

BROADCASTERS'



NEWS BULLETIN

Issued by

THE NATIONAL ASSOCIATION OF BROADCASTERS

NATIONAL PRESS BUILDING ♦ ♦ ♦ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director.

October 22, 1932

- - CONFIDENTIAL BULLETIN - -

MORE COPYRIGHT COMPLICATIONS

Although progress was made in the negotiations in New York early this week between Oswald F. Schuette in charge of the copyright activities of the National Association of Broadcasters and E. C. Mills, General Manager of the American Society of Composers, Authors and Publishers, the copyright problem was seriously complicated later in the week by two developments:

1. The committee of newspaper-owned stations which had negotiated a special contract with Mr. Mills telegraphed all newspapers not to sign the contract offered them pending further negotiations with Mr. Mills in New York next week.
2. Local representatives of ASCAP threatened suits for infringement against smaller stations. As a result a protest was made by NAB to Mr. Mills against a step which might complicate the present efforts to reach a friendly solution of the problem.

According to reports from Mr. Schuette in New York, the conference with Mr. Mills made definite progress toward the draft of a new copyright royalty contract to be presented to the Annual Convention of the NAB at St. Louis, November 13-16.

(continued)

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CONVENTION ATTENDANCE IMPORTANT

Although no final conclusions have been reached in these negotiations, sufficient progress has been made to guarantee that the copyright discussions of the NAB Convention will be of vital importance to every radio station in the United States. It is chiefly for that reason that the NAB has invited all broadcasters, whether they are members or not, to attend the St. Louis Convention. The copyright problem will be discussed in every phase and it is highly important that the attendance of the industry will be such as to make the convention decisions authoritative.

SCHUETTE PRESSES FOR REVISION

The major point in the present discussions is Mr. Schuette's demand that Mr. Mills accept a complete change in the basis of the royalty structure. The fact that the contract now presented to the stations by ASCAP exacts a royalty on revenue from all sources, instead of from the commercial revenue involving ASCAP music, has been the vital difficulty throughout the negotiations. Ever since the new contracts were sent out to stations, protests have been made by broadcasters generally against the levy of the royalty on time in which no ASCAP music was used.

Mr. Mills has acknowledged the weight of this objection. Recently his representatives have even written to individual stations saying that the American Society preferred to levy the royalty on time using ASCAP music. Mr. Mills has also helped to clarify the situation by abandoning the Society's attempt to collect revenue from political addresses. He also offered a special contract to the newspaper-owned stations which would base their royalties solely on revenue derived from the performance of ASCAP music.

ROYALTY COLLECTIONS DIFFICULT

As a result of these concessions, broadcasters are finding it difficult to collect the three per cent royalty from churches and educational institutions - and even from newspapers - as well as from other advertisers whose broadcasts are as greatly in the public interest as are political addresses. Therefore, it would not be surprising if Mr. Mills presently found it necessary to withdraw other classifications from the list of broadcasts on which he demands a royalty revenue.

NAB MEETING MAY GET REVISION

All of these points have had a vital bearing on the negotiations in New York and Mr. Schuette again reported a growing likelihood that a completely revised contract would be available for discussion at St. Louis.

If such a contract is finally written it is likely to include several important definitions that have been incorporated by Mr. Mills in the contract which he is offering to the newspaper-owned stations. The chief of these is

the limitation of the royalty to a "percentage of the receipts of licensee from the sale of broadcasting facilities for programs in which music copyrighted or composed by members of Society is rendered."

Two further definitions from the newspaper contract are a vital point in the present discussions. These recite:

"Provided, however, that gross receipts of the Licensee in respect of all commercial (spot) announcements either interpolated between or preceding or following programs containing music copyrighted or composed by members of Society shall be subject to percentage payments as afore-said.

"Public service announcements such as time announcements, weather and market reports, etc. shall be exempt from such percentage payments, as shall also be broadcasts of political conventions, civic gatherings, parades, public functions and sport events, such as football and baseball games, as to music played thereat by bands attendant at such events."

NEWSPAPER STATIONS DISSATISFIED

The situation in the newspaper field is still a difficult one for Mr. Mills. It now appears that a number of the newspaper stations overlooked the fact that their contracts called for the payment of a minimum equal to twice last year's fees. The general realization that the inclusion of this minimum may raise the rates of most newspaper stations above that which they would have paid under the contract offered other stations has created friction in the relations between the newspapers and ASCAP.

