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December 12, 1931

## REGULATION OF ADVERTISING

Unless the industry takes immediate steps to eliminate "excessive advertising" in broadcast programs, Congress will pass a law regulating radio advertising.

This was the unanimous opinion of leading radio legislators in the Senate and House upon the convening of Congress this week. Senators Couzens, Dill and White and Representative Davis, who will soon become chairman of the Merchant Marine and Fisheries Committee, each expressed himself emphatically on the subject this week.

Legislators and Commissioners, however, are of the opinion that the industry should take the initiative in correcting alleged abuses and thus avert the necessity for regulation or legislation. In this they express the hope that the National Association of Broadcasters will take the lead.

In the face of present economic conditions, with advertising revenues for all media suffering severe cuts, it would be unfortunate if either the Congress or the Commission were to take action regulating advertising.

If the entire industry were to subscribe to and follow the Code of Ethics of the National Association of Broadcasters all talk of regulating advertising would soon subside. Get out a copy of the Code and read it. Then read it again.

From the NAB Bulletin of December 12, 1931

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### SHAW PLEADS FOR STATIONS

Harry Shaw, Waterloo, Iowa, newly elected president of the National Association of Broadcasters today appeared before the Federal Radio Commission to discuss informally the general economic situation as it affects broadcasting stations throughout the United States.

"I have visited stations, large and small, in many states during the past several weeks and I am proud to say that broadcasters take the responsibilities of operating their stations seriously," Mr. Shaw stated. "With very few exceptions all station owners are trying to meet the highest standards of service. More than half of them are upholding these standards without expectation of immediate profit. As a matter of fact, more than half of the stations in the country today are operating without profit but they are hopeful that as conditions improve they will be rewarded. The prosperity of broadcasting has been widely misrepresented."

Mr. Shaw made a strong plea for the small stations which are fighting valiantly to uphold high standards of service and equipment in the face of the general business depression. These stations, rendering necessary service to their local communities, he said, must depend largely upon local advertising for support because the markets they serve are not always preferred by national advertisers.

"These stations are being faced with increased music license fees, the necessity for expenditures for new equipment and in some instances, increased demands from local musicians' unions," Mr. Shaw went on. "They are facing many problems which the Congress, the Commission or the general public little understand. Their energy, their resourcefulness, their ability to work and strive to preserve the American system of broadcasting, which is based upon competition and the initiative of the individual, in the face of hard times, deserves praise and not censure."

The industry is now endeavoring to stabilize itself, he said, and if left to its own resourcefulness, will put its house in order willingly.

"Those of us who have worked diligently to develop American broadcasting and to find ways and means for maintaining it without the necessity for taxation upon the public, will not see it perish through indifference or neglect," he declared. "Furthermore," he said, "we do not intend to see our industry destroyed by its enemies. We intend to do something about it -- and we intend to do something about it before it is too late."



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## COPYRIGHT QUESTIONNAIRE

Mr. A. S. Clarke, WBTM, Danville, Virginia, has sent to all local and regional stations questionnaires and correspondence dealing with the copyright situation. Mr. Clarke's comments are directed against what he believes to be the position of the NAB with respect to the equalization of music license fees. Along with other schemes, the NAB Committee did suggest the published card rate as a possible basis for determining fees. The Committee was authorized to meet with the American Society of Composers, Authors and Publishers and report back to the Board. The Committee has reported that it has held a conference, discussed license fees, and that no agreement was reached. Officially, the NAB is not bound to any scheme and certainly it would not be a party to a scheme which would operate unfairly upon any class of stations. The question is still open as far as the Association is concerned. The NAB is against any increases at this time regardless of system.

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## SENATOR DILL TESTIFIES

Testifying in the controversy between Station KVI, Tacoma, Washington and Station KXA, Seattle, Washington, involving an assignment on 570 kc, Senator Dill of Washington stated that he hoped the Commission would take a "broad view of the whole broadcasting situation" so no need would be shown for Congressional action. He stated that the Commission must work out its own administrative problems and he will be the last to foster any move to set aside or allocate for education, for labor, for advertising or for other classes any broadcasting frequencies.

"A town of over 100,000 people is entitled to a radio station in this day and age," the Senator said, "and to get on the air with their programs. The greatest listening public in America is probably between 6 and 8 p. m."

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## WEAO ASKS CLARIFICATION

R. C. Higgy, Director of station WEAO, operated by Ohio State University at Columbus has called attention to an item in the November 28th issue of BROADCASTERS NEWS BULLETIN concerning the hearing which was held recently before Examiner Walker on the application of this station for more time.

"In the first paragraph of this article there occurs an error in the additional hours which we are requesting from the Federal Radio Commission. The only additional hours we are asking for are as follows:

On Thursdays from 7:00 to 10:00 p. m.

Saturdays from 8:00 to 9:30 p. m.

Daily, except Sunday, 3:00 to 4:00 p. m."

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## BETTER COOPERATION SOUGHT

Better cooperation between agricultural program makers and broadcasters is desirable, according to the annual report just made public by the Secretary of Agriculture.

"Important advances continued during the year in the department's radio work, further enhancing the valuable service rendered agriculture by this new medium of communication," the report stated. "Radio broadcasting makes available to the farmers much economic and technical information that might otherwise not reach them or might reach them too late to be of full value.

