.
3-PB-1860	Ardmoreite Publ. Co. Ardmore, Oklahoma	NEW	C.P. 1210 kc; 100 W.

May 9, 1931

APPLICATIONS DEFAULTED (Continued)

<u>FRC File No.</u>	<u>NAME OF AFFILICANT</u>	<u>CALL</u>	<u>NATURE OF APPLICATION</u>
3-MLB-735	N. C. Broadcasting Co. Greensboro, N. C.	WBIG	Mod. lic. 1240 kc; 500 W.
2-MLB-689	Radio Air Service Corp. Cleveland, Ohio	WHK	Mod. lic. 1390 kc; 1 KW; 2½ KW LS.
3-MB-624	Montgomery Broadcasting Co. Montgomery, Alabama	WSFA	Mod. lic. 1410 kc; 1 KW Day.
2-FB-1759	Anderson Gross Brdco Co. Lansing, Michigan	NEW	C.P. 570 kc; 500 W.
4-FB-1796	Jones Bros. Garage Cradwell, Missouri	NEW	C.P. 1420 kc; 7½ W.
4-FB-1294	Northern Seed & Nursery Co. Aberdeen, South Dakota	NEW	C.P. 1450 kc; 500 W.
2-FB-1601	Detroit Broadcasting Co. Detroit, Michigan	NEW	C.P. 590 kc; 500 W.
5-FB-1786	McAdoo Drug Co. Carlsbad, New Mexico	NEW	C.P. 860 kc; 7½ W.
2-FB-1972	Lancasters Newspapers Lancaster, Pa.	NEW	C.P. 100 kc; 2½KW
2-FB-1967	Warren & Retzlaff Muskegon, Michigan	NEW	C.P. 1500 kc; 15 W.
3-FB-1828	Gillespie & Goldenberg Shreveport, Louisiana	NEW	C.P. 1120 kc; 15 W.
2-FB-1758	Leo J. Callinan Akron, Ohio	NEW	C.P. 1500 kc; 100 W.

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CUMMINS PLAN FOR HEARING

A plan to construct 267 small powered radio stations to cover as many small communities, proposed by Clarence R. Cummings, Williamsport, Pa. will be the subject of a general hearing, it was decided by the Commission this week. Cummins proposes to build these stations to operate with small power on 25 broadcasting channels, allowing for an interchannel separation of two kilocycles. The engineering division of the Commission does not believe the plan feasible. Were the Commission to grant the Cummins applications, a new reallocation of channels would be necessary.

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May 9, 1931

APPLICATIONS DISMISSED

The following applications were dismissed at the request of the applicant.

<u>FRC FILE NO.</u>	<u>NAME OF APPLICANT</u>	<u>CALL</u>	<u>NATURE OF APPLICATION</u>
4-MB-651	WKBH, Inc. La Crosse, Wisconsin	WKBH	Mod. of lic. 620 kc; 1 KW.
1-PB-1267	C. L. Carrell Albany, N. Y.	Formerly WHBM	C. P. 1210 kc; 100 W.
1-MB-658	Knickerbocker Broadcast- ing Co. New York, N. Y.	WMCA	Mod. of lic. 570 kc; 500 W.
2-MLB-709	Richmond Development Corp. Roanoke, Virginia	WRBX	Mod. of lic. 1410 kc; 500 W.
4-MLE-751	Saunders Bros. Radio Sta. Joliet, Illinois	WKBB	Mod. of lic. 1310 kc; 100 W.
3-MLB-665	Central Texas Broadcast- ing Co. Waco, Texas	WACO	Mod. of lic. 1350 kc; 1 KW.
2-MLE-718	WASH Broadcasting Corp. Grand Rapids, Mich.	WASH	Mod. of lic. 1270 kc; 500 W.
3-PB-1468	A.P. Stark Pampa, Texas	NEW	C. P. 1380 kc; 500 W.
1-MB-614	City of New York, Dept of Plants & Structures New York, N. Y.	WNYC	Mod. of lic. 570 kc; 500 W.
3-PB-1360	King Evans Marshall, Texas	NEW	C. P. 1420 kc; 100 W.
1-PB-1310	Hagerstown Broadcasting Co. Hagerstown, Md	NEW	C. P. 1210 kc; 100 W.
1-MB-626	Consolidated Gas & Elec. Co. Baltimore, Maryland	WBAL	Mod. of lic. 1060 kc; 15 KW
1-PB-1250	Radio Pictures Inc. Long Island City, N. Y.	NEW	C. P. 1070 kc; 100 W.
5-PB-1734	W. E. Whitmore Roswell, New Mexico	NEW	C. P. 1500 kc; 100 W.
4-ME-642	Press Publishing Co. Sheboygan, Wisconsin	WHBL	Mod. of lic. 620 kc; 500 W.