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ST. LOUIS NEXT MONTH

The program for the Tenth Annual Convention of the NAB to be held at the Hotel Chase, St. Louis, Mo. November 13, 14, 15 and 16, is nearly completed. The meeting this year will be a broadcasters' session and all of the issues confronting the industry will be presented in the hope that definite action can be secured.

Foremost on the program is the copyright problem which will call for free discussion in all its phases. Another matter of equal importance is the international allocation problem which will be affected by the results of the Madrid Convention.

It is important that every broadcaster be there and take part in the discussions of all questions coming before the meeting.

The Convention Committee consisting of Edwin M. Spence, WPG, Chairman; Lambdin Kay, WSB; John Henry, KOIL; LeRoy Mark, WOL; and Tom Lyons, WCAO, has been busy with details of the program.

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BROWN DEDICATES STATION

Col. Thad H. Brown, commissioner from the Second Zone, was one of the principal speakers at the formal opening of Station WJSV, new Washington outlet of the Columbia Broadcasting System. The formal opening took place on October 20 and Station WMAL on that day relinquished its Columbia affiliation. Stations WRC, WOL and WMAL all participated in the opening of WJSV, originating programs in their respective studios. Each station in turn paid its respects to the new WJSV and cooperated to make the opening program a success. This cooperation drew much favorable comment from Washington listeners.

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SYKES LAUDS MORSE

Judge Eugene O. Sykes, chairman of the American Delegation to the Madrid International Radiotelegraph Convention, was one of the principal speakers on a program dedicated to the honor of Samuel F. B. Morse, who laid the groundwork for telegraphy 100 years ago. The program took place in Madrid, Spain.

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STANDARD ORDER FORM DISCUSSED

A joint meeting of the Radio Committee of the American Association of Advertising Agencies and the Commercial Section Chairmen of the National Association of Broadcasters was held at AAAA headquarters, New York, Monday, Oct. 17. The principal subject for discussion was a standard order blank for radio advertising which was proposed by the agencies several months ago.

The order blank has been discussed at numerous conferences between the two groups and represents many compromises. It was agreed that the contract would be submitted to the boards of the two organizations for approval.

During the Summer months Roy Harlow of Station WNAC, Boston, chairman of the committee on Standard Forms, made an exhaustive survey of contract forms and order blanks in use and the results of this survey were the basis upon which proposals of the NAB were made.

Those who attended the conference were:

John Benson, President of the AAAA,
Fred Gamble, Executive Secretary of the AAAA,
Mrs. L. W. MacKenzie of the AAAA Staff,
C. F. Gannon, Chairman of the AAAA Radio Committee,
Howard Angus and P. W. Pumphrey of the AAAA Committee,
and
Chairmen of the NAB Section - H. K. Carpenter, John Patt,
Roy Harlow and F. A. Meckelenberg, and
Philip G. Loucks, Managing Director of the NAB.

The order blank follows:

NAME OF AGENCY
ADDRESS
CITY

To Management of Station Order No.

City and State Date

Please broadcast advertising of (advertiser)

For (product) Name of Program

Length of Broadcast Hour Days Times per Week Total No. Times

Commencement Date Expiration Date

Talent arrangements (subject to change by mutual agreement)

Continuity Cue Sheets Transcriptions

Additional Instructions

Rates:

Per broadcast: Station Charge \$ _____ Talent \$ _____ Line Service \$ _____ Total \$ _____

Total for
Broadcasts : " " \$ _____ " \$ _____ " " \$ _____ Grand Total \$ _____

Time Discount:

Less Agency Commission:

Cash Discount:

____%

On Station Charge - 15%

On Talent Charge - ____%

2% of Net Time charge
if paid by ____th of
month following ser-
vices.

Subject to standard conditions on back hereof.

STANDARD ADVERTISING AGENCY, per

Member of
AMERICAN ASSOCIATION OF ADVERTISING AGENCIES

Proposed Standard Conditions
Governing Advertising Contracts
With Radio Stations.