"It was found desirable in broadcasting to continue emphasizing economic information. The national farm and home hour, the Western farm and home hour, and department programs on more than half the individual stations in the United States proved effective means of sending rush information to farm people throughout the country. Better cooperation between agricultural program makers and the nation's broadcasters is desirable. Better correlation between Federal and State subject matter is also necessary. Both these ends are being sought."

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## MORE MONEY FOR COMMISSION

President Hoover's budget message transmitted to Congress this week recommended that \$431,360 be appropriated for the Federal Radio Commission for its expenses during the next fiscal year.

While this sum appears to be a reduction of \$34,020 from the 1932 appropriation, it nevertheless actually is an increase of \$11,165 over the amount of money available for the Commission. The 1932 appropriation carried an item of \$45,185 for rent and this rental item is excluded from the new recommendation. This increased money will enable the Commission to employ one additional engineer and four additional clerks.

The President also recommended a reduction of \$495,266 in the appropriation for the Federal Trade Commission, a cut of \$2,251,063 in the appropriation for the Interstate Commerce Commission and a decrease of \$9,615,926 in the appropriation for the Department of Commerce of which the Radio Division is a part.

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## 15,000,000 SETS IN U. S.

There are about 15,000,000 receiving sets in the United States representing a total investment of \$3,000,000,000, according to Frederick M. Feiker, director of the Bureau of Foreign and Domestic Commerce. The official census as of April, 1930, gave the number of sets counted as 12,000,000. If Director Feiker's estimate is correct there has been an increase of 3,000,000 sets since the time of the census.

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#### ADVERTISING MAY GET AIRING

Legislation restricting radio advertising will be enacted by the Congress, unless the industry quickly puts its house in order, leaders in both the Senate and House made it very clear this week.

Senator Dill expressed the hope that such a move might be averted if the broadcasters will take steps immediately to curb abuses.

Representative Davis also prefers that the industry shall take the initiative but unless something is done immediately the new chairman of the Merchant Marine and Fisheries Committee will attempt to have legislation passed.

Senator White and Senator Couzens, the latter chairman of the Interstate Commerce Committee of the Senate are of the same opinion.

It appears likely that the whole subject of radio advertising will receive a public airing in Congress this session and broadcasters and those complaining about excessive advertising will be given an opportunity to be heard.

A bill prohibiting lotteries will undoubtedly be passed. The bill will conform with the resolution adopted by the NAB at its Detroit convention.

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#### RECOMMEND SET SALES TAX

A tax on manufacturers' sales of radio and phonograph equipment and accessories was included in the tax program recommended to Congress in the annual report of Secretary of the Treasury Mellon. The report recommends higher rates of taxation upon individual and corporation incomes, a supertax on estates, a revival or increase of certain excise and stamp taxes, an extension of the admissions tax, higher postal rates, and miscellaneous taxes. Among the latter group would be increased rates on tobacco manufacturers and products except cigars, an increase in existing stamp tax upon sales or transfers of capital stock, extension of the present admissions tax, taxes on manufacturers' sales of automobiles, trucks and accessories, a stamp tax on the conveyance of realty, a tax on manufacturers' sales of radio and phonograph equipment and accessories, a stamp tax on checks and drafts, and a tax on telephone, telegraph, cable and radio messages.

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#### KLAUBER CBS VICE PRESIDENT

Edward Klauber, formerly vice president and assistant to the president, has been appointed first vice president of the Columbia Broadcasting System by the Board of Directors. Lawrence W. Lowman, formerly secretary and supervisor of operations, has been appointed vice president in charge of operations.

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## RADIO IN EDUCATION PROGRAM

Dr. C. M. Koon, senior specialist in education by radio, Office of Education, Department of the Interior, "will advise educational institutions and individuals who are interested in education by radio and make contact with broadcasters and educators," Secretary of the Interior Wilbur stated in his annual report.

Studies in progress according to the report of the Commissioner of Education are as follows:

1. A study of the activities of educational broadcasting stations.
2. A compilation of data pertaining to the use of radio in the schools, colleges, and universities and in informal education.
3. A study of the use of radio in education in foreign countries, which will bring up to date similar information gathered by the radio advisory committee on education by radio in 1929.
4. A study of experiments, researches, evaluations by educators, programs, and other material on education by radio.

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## RCA ARGUMENT POSTPONED

Argument in the Court of Appeals of the District of Columbia in the cases involving the renewal of licenses to the RCA and subsidiary companies, growing out of the Commission's Section 13 decision, has been indefinitely postponed due to the enforced absence of Assistant General Counsel Patrick of the Commission. The argument was scheduled for last Monday.

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## FESS BILL IS INTRODUCED

One of the first bills to be dropped into the hopper after the opening of the Seventy-Second Congress was the Fess bill, proposing to set aside 15 per cent of all broadcasting channels for the exclusive use of broadcasting stations. Broadcasters should note that the author of the bill, Senator Fess of Ohio, is chairman of the Republican National Committee. The National Association of Broadcasters in annual meeting unanimously adopted a resolution protesting against the passage of this measure. An attempt will be made to obtain hearings on this bill during the present session.

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## RADIO TABLOID APPEARS

Among the crop of program newspapers is the American Radio Tabloid, a weekly published by the American Radio Association, Inc. at Freemont, Ohio. The paper made its first appearance this week.