May 9, 1931

APPLICATIONS DISMISSED (Continued)

<u>FRS FILE NO.</u>	<u>NAME OF APPLICANT</u>	<u>CALL</u>	<u>NATURE OF APPLICATION</u>
2-MC-609	Robert Allen Gamble Petersburgh, Va.	WLEG	Mod. of lic. 920 kc; 500 W.
1-FB-1968	Shareteberg Radio Service New Haven, Conn.	NEW	C. P. 930 kc; 250 W.
4-FB-995	Dr. Geo. W. Young Minneapolis, Minn.	WDGY	C. P. 1180 kc; 2 $\frac{1}{2}$ KW
2-MC-565	Commercial Radio Service Co. Columbus, Ohio	WCAH	Mod. of lic. 1430 kc; 500 W; 1 KW LS.

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CANTON APPLICATION OPPOSED

Examiner Walker has recommended denial of the application of the Canton Broadcasting Co. Canton, Ohio, Report 150, Docket 1120, for authority to erect a new station on 1120 kc with 500 watts and unlimited time, holding that the granting thereof would not serve public interest convenience or necessity due to applicant's failure to show a need for the proposed station; to indicate that the station would render "any substantial service" not now received in the community; and to make proper showing that the applicant would be financially able to erect and operate the proposed station. The engineering testimony in this case indicated that the granting of this application would be contrary to the terms of the informal agreement between the United States and Canada.

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RECOMMENDS AGAINST WOAX

Denial of the application for construction permit to move Station WOAX from Trenton to Merchantville, N. J. near Camden was recommended by Examiner Pratt in Report 154 (Docket 1042) holding that there is no need for the proposed service of WOAX in the Camden-Philadelphia area. It was decided that it is necessary to show a need for the service proposed before public interest, convenience and necessity will be served. The Examiner concluded that the service rendered by station WOAX is "A program designed entirely for the propagation of the doctrines and teachings of the Defenders of Truth Society, Inc." "In the opinion of the Examiner this is a private service as distinguished from a public service, and the granting of this application would result in the devotion of public facilities to a private use."

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NOTICE

Members are advised that NAB headquarters have information about a radio salesman named HARRY JACKSON.

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May 9, 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 P I	University of Alabama Birmingham, Alabama	1140	----	Mod. lic. change time from sharing with KVOO to simultaneous day operation with KVOO and share at night with KVOO
K G K X	Edward Goodman Sandpoint, Idaho	1420	1370	C. P. move studio and transmitter to Boise, Idaho.
K F W B	Warner Bros. Brdco Corp. Hollywood, Calif.	950	----	C. P. for changes in equipment and increase power to 1 KW night, 2½ KW day.
K F S D	Airfan Radio Corp. Ltd San Diego, Calif.	600	----	Direct measurement of antenna input.
W R J N	Racine Broadcasting Corp. Racine, Wisconsin	1370	----	C. P. change equipment and increase power to 100 watts night, 250 watts, LS.
K G C U	Mandan Radio Association Mandan, North Dakota	1200	1240	C.P. to install new equipment, change freq. increase power to 250 W; change time from unlimited to sharing with KLPM and move transmitter and studio locally.
K P P C	Pasadena Presbyterian Church Pasadena, California	1210	----	C. P. permit amended to omit request for increase in power.
NEW	Boy Scouts of America, Troop #131 New York, N. Y.	----	1210	C.P. amended; share with WGBB, WCOH & WMRJ.
W R A X	WRAX Broadcasting Co. Philadelphia, Pa.	1020	----	C. P. amended to request 500 W. Press report #222 was in error as to file number.
NEW	L. D. Claborne Corinth, Mississippi	----	1200	C.P. to erect new station, 100 W. daytime.

May 9, 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>
K R M D	Robert M. Dean Shreveport, Louisiana	1310	----	Install automatic freq. control.
NEW	John E. V. Jasper Sherman, Texas	----	1500	C.P. to erect new station 50 watts, share time with KGKB
W O B U	WOBU, Incorporated Charleston, W. Va.	580	----	Direct measurement of antenna input.
W L V A	Lynchburg Broadcasting Corp. Lynchburg, Virginia	1370	1200	C. P. amended to request facilities of WLBG.
K E L W	Union Bank & Trust Company of Los Angeles, Guardian of the Estate of Earl L. White Burbank, California	780	----	Involuntary assignment of license to Earl L. White.
W H D L	Tupper Lake Broadcasting Company, Incorporated Tupper Lake, N. Y.	1420	1220	C.P. install new trans- mitter, increase power to 500 W. day, move trans- mitter and studio to Lake Placid, N. Y.
W C A O	Monumental Radio Inc. Baltimore, Maryland	600	----	Mod. of lic. increase power to 250 W. and 500 W. experimental basis.
W R A X	WRAX Broadcasting Company Philadelphia, Pa.	1020	----	Direct measurement of antenna input to deter- mine license power.
NEW	William O. Omness and Herbert T. Graham	----	1430	C. P. erect new station 15 W. unlimited hours.

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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: KGKB, Tyler, Texas; KOY, Phoenix, Arizona; KMED, Medford, Oregon; KMTR, Los Angeles, Calif.; KPCB, Seattle, Wash.; WBAX, Wilkes Barre, Pa.; WLBG, Petersburg, Va.; KGKL, San Angelo, Texas; WSYR, Syracuse, N. Y.; WBT, Charlotte, N. C.; WRR, Dallas, Texas.

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