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1. Payment

- (a) The agency agrees to pay, and the broadcasting station agrees to hold the agency solely liable for payment, for the advertising covered by this contract.
- (b) The agency agrees to pay for advertising covered by this contract, at the office of the broadcasting station or of its representative, on the last day of the month following that in which the advertising is done unless otherwise stipulated on the face of this contract; or, when cash discount is deducted but payment date not specified, on the fifteenth of the month following.
- (c) In all cases where date of payment is material, unless otherwise stipulated, the post mark date on envelope properly addressed to the broadcasting station or to its representative shall be considered the date when payment was made.
- (d) Station's invoices for advertising covered by this contract shall be in accordance with the station's log and shall so state on each such invoice.
- (e) Invoices must be rendered not less often than monthly but failure to do so shall not constitute breach of contract.
- (f) The station reserves the right to cancel the contract at any time upon default by the agency in the payment of bills, or other breach, or in the event of any material violation on the part of the agency of any of the conditions herein named; and upon such cancellation all advertising done hereunder and unpaid shall become immediately due and payable. In case of delinquency in payments the station shall have the right to change the requirements as to terms of payment for further advertising under this contract as it may see fit.

2. Termination

- (a) This agreement may be terminated by either party by giving the other two weeks' notice, unless otherwise stipulated on the face of this contract. If the agency terminates the agreement it will pay the station according to the station's published rates for the lesser number of periods, for all services previously rendered by the station. If the station terminates the agreement; either, the agency and the station will agree on a satisfactory substitute day or time at the rates in effect at the time this agreement was made, or, the agency will pay the station according to the rates specified herein, for all services previously rendered by the station; that is, the agency shall have the benefit of the same time discounts which the agency would have earned had it been allowed to complete the contract. In the event of such termination, neither party shall be liable to the other party otherwise than as specified in this paragraph.

3. Inability to Broadcast

- (a) Should the station due to public emergency or necessity, legal restriction, Act of God, or at the direction of Federal, State or Municipal authorities or for any other reason beyond the control of the station be unable to broadcast one of the agency's programs at the time specified, the station

shall not be liable to the agency for damages but will communicate with the agency as far in advance as possible. The agency will then either agree with the station on a satisfactory substitute time for the broadcast, or, if no such agreement can be reached, the broadcast will be considered as cancelled, without affecting the rate shown on this agreement. In the event of such cancellation or postponement, the station will make, if approved by the agency, a suitable courtesy announcement as to the reason for cancellation or postponement, and as to any substitute time agreed upon.

(b) If interruptions occur during the entertainment portion of the broadcast, credit shall be given by the station at the pro rata rate for such interruptions of one minute or more duration. If interruptions occur during the commercial announcement portion of the broadcast credit shall be given by the station in the same proportion to the total station time charge which the omitted commercial announcement portion bears to the total commercial announcement in the program. If the interruption equals or exceeds 50% of the total program time, the station shall defray a pro rata share of the live talent costs, unless the interruption is due to an Act of God, public emergency or legal restriction.

4. Substitution of Sustaining Program of Public Importance

(a) The station shall have the right to cancel any broadcast covered by this agreement and substitute a sustaining program of such outstanding public importance that failure to broadcast same would work injury alike to the station and the advertiser. In which case, the Station will notify the agency as far in advance as possible, and the Agency and the Station will agree on a satisfactory substitute day or time for the broadcast or if no such agreement can be reached, the broadcast will be considered as cancelled without affecting the rates or rights shown on this agreement. In the event of such cancellation or postponement, the Station will make, if approved by the Agency, a suitable courtesy announcement as to the reason for cancellation or postponement and as to any substituted time agreed upon. In the event of such replacement, when the station notifies the agency less than two weeks in advance of broadcast, the station shall reimburse the agency any non-cancellable cost of live talent and/or any non-cancellable cost of newspaper advertisements prepared specifically to advertise the broadcast in question.

5. Rates

(a) It is agreed that the rate named in this contract is the lowest rate made by the station for like services and that if at any time during the life of this contract the station makes a lower rate for the same services, this contract shall be completed at such lower rate from that date.

(b) All rates shall be published. There shall be no secret rebates or agreements affecting rates. All rates shall be furnished agencies if requested.