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## VESTAL COPYRIGHT BILL IN

The Vestal copyright bill, with several minor changes from the previous measure, has been reintroduced by Representative Albert H. Vestal of Indiana. The full text of the measure is not yet available, but it is understood that none of the amendments proposed by the broadcasters in the Senate last winter are included in this bill. The House Patents Committee will not be headed this Congress by the author of the bill but the chairmanship will fall to either Representative Sirovich of New York or Representative Lanham of Texas.

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## POST OFFICE USES RADIO

Radio talks designed to educate the public regarding parcel post and other postal matters have been prepared and are being disseminated throughout the country, Postmaster General Brown stated in the annual report of the Post Office Department.

The Postmaster General states that the deficiency in revenues for the last fiscal year amounted to \$146,066,189.66 and recommends that Congress fix a three-cent rate for letter mail in order to cover the deficit.

The general business depression has been reflected quite noticeably in the publishing industry of the country, says the report, as evidenced by the large decrease in postage collected on mailings of newspapers and periodicals as second-class matter at pound rates of postage. The head of the department recommends legislation which would put a stop to publications establishing branch offices at other places for the purpose of evading payment of postage at per-copy rates and to enjoy second-class pound rates.

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## FREQUENCY CONTROL IMPROVES

Improvement in frequency control by broadcasting stations is noted in the annual report of the Radio Division of the Department of Commerce.

"The records of the division show a constantly increasing improvement in frequency control since the monitoring work of the division was undertaken," says the report signed by W. D. Terrell, Director of Radio. "As an illustration, in December 339 broadcasting stations were measured. The frequency variation of 35 of these stations was less than 100 cycles above or below the assigned frequency. In Jun 330 stations were measured. The frequency variation of 97 of these stations was less than 50 cycles above or below the assigned frequencies."

In 1929 there were 16,829 licensed amateur radio stations, in 1930 there were 18,994 and this year there are 22,739, the report states.

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## PRESIDENT OMITTS RADIO

The subject of radio was not mentioned in the message of President Hoover to the Congress last Tuesday.

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## SHULER GOES TO SUPREME COURT

Denied a petition for a stay order by the Court of Appeals, the Trinity Methodist Church, owner of Station KGEF, Los Angeles, Calif. this week filed a petition for a writ of certiorari in the Supreme Court of the United States. Station KGEF was ruled off the air by a decision of the Commission which was afterward appealed to the Court of Appeals.

In the petition, the church station over which Rev. "Bob" Shuler frequently broadcast, it is alleged that the Commission's decision amounted to censorship and imposed conditions interfering with freedom of speech in violation of Section 29 of the Radio Act of 1927 and abridged the right of freedom of speech in violation of the First Amendment of the Constitution. The petition also states that the decision deprives the station of its liberty and property without due process of law in violation of the Fifth Amendment and further states that if Sections 9 and 11 of the Radio Act require or authorize the Commission to make such a decision as rendered, these sections are unconstitutional in that they abridge the petitioner's right of freedom of speech in violation of the First Amendment and deprive the petitioner of its liberty and property without due process of law in violation of the Fifth Amendment.

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## CLOTHING CONCERN STOPPED

The Federal Trade Commission has ordered Alexander-Martin Company, Grand Rapids, Mich. ready-made clothing dealers, to cease representing that clothing is tailor-made or made especially to order except in cases where it is actually cut to the pattern of the customer's order measurements.

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## CCIR MEETING DEC. 14

A meeting of the conference preparing for the Third Meeting of the C.C.I.R. will be held at 9:30 a.m. Monday, December 14, 1931, in the offices of the Federal Radio Commission, Washington, D. C.

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## AMENDED COMPLAINT IN RATE CASE

The Sta-Shine Products Company, Inc. has filed an amended complaint against the National Broadcasting Company and Station WCEB, Freeport, N. Y. stating that the National Broadcasting Company is not only a corporation engaged in the transmission of intelligence for hire by wireless, but also by wire. The complainant alleges that no contracts or documents, required by the Interstate Commerce Commission, have been filed by the respondent.

Hearing in the case will be held before an examiner at New York on Monday, December 14.

The National Association of Broadcasters will be represented at the hearing by the Managing Director.

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## COMMISSION HEARS TESTIMONY

The full Commission this week heard testimony in a case involving Station KGDE, Fergus Falls, Minn. and Jacob L. Pete, an applicant for a new station at Ely, Minn. Station KGDE operates on a frequency of 1200 kc and, after hearing, the chief examiner recommended that Pete be awarded a part of the time now assigned to the Fergus Falls station. The case was reopened by vote of the Commission upon the basis of an affidavit filed by Charles J. Jaren, proprietor of Station KGDE, alleging that political pressure was brought to bear in the case. Jarens elaborated his charge in his testimony before the Commission and Pete and other witnesses refuted the charge. The names of high radio officials were frequently mentioned in the testimony of witnesses on both sides. Jarens alleged that he was coerced into an agreement to share time with the new station at the time of the original hearing. This allegation was denied on the other side.

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## JUSTICE DEPARTMENT REPORT

The Department of Justice, charged with enforcement of the criminal provisions of the Radio Act of 1927, received 21 cases from the Radio Division and the Radio Commission during the last fiscal year and 20 were disposed of, according to the annual report of the Attorney General. In four cases, arrests have been made, and the offenders have been held over for grand jury proceedings. In three cases, convictions have been secured.