(c) If this contract is continued without interruption beyond the time specified, the additional broadcasts shall be considered part of this contract and the same rate shall apply until any lower rate prevailing at the time contract is made shall have been earned; and then this lower rate shall apply to the whole contract. It is agreed, however, that this provision shall not cover a service rendered by the station later than one year from the date of the first broadcast, unless specifically agreed.

6. Programs

- (a) The contract for station time includes the services of the technical staff and of a regular staff announcer. Other talent and services are covered by the program charge in this contract which is subject to change by the agency with the consent of the station.
- (b) Should the station fail to receive program material seven days in advance of the broadcast it shall so notify the agency. Subsequent to this notification, if the station fails to receive the program material in time for the broadcast, if the programs are transcriptions, the station shall, following first broadcast, repeat a previous program unless otherwise instructed; or unless program is one of a series, in which case the station shall have the right to announce the name, address and business classification of the advertiser, produce a creditable program and make regular charge for station time and reasonable talent charge to the agency. If the programs are produced locally it shall, following first broadcast, repeat the commercial announcement of the preceding broadcast, using the agreed talent unit.
- (c) The agency will save the station harmless against all liability for libel or slander; also for the infringement of copyrights by reason of broadcasting programs furnished by agency if delivered to the station less than seven days prior to broadcast, provided the station is properly licensed by A.S.C.A.P.
- (d) Programs prepared by the agency are subject to the approval of the station management.

7. General

- (a) This agreement is subject to the terms of licenses held by the parties hereto and is also subject to all Federal, State and Municipal laws and regulations now in force, or that may be enacted in the future.
- (b) The rights under this agreement shall not be transferable to another advertiser than the one specified in this contract unless the consent of the station has been obtained.
- (c) In dealing with agencies, the station shall follow a uniform policy to avoid discrimination.
- (d) The failure of the station or of the agency to enforce any of the provisions herein listed with respect to a breach thereof in any one instance shall not be construed as a general relinquishment or waiver under this agreement and the same shall nevertheless be and remain in full force and effect.

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USE STANDARD RATE CARDS

Rate cards not prepared in conformity with the standard form prescribed by the AAAA find their way into agencies' waste baskets, according to members of the AAAA Radio Committee who attended the joint meeting of the Committee and NAB Commercial Section Chairmen in New York last Monday. It was pointed out that very few stations adhere to the standard form in supplying rate information and it was agreed that an effort would be made by both bodies to urge use of the standard form.

"The Standard Rate Card, now used generally by all kinds of publications throughout the country, was devised by the American Association of Advertising Agencies as a convenience to publishers, advertisers, and advertising agencies with the object of saving time and promoting economy and efficiency in the transaction of advertising business," it was pointed out by the AAAA.

"Prior to its advent, every imaginable form of rate card was in use. The Standard Rate Card is standard in that it furnishes in logical order the exact information that media owner and advertiser want."

Instructions for preparing rate cards are as follows:

The card should be exactly $6 \times 3\frac{1}{2}$ inches in size.

Bristol Board, weight 140 lbs, is recommended for stock.

A single card, like the sample, or a double card can be used. In printing a double card (four pages) allow a strip of blank space, one-quarter inch deep, in the exact location where the fold occurs.

The double form should be printed on a card 6×7 inches, and folded across through the middle. The first page should be printed on the lower half of the card, so that the fold appears immediately above the name of the station.

The numbers and letters should always be used to indicate the divisions and sections as illustrated on the sample card. If there is no information to be given under a certain heading, the numbers and letters should not be omitted, but should be inserted and left blank, in order that the arrangement scheme will be preserved.

Promotional and general advertising matter should not be printed on the rate card, but when sent to an agency should be separate.

It is desirable that rate cards prepared under the Standard Rate Card system be serially numbered, the first card issued being Card No. 1, the second card (at some later date) No. 2, etc. This will be an aid to the agency in determining whether it has received all the rate cards as issued.

The type on the back should be placed so as to "tumble," that is, so that when the card is turned bottom over top, the reading will be continuous.

Print in one line across the bottom of the card, in italics, "Prepared in conformity with "Standard Rate Card" of American Association of Advertising Agencies," and have a heavy full length rule immediately above this line of type.