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## NBC ISSUES MARKET STUDY

"NBC Markets" a carefully prepared study of markets served by stations affiliated with the networks of the National Broadcasting Company was issued this week. The work does not attempt to determine the service areas of the stations on the networks but simply gives market data about the markets served. The report rejects mail surveys and signal intensity measurements in favor of the market area idea. The areas are set up in circles having uniform radii of 100 miles each, regardless of whether or not the station located in that area serves the entire territory.

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## HIGH POWER APPEALS

Stations WMAQ, WGN, KGO, WJZ, WHAM and WTMJ appealed to the Court of Appeals of the District of Columbia this week from the decisions of the Federal Radio Commission in the high power cases. In the first five cases it is alleged that the Commission erred in refusing the applicants permission to increase their operating power to 50 KW and in the WTMJ case it is alleged that the Commission erred in refusing to grant the Milwaukee station the frequency of 870 kc which is now being utilized by WENR and WLS in Chicago, Ill. No stay orders were requested and stations granted 50 KW will be permitted to go forward with their construction. In five of the appeals the validity of the amendment to General Order 42 is contested. In the WTMJ case the question of the disparity of assignments in Wisconsin and Illinois is raised.

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## PHILADELPHIA TELEVISION RECOMMENDED

The application of the Philadelphia Storage Battery Company, Philadelphia, Pa. for authority to erect an experimental visual broadcasting station was favorably acted upon by the recommendation of Examiner Pratt in Report No. 303 issued at the Commission this week. If the Commission sustains the recommendation, the applicant will be authorized to conduct complete television tests on the frequencies of 2750-2850; 43000-46000; 48500-50300; 60000-80000 kc, with maximum power of 1500 watts. Another application for a general experimental construction permit on 8650 kc and 17300 kc was also recommended for approval.

The application was heard with the RCA-Victor appearing as respondent to the request of the applicant. The RCA-Victor is now operating station W3XAD on several of the requested frequencies at Camden, N. J. The granting of the application was protested on the ground that serious interference would be caused by the proposed simultaneous operation, since the Camden station and the proposed location of the Philadelphia transmitter are only a little more than three miles apart. Examiner Pratt disposes of this contention of the RCA-Victor, with the following statement:

"One of the most important problems requiring solution in the television field has to do with interference and the evidence indicates that should the RCA-Victor Company's station and the applicant's proposed station operate simultaneously, for experimental purposes, much could be learned with reference to the interference problem, and in this connection much data could be gathered which would promote the economical use of frequencies, efficiency of transmission and methods of minimizing interference."

Examiner Pratt recommended denial of the construction permit application for an experimental relay broadcasting station proposed by Isle of Dreams Broadcasting Corporation, Miami Beach, Florida, operators of station WIOD, on 6000; 9600; 11800; and 15100 kc with 2500 watts and 12 hours daily operation, and three hours at night. The report (No. 299) concludes "the frequencies applied for are either unsuitable or unavailable for assignment for the services proposed by the applicant" and "there is not a sufficient showing of a plan of experimentation to warrant a finding that the granting of this application would probably result in the development or advancement of the relay broadcasting art."

Applications for new stations in Texas and Alabama were recommended for denial as in cases of default by Examiner Yost in Report No. 300, and while no testimony was offered in evidence, the application of station KGKB, Tyler, Texas, for renewal of license and for assignment of license to East Texas Broadcasting Company, was recommended to the Commission for approval. The applications for the new stations were filed by John E. V. Jasper, Sheehan, Texas, and the Voice of Montgomery, Montgomery, Ala.

Denial of the application of Greater St. Louis Broadcasting Corp. (KWK) for authority to erect a new experimental television station at St. Louis, Mo. on 2850-2950 kc with power of 500 watts, was recommended for denial by Examiner Hyde in Report No. 301 this week. The conclusion of the examiner states, in part, "it does not appear from the evidence submitted that the applicant has a definite bona fide plan of experimentation and development in television methods which would improve the art of visual broadcasting and which would warrant the assignment of facilities requested."



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## THE COMMISSION REPORTS (Continued)

Other sections of the Engineering Division report cover the quota system now in effect, the census tabulation of receiving sets, the mileage separation recommended in the broadcast band, and also a section devoted to the result of the various experiments in synchronization which have been conducted. Six pages of the Report are given over to a complete and detailed explanation of the standards used as a basis for engineering testimony given in all cases involving broadcast stations. In this connection, the various sources of the information used are set out along with specified formulas.

The Legal Division activities are covered in the report of the General Counsel. This is divided into three sections - - administrative, the hearing section, and the research and drafting division. Summaries and reports are given for all the cases which were appealed to the Court of Appeals from the decisions of the Commission. Another section has been indicated setting out the various opinions and interlocutory orders which were handed down during the period covered by the Report.

The Report in pamphlet form may be purchased for twenty cents a copy from the Government Printing Office, Washington, D. C.

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## WMCA TELEVISION HEARING

A statement appearing in the BULLETIN of December 5th, declared John L. Baird, English television engineer, would be in complete charge of the experimental visual broadcasting work of the Knickerbocker Broadcasting Company, if its application to erect a new television station in New York City is granted. The immediate supervision of these proposed experiments will be in the hands of the personnel of station WMCA, and Mr. Baird's connection will be largely that of an advisory capacity, using the facilities of the requested station to carry on the experiments sponsored by Mr. Baird and the Baird Company. Mr. Baird proposes to spend part of his time in the United States, and will keep in contact with the work of the Knickerbocker Broadcasting Company. The testimony of Mr. Baird at the hearing did not indicate that he was the inventor of a television "three-dimensional picture" but that he has developed a system of transmission which utilizes the equivalent of an old-fashioned stereoscope, with the observer using a hood arranged so that each eye is in position to observe a separate neon lamp through a separate series of spiral holes. This system is recognized as having a stereoscopic effect, but is different from an ordinary screen stereoscopic projection.

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## WIOD GETS ADVERSE REPORT

The increase in day power from 1 KW to  $2\frac{1}{2}$  KW, requested by station WIOD, Miami Beach, Florida, on 1300 kc was recommended for denial by Examiner Walker (Report No. 302). The report of the examiner indicates the station is now using "approximately twenty percent less power than is authorized by the provisions of its present license", and finding further the proposed equipment would not permit the requested operation, the examiner concludes the granting of the power sought would further increase the quota of an already over quota state and zone.

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## WFLA-WSUN 620 KC POWER REDUCED

Taking action upon the Court of Appeals mandate issued in the Journal Company v. Federal Radio Commission (48 Fed (2d) 461) case, the Commission this week renewed the licenses of stations WTMJ, Milwaukee, Wis.; WLBX, Bangor, Maine; and WDAE, Tampa, Fla. making no changes in power or operating assignment, and reduced the operating power of station WFLA-WSUN, Clearwater, Fla. to 250 watts. The applications for renewals of license of these stations were heard before Examiner Pratt during the latter part of May. The examiner recommended (Report No. 263) the renewal applications of all stations be granted, conditional upon the removal of the WFLA-WSUN transmitter to another site.

The examiner was reversed in his recommendation that the Clearwater transmitter location be changed. In place of this, the Commission reduced the power of this Florida station from 1 KW night and 2500 watts daytime to 250 watts night power and 500 watts local sunset. The Commission, after hearing, denied the application of station WTMJ to increase power to 5 KW on the 620 kc channel. The Milwaukee station appealed this denial to the Court of Appeals, and in its decision, reversing the Commission, the Court held that some relief should be given the Wisconsin station. The case was remanded to the Commission with the statement "recognizing the Commission is better equipped than this Court to work out an equitable solution of this problem," the Court directed the Commission "to afford appellant, after notice and hearing \* \* \* such relief as will materially re-establish appellant in the position occupied by it prior to the acts complained of."

In its statement of facts, this week, the Commission set out four points that were considered in the decision.

"1. What are proper scientific standards by which to determine good radio service? 2. Based upon a proper scientific standard what was the normal and effective service area of WTMJ prior to the acts complained of? 3. What is the extent of the reduction in WTMJ's service area resulting from the acts complained of? 4. What steps are necessary to reestablish the normal and effective service area of WTMJ as it existed prior to the acts complained of?"

The Commission in its grounds for decision found "the normal and effective service area of station WTMJ, i.e. that area in which the station renders reasonably satisfactory service, as it existed prior to October of 1929, has subsequently been reduced by the operation of station WFLA-WSUN. It does not appear from this record that the operation of any other radio station has, since October of 1929, reduced said service area of WTMJ." Commenting upon the recommendation of the examiner which would permit the Clearwater station to install new equipment and change the transmitter location, the Commission said:

"In view of the mandate of the Court of Appeals \* \* \* it cannot be presumed that the suggested changes \* \* \* without a reduction in power output of that station (WFLA-WSUN) would result in either complete or substantial compliance with the mandate." Admitting the probability, that the replacement of station WFLA-WSUN on the station's former frequency of 1220 kc would be a possible solution, nevertheless such a change in assignment the Commission said "would be expected to cause serious interference with the service of other stations now operating on the 1220 kc frequency." The Commission found that the reduction in power of the Florida station would decrease the range of the station but added "it does not appear that any substantial portion of the present service area would

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WFLA-WSUN 620 KC POWER REDUCED (Continued)

be deprived of any broadcasting service not now received from other broadcasting stations." The conclusion was further drawn that a reduction in power of the Florida station would make for a more equitable distribution of facilities since the state of Florida and the Third Zone are both over quota.

The application for a new station filed by William O. Ansley, Abilene, Texas, to operate on 1420 kc with power of 100 watts and 250 watts LS, with unlimited time was denied by the Commission, sustaining the recommendation of Examiner Hyde (Report No. 259). The applicant requested the facilities now assigned to station KTYO, Abilene, Texas. The grounds for the decision are based on an insufficient showing on behalf of the applicant, and sufficient financial resources are <sup>not</sup> available, according to the evidence "to insure the construction and maintenance of the proposed station." The conclusion of the Commission, in connection with the evidence introduced at the hearing of the service now rendered by the Abilene station, indicates that "irrespective of the service now being rendered by respondent station KTYO, the showing made in this record is not sufficient, in view of the present over quota status of the state of Texas, to warrant the granting of this application."

An application for a new station at Coatesville, Pa. for authority to operate on 1210 kc with power of 100 watts and unlimited time, was denied by the Commission sustaining the findings of Examiner Hyde (Report No. 271). The denial of the request was based on the conclusion of the Commission that the applicant had failed to show sufficient financial ability to build and continue operation of the station; that the area of the proposed station now receives good broadcasting service from a number of stations; and that the operation of the proposed station would result in serious interference to a number of stations on the requested and adjacent frequencies.