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WKBB GRANTED PERMISSION TO MOVE

Chief Examiner Ellis A. Yost was upheld by the Commission this week in his Report No. 405 granting Station WKBB, of Joliet, Illinois, permission to move from Joliet to near East Dubuque, Illinois, with an operating assignment of 1500 kilocycles, 100 watts power, half time. Acting Chairman Harold A. LaFount, filed a dissenting opinion.

The Commission in upholding the Chief Examiner states that "the operation of Station WKBB near East Dubuque would provide that area with a good service not otherwise afforded and would not deprive the Joliet area of any substantial service not now received from one other station located therein and a large number of stations situated thereby."

Commissioner LaFount in his dissent calls attention to the fact that "the state of Iowa is now assigned 57 per cent more than its equitable share of broadcast facilities and under law and regulations is not entitled to additional facilities. The evidence in this case conclusively shows that the actual and practical result of the grant of the present application is a placing of a new broadcast station in Dubuque and the allocation of additional radio facilities to the State of Iowa. That such action is inconsistent with the provision of the Radio Act of 1927, as amended, and amounts to an evasion of our regulations is, in my opinion, obvious."

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KFSD POWER INCREASE RECOMMENDED

In Report No. 424 Chief Examiner Ellis A. Yost recommends that the application of Station KFSD, San Diego, California, for an increase of power from 500 watts night and 1000 watts local sunset to 1000 watts unlimited time be granted. The station operates on a frequency of 600 kilocycles.

The Chief Examiner found that the station is financially and otherwise qualified to operate with 1000 watts power and further that it is now rendering a "commendable" service. The granting of this application, he states, "would not cause additional interference with any broadcasting station or stations now licensed" and Mr. Yost further says that "there are no applications pending before the Commission for the facilities requested."

It is further found in the report that "the people residing beyond the present good night time service area and within the area proposed to be served by the applicant if this application is granted are not now being regularly or adequately served by any network station broadcasting the same programs of the National Broadcasting Company, Inc., as applicant station."

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LICENSE APPLICATIONS GRANTED

During the current week the Commission has granted licenses to the following stations for which permits had already been issued for changes: WCAU, Philadelphia, Pennsylvania; KXYZ, Houston, Texas; KGU, Honolulu, T. H.; WSAJ, Grove City, Pennsylvania; KSEI, Pocatello, Idaho.

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HEARING CALENDAR

The following hearings are scheduled for the week commencing Monday, October 24, 1932. All hearings commence at 10 a.m.

TUESDAY, OCTOBER 25, 1932

Docket #1715	NEW	Allen Wright Marshall, Sr. Allen Wright Marshall, Jr. La Grange, Georgia	C. P.	1500 kc, 100 watts Specified hours (Request facilities of WRDW)
Docket #1731	WRDW	Musicove, Inc. Augusta, Georgia	Ren. Lic.	1500 kc, 100 watts Unlimited time

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RECOMMENDATIONS ON NEW YORK STATIONS

In Report No. 422 Chief Examiner Ellis A. Yost made recommendations in connection with various applications of stations WWRL, Woodside, New York, WMBQ and WMIL, Brooklyn, New York. All of these stations operate on a frequency of 1500 kilocycles, sharing time together.

WWRL, asked to use one-half instead of one-quarter time; WMBQ asked nine hours additional instead of quarter time being part of the time used by WLBX, deleted, which used to share time with the other three stations; WMIL, WWRL and WMBQ all asked for renewal of license sharing time with each other. In connection with these applications the Chief Examiner recommended that licenses be issued with specific time division schedules stated therein.

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RADIO EMPLOYMENT INDEX

The employment index number for September in the radio industry was 68.1 compared with 63.1 for August and 114.1 for September of last year taking 1926 at 100 according to the Bureau of Labor Statistics, Department of Labor. September payroll index number was 56.1 compared with 44.9 for August and 95.3 for September of last year.

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STATUS OF RADIO COURT CASES

Fred H. Goss, of Boston, in his appeal (No. 5604) to the Court of Appeals of the District of Columbia, filed briefs this week. Goss asked the Commission for a construction permit for a new station in Boston which was refused. He appealed to the Court of Appeals. The Commission has not yet filed its brief.

The Northwest Broadcasting System, Inc., intervenors in the case of KOMO (No. 5335) and the Radio Commission against whom the case was brought have been granted until November 30 in which to file briefs.

The Court has denied the motion of KGEF in Docket No. 5561 against the Commission asking for reconsideration of the Court's order denying a stay order.

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MISCELLANEOUS COMMISSION ACTION

During the current week the Commission took the following action of a miscellaneous nature:

KWKH	Hello World Broadcasting Corp. Shreveport, Louisiana	Granted permission to take depositions in its application for ren. of lic. hearing on which is set for November 28.
KTAR	KTAR Broadcasting Company Phoenix, Arizona	Hearing date continued to November 29, 1932.
WTMJ	The Journal Company Milwaukee, Wisconsin	Hearing date continued to November 29, 1932.
WERE	Erie Dispatch-Herald Brdcstg. Corp. Erie, Pennsylvania	Remanded to docket for purpose of hearing applicant concerning financial ability only. Case to be heard by Commission on November 16.
WCCO	Northwestern Broadcasting Inc. Minneapolis, Minnesota	Granted license, 810 kc, 50 KW, unlimited time.
WKBH	WKBH, Inc. La Crosse, Wisconsin	Granted regular renewal of lic. 1380 kc, 1 KW, hours of operation: November and December 6 a.m. to 5 p.m.; 5:30 to 7 p.m. 8 to 9 p.m.; 10 to 11 p.m. January 6a.m. to 5:15 p.m.; 5:35 to 7 p.m.; 8 to 9 p.m. 10 to 11 p.m., CST.

The following stations were granted temporary licenses subject to such action as the Commission may take on their pending applications for renewal of licenses: WAWZ, Zarephath, New Jersey; WKAB, Harrisburg, Pennsylvania; WBMS, Hackensack, New Jersey; WBNX, New York City; WCDA, New York City; WFAB, New York City; WMSG, New York City; WSMK, Dayton, Ohio and KQV, Pittsburgh, Pennsylvania.

The following stations were granted temporary licenses, subject to such action as the Commission may take on their applications for renewal, which were designated for hearing: KGER, Long Beach, California and KLO, Ogden, Utah.

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APPLICATIONS DISMISSED

During the current week the Commission dismissed the following applications without prejudice at the request of the applicants:

NEW	J. B. Sanders Center, Texas	C. P. 1310 kc, 100 watts, specified hours (facilities of KFPM).
NEW	W. B. Neal Gallipolis, Ohio	C. P. 1500-2000 kc, 30 watts, Tuesday, 2-4 p.m., Thursday & Friday 10 p.m. to 1 a.m.

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LICENSE RENEWAL APPLICATIONS

During the current week the Radio Commission has received applications for license renewals from the following stations: WIBX, WOMT, WFAM, WHAZ, WFOX, KFXM, KGDE, KGKY, WKAV, KPPC, WRJN, KWG, WCDA, WMSG, WBNX, WTSL, WABZ, WJBW.

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RADIO SETS CENSUS DETAILS

The Bureau of the Census has announced the tabulations relating to radio sets show the number of families (not including institutions, etc.) having a radio set at the time the census was taken in April, 1930.

"There were 29,904,663 families in the United States in 1930, of which number, 12,048,762, or 40.3 per cent, had a radio set. Distributed by color and nativity of head of family, 44.4 per cent of the native white families had a radio set; 43.6 per cent of the foreign-born white families; and 7.5 per cent of the Negro families," says the Bureau.

"Of the 17,372,524 urban families in the United States, 8,632,176, or 50 per cent had a radio set; of the 6,604,637 rural-farm families, 1,371,073, or 20.8 per cent; of the 5,927,502 rural-nonfarm families, 1,995,513, or 33.7 per cent; and of the total number of farm families (6,668,681), including the small number living in urban territory, 1,399,495, or 21 per cent, had a radio set.

"In the urban population, 56.3 per cent of the native white families had a radio set, 46.2 per cent of the foreign-born white families, and 14.4 per cent of the Negro families; in the farm population, 24.2 per cent of the native white families had a radio set, 32.2 per cent of the foreign-born white families, and only three-tenths of 1 per cent of the Negro families. These differences are to some extent the result of the geographic distribution of the different classes involved."