The application of Denison Radio Laboratory/ <sup>Denison, Texas,</sup> for construction permit to erect a new broadcast station at that location was denied by the Commission as in cases of default, sustaining Examiner Walker (Report 279).

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EXPERIMENTAL AUTHORITY CANCELLED

The experimental authorization recently granted to station WJAG, Norfolk, Neb. permitting operation two hours <sup>after</sup> local sunset on the cleared channel of 1060 kc was cancelled by the Commission this week. The action of the Commission followed receipt of a letter from station WBAL, Baltimore, in which it was claimed that the operation of the Nebraska station after sunset seriously interfered with the service area of WBAL. When the proposed operation was first suggested the Baltimore station agreed to the action of the Commission on an experimental basis with the understanding that if interference would develop station WJAG would immediately return to the former assignment of operating with 1 KW until sunset Norfolk time.

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APPLICATIONS GRANTED

During the current week the Commission granted the following applications:

FIRST ZONE

WMSG	Madison Square Garden Brcdstg. Corp., New York, N. Y.	Granted authority to discontinue use of studio and transmitter located at 319 W. 49th Street, New York, and to use the studio and transmitter of station WBNX, Bronx, New York.
WBAL WTIC	Cons. Gas Elec. Light & Power Co., Baltimore, Maryland Travelers Broadcasting Service, Hartford, Connecticut	Granted special authorization to extend until December 15th, authority to operate synchronously with WEAJ and WJZ.
WFOJ	Paramount Broadcasting Corporation, Brooklyn, New York	Granted modification of CP to change location authorized by CP, from 58th Street & Avenue H, Brooklyn to Lot 73 $\frac{1}{2}$ and 74, Block 7975-A, Brooklyn, N.Y.
WBAL WTIC	Consolidated Gas & Elect. Company, Baltimore, Maryland Travelers Broadcasting Service, Hartford, Connecticut	Granted authority to synchronize with stations WJZ and WEAJ until February 1; and applications for renewal of license to be heard before full commission January 13.
WHAZ	Rensselaer Poly. Inst., Troy, New York	Granted extension of comp. date on CP to February 10, 1932.
WOAX	WOAX, Inc., Trenton, New Jersey	Granted Mod. C. P. to extend comm. date to 12/10/31 and comp. date to 1/10/32.
WBZ	Westinghouse Elect. & Mfg. Company, Boston, Massachusetts	Granted Mod. C. P. approving trans. location at Millis Township, Mass., and equipment to be installed at that location.

SECOND ZONE

WCAU	Universal Brcdstg. Company, Philadelphia, Pennsylvania	Granted Mod. C. P. approving trans. location at Newton Square, Pennsylvania.
WDEO	The Lake Superior Broadcasting Co., Marquette, Michigan	Granted Mod. C. P. change hours from unlimited to certain spec. hours.

THIRD ZONE

WSM	National Life & Accident Ins. Co., Nashville, Tennessee	Granted extension of CP for period of 30 days.
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APPLICATIONS GRANTED (Continued)

THIRD ZONE (Continued)

WREJ	Hattiesburg Broadcasting Company, Hattiesburg, Mississippi	Granted extension of authority to remain off the air until January 1, 1932.
WOAI	Southern Equipment Company, San Antonio, Texas	Granted C. P. erect new auxil. trans. in San Antonio, for operation with 5 KW, in emergency only.
KUT	KUT Broadcasting Company, Austin, Texas	Granted CP to move trans. locally.

FOURTH ZONE

KGFW	Central Nebraska Broadcasting Corp., Kearney, Nebraska	Granted permission to operate with power of 60 watts until new motor generator can be installed.
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FIFTH ZONE

KXRO	KXRO, Inc., Aberdeen, Washington	Granted CP erect emergency trans. to be operated with 50 watts, until new transmitter can be installed.
KHJ	Don Lee, Inc., Los Angeles, California	Granted authority for direct measure- ment of power.

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RENEWALS GRANTED

During the current week the Commission granted renewals of license for the regular period to the following stations:

WEDH, Erie, Pa.; WPEN, Philadelphia; WRDW, Augusta, Ga.; WSPA, Spartanburg, S. C.; KFJI, Astoria, Ore.; KFJM, Grand Forks, N. D.; KFWS, Hollywood, Cal.; KGAR, Tucson, Ariz.; KGDA, Mitchell, S. D.; KGFI, Corpus Christi, Tex.; KGFL, Raton, N. M.; KPQ, Wenatchee, Wash; KRE, Berkeley, Calif.; KREG, Santa Anna, Cal.; KUT, Austin, Tex.; KWKC, Kansas City, Mo.; WIAS, Ottumwa, Iowa; WJTL, Oglethorpe University, Ga.; WKDZ, Ludington, Mich.; KFLX, Galveston, Tex.; KFXD, Nampa, Idaho, KGIW, Trinidad, Colo.

The application for renewal of license filed by station WSYD, Rutland, Vermont, was granted by the Commission subject to operation during certain specified hours as set forth in the license.

A renewal was granted to station WHEF, Calumet, Michigan on condition that an application for certain hours would be filed within a reasonable time.

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December 12, 1931

## HEARING CALENDAR

The following hearings are scheduled for the week commencing Monday, December 14, 1931. All hearings commence at 10 a. m.

Wednesday, December 16, 1931

### BROADCASTING

Docket #1340	NEW	William O. Omness, Herbert T. Graham, Muskegon, Michigan	C. P.	1310 kc	50 watts Unlimited time.
Docket #1429	WELL	Enquirer-News Company, Battle Creek, Michigan	C. P.	1420 kc	100 watts Present Assignment: 1420 kc, 50 watts Unlimited time.

Friday, December 18, 1931

### TELEVISION

Docket #1426	NEW	Radio Vision Company, Pittsburgh, Pennsylvania	C. P.	2850-2950 kc	50 watts Variable time.
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This concludes the hearing calendar for the Commission, until January 4th at the close of the Christmas recess.

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### APPLICATIONS DISMISSED

The following applications were dismissed by the Commission at the request of the applicants:

<u>FRC FILE</u>	<u>CALL</u>	<u>APPLICANT</u>	<u>NATURE OF APPLICATION</u>
3-PB-2288	NEW	W. G. Jasper, Texarkana, Arkansas	C. P. 1420 kc; 50 watts Divide with KABC (Formerly KTAP)
3-PB-2272	NEW	W. G. Jasper, Texarkana, Arkansas	C. P. 1420 kc; 50 watts Divide time with KFYO
3- PB-2268A	NEW	W. G. Jasper, Paris, Texas	C. P. 1370 kc; 50 watts Divide time with KFJZ
3-PB-2312	NEW	W. G. Jasper, Muskogee, Oklahoma	C. P. 1310 kc; 50 watts Shares time with KFXR
2-PB-2296	NEW	Schuykill Brdcastg. Co., Hazleton, Pennsylvania	C. P. 590 kc; 500 watts Daytime operation.
1-MLB-855	WOGU	U. S. Broadcasting Co., Brooklyn, New York	Mod. Lic. 1300 kc; 500 watts To divide time with stations WHAP, WHAZ, and WBBR.

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December 12, 1931

## APPLICATIONS DENIED

The following applications were denied pursuant to G. O. 93, Subtitle D, Sec. 5, and the decision of the Commission in the matter of the applications of various stations for high power as recorded in its Statement of Facts, Grounds for Decision and Order in said matter, entered the 17th day of November, 1931.

WHAM,	Stromberg-Carlson Tel. Company, Rochester, New York	Modification of License to increase power to 50 KW.
WCCO	Northwestern Broadcasting, Inc., Minneapolis, Minnesota.	Modification of License to increase power to 50 KW.
WGN- WLIB	The Tribune Company, Chicago, Illinois	Modification of License to increase power to 50 KW.
WTMJ	The Journal Company, Milwaukee, Wisconsin	Modification of License to increase power to 50 KW.
KGO	National Broadcasting Company, Inc. San Francisco, California	Modification of License to increase power to 50 KW.
KOA	National Broadcasting Company, Inc. Denver, Colorado	Modification of License to increase power to 50 KW.
KPO	Hale Brothers Stores Inc., and The Chronicle Publishing Company, San Francisco, California	Modification of License to increase power to 50 KW.
NEW	Westmoreland Co. Radiophone Service, Greensburg, Pennsylvania	Denied CP for new station, 810 kc, 250 watts, daytime hours.

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## APPLICATIONS SET FOR HEARING

At its sessions during the current week the Commission designated the following applications for hearing:

WFDV	Rome Broadcasting Company, Rome, Georgia	Requested Mod. Lic. to change frequency from 1310 kc to 1500 kc; with operating hours from 7 a. m. to 1 p. m. and 7 p. m. to 10 p. m. (Now daylight operation)
NEW	J. E. Wharton & M. D. Wray, Texarkana, Arkansas	C. P. new station 890 kc; 100 watts un- limited time. (Facilities of KARK)
NEW	Black Hills Broadcasters, Sturgis, South Dakota	C. P. new station 1200 kc, 15 watts; share with WCAT.
WADI	Fine Tree Broadcasting Corporation, Bangor, Maine	Involuntary assignment lic. to 1st Universalist Society of Bangor.



December 12, 1931

## APPLICATIONS RECEIVED

During the current week the following applications were received at the Commission:

<u>REC. FILE</u>	<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
1-PR-151	WSVS	Seneca Vocational School, Buffalo, New York	Install automatic freq. control.
1-MPB-279	WTOX	Paramount Broadcasting Corp. Mod. C. P. as to trans. location. Brooklyn, New York	
1-ZB-42	WMAC- WJMS	Shepard Brdcastg. Service, Boston, Massachusetts	Determine license power by direct measurement antenna input.
1-ZB-41	WAAB	Bay State Brdcastg. Corp., Boston, Massachusetts	Determine license power by direct measurement antenna input.
1-MLB-920	WAAB	Bay State Brdcastg. Corp., Boston, Massachusetts	Mod. lic. change power from 500 watts to 500 watts and 1 KW Local Sunset.

The applicant is now licensed to operate on 1410 kc with unlimited time. The closest stations to Boston on this frequency are stations WRBX, Roanoke, Virginia, operating with power of 250 watts and 510 miles distant; and station WBCM at Bay City, Michigan, operating with 500 watts power. The First Zone is under quota; Massachusetts is under quota. The granting of this application would increase the quota.

1-MLB-920	WTBO	Associated Brdcastg. Corp., Cumberland, Maryland	Mod. Lic. change frequency to 590 kc and increase night power to 250 watts with unlimited time.
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The applicant is now assigned to 1420 kc with 100 watts night and 250 watts ES., unlimited time. The closest stations to Cumberland on the requested frequency are stations WLEI, Kalamazoo, Mich., with 1 KW power and daylight operation, 415 miles distant; station WEEI, Boston, Mass., with 1 KW and unlimited time 450 miles distant; and station WOW, Omaha, Nebr., 1 KW and 950 miles distant. The Commission Engineering Division recommends for night operation, under similar circumstances, a separation of 1050 miles in the case of 1 KW watt stations and 250 watt stations operating simultaneously on the same frequency. The First Zone is under quota; Maryland is under quota. The granting of this application would increase the quota 0.1 unit.

1-MLB-922	WOGU	United States Brdcastg. Corporation, Brooklyn, New York	Mod. Lic. operate from 1 to 2 a.m. daily in addition to time sharing agreement.
1-MLB-921	WBBC	Brooklyn Brdcastg. Co., Brooklyn, New York	Mod. Lic. operate from 12 mid- night to 1 a. m. daily in addition to time sharing agreement.

December 12, 1931

APPLICATIONS RECEIVED (Continued)

FIRST ZONE (Continued)

The above two applicants are now assigned to operate on 1400 kc sharing time with stations WLTH and WFOX. These additional hours, under G. O. 105, would not be charged to the quota, if the applications were granted.

1-PB-2416	NEW	Charles L. Bennett, Jamaica, New York	C. P. erect new station on 1210 kc, 100 watts to share with stations WGBB, WCOH and WJBI. Facilities of station WMRJ.
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The applicant requests the facilities of station WMRJ located at Jamaica and operated by Peter J. Prinz. The granting of this application would not increase the quota.

SECOND ZONE

2-PB-2408	WHBC	St. John's Catholic Church, Canton, Ohio	C. P. make changes in equipment.
2-PB-2409	WHBC	St. John's Catholic Church, Canton, Ohio	C. P. change equipment and increase power from 10 to 100 watts.

The applicant is now assigned to operate on 1200 kc sharing with station WNBO, Washington, Pennsylvania, on Sundays. The granting of the application would not increase the quota.

2-ALB-403	WWSW	William S. Walker, Pittsburgh, Pennsylvania	Vol. assignment license to Walker and Downing Radio Corporation.
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The applicant is now assigned to operate on 1500 kc with power of 100 watts and unlimited time.

THIRD ZONE

3-PB-2401	KWEA	Hello World Brdcstg. Corp., Shreveport, Louisiana	C. P. amended to move station to Baton Rouge, Louisiana.
3-PB-2406	KUT	KUT Broadcasting Company, Austin, Texas	C. P. move transmitter locally.
3-PB-2407	NEW	J. B. Sanders, Center, Texas	C. P. erect new station on 1310 kc, 100 watts to share with station KFPM.

The applicant requests authority to share time with station KFPM, at Greenville, Texas, operated by the New Furniture Company with power of 15 watts and unlimited time. The granting of the application would not increase the quota.

December 12, 1931

APPLICATIONS RECEIVED (Concluded)

FIFTH ZONE (Continued)

<u>FRC</u>	<u>FILE</u>	<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
5-PB-2410	NEW		Franklin Electric, Roseville, California	C. P. erect new station on 1410 kc with 10 watts, to operate certain specified hours.

The above two applicants are seeking authority to establish new stations at the same location. This community is approximately 18 miles from Sacramento, Calif. The frequencies requested are within ten kilocycles and simultaneous operation could not be authorized without causing serious interference. The closest station to the proposed location on 1410 kc is KLO, Ogden, Utah, operating unlimited time with power of 500 watts and 540 miles distant. The closest stations to Roseville on 1400 kc are WDAG and KQRS, Amarillo, Texas, sharing time with power of 1 KW and 1100 miles distant. The Fifth Zone is over quota; California is over quota. The granting of these applications would increase the quota.

5-PB-2411	NEW		Stewart & Sayles, Gillette, Wyoming	C. P. erect new station on 1310 kc with power of 100 watts and specified hours, asking the facilities of station KDYL.
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The closest stations to the proposed location on the requested frequency are KCCK, Wolf Point, Montana, with 100 watts and unlimited time, 260 miles distant; and station KFUP, Denver, Colorado, 100 watts power, 330 miles distant. The facilities requested are now assigned to station KDYL, Salt Lake City, Utah, operating unlimited time on 1290 kc with 1 KW.

5-FB-153	KPJM		A. P. Miller, Prescott, Arizona	Install automatic frequency control.
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LICENSE APPLICATIONS RECEIVED

During the current week the Commission received applications for license covering previously authorized construction permits from the following stations: KZRO, Aberdeen, Washington; KFQD, Anchorage, Alaska; WFIW, Hopkinsville, Kentucky; KOCU, Mandan, North Dakota.

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MISCELLANEOUS COMMISSION ACTION

WHAM	Stromberg-Carlson Telephone Company, Rochester, New York	Denied request of station for waiver of conditions attached to its CP for installation of 25 KW transmitter, pending adjustment of appeal in Court of Appeals of D. C.
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