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GERMAN RADIO EXPORTS DECLINE

For the first time since 1926 German exports of radios and parts declined during the first half of this year according to a report from Vice Consul C. T. Zawadzki, at Berlin. These exports in the first six months of this year totaled 1,844 metric tons as compared with 3,580 tons during the corresponding period of last year.

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MORGAN PROTESTS AGAIN

Joy Elmer Morgan, chairman of the National Committee on Education by Radio, has sent an open letter to Congress demanding that more time be given to discussion of civic questions by candidates for office.

"Are not vital matters of government more important than sales talks on tooth paste and cigarettes which have abundant opportunity to advertise in other ways?" he wrote.

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RECOMMENDS CHANGE FOR KGRS

Examiner R. H. Hyde in Report No. 423 this week recommended that broadcasting station KGRS, Amarillo, Texas, be allowed to change its frequency from 1410 to 1340 kilocycles, using the same power (1000 watts) that it now uses and using different specified hours from those it now uses.

In his report, Examiner Hyde states that "the objective sought in the request for a change in the KGRS frequency assignment is a larger effective service area through the elimination of interference."

"The evidence shows", states the Examiner, "that the applicant is rendering a meritorious service; that some improvement and enlargement in this service would be made possible by the granting of this application, and further that no substantial interference in the reception of other stations would be likely to result from the change proposed in the application. Moreover, it does not appear that there is any specific use for which the frequency specified by the applicant should be reserved."

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SUPREME COURT TO REVIEW DUBILIER CASE

A review of the cases of the United States against the Dubilier Condenser Corporation was granted this week by the United States Supreme Court. Three patented inventions relative to the use of residence alternating current in radio receiving sets were perfected by Francis W. Dunmore and Percival D. Lowell, while they were employed at the Bureau of Standards. The government claims that the patents belong to the government. The patents were assigned to the Dubilier Corporation by the inventors. The United States Circuit Court of Appeals for the Third Circuit and the Court below found in favor of the inventors and now the government has taken the case to the Supreme Court and review has been granted.

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REVIEW DENIED RCA

The United States Supreme Court has denied the petition of the Radio Corporation of America for a review of a Circuit Court decision in the case of the corporation against the Hazeltine Corporation. The case involves a controversy over the alleged infringement of the Hazeltine patent relating to radio high vacuum tubes and control of undesired regenerative effects, by means of neutralizing circuits.

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COMMISSION ON MONITORING RULE

During the current week the Commission has made the following official comment in connection with Rule 145: "The Commission, on October 4, decided not to extend further the working of Rule 145 in case of broadcast stations that have installed approved frequency monitors but that have not obtained a satisfactory check of the calibration. All stations in this class should proceed immediately to obtain the necessary check. This must be done before it can be considered that the frequency monitor is in all details operating according to the requirements of Rule 145. However, if an approved monitor is installed and due diligence is being exercised in obtaining a check and the required calibration, Rule 145 may be considered satisfied."

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APPLICATIONS SET FOR HEARING

During the current week the Commission has set the following cases for hearing:

WPRO- WPAW	Cherry & Webb Broadcasting Co. Providence, Rhode Island.	Requests C. P. to move transmitter from Cranston to near Graystone, Rhode Island change frequency from 1210 kc to 1260 kc, increase power from 100 to 250 watts, install new equipment and antenna system.
WHBC	Edward P. Graham Canton, Ohio	Requests C. P. to install new equipment with maximum rated power of 100 watts and to increase power from 10 to 100 watts.
KRMD	Radio Station KRMD, Inc. Shreveport, Louisiana	Renewal of license.
NEW	J. E. Richards Pine Bluff, Arkansas	Requests C. P. for new station, 1340 kc, 250 watts daytime operation.

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ORAL ARGUMENTS GRANTED

During the current week the Commission granted the following oral arguments to be held November 17.

Ex. Rep. No. 412	KQV Broadcasting Co. Pittsburgh, Pennsylvania and Stanley M. Krohn, Jr. Dayton, Ohio	Involving renewal of license and application to operate unlimited time on 1380 kc, 500 watts. (Now shares with WSMK) Involving renewal of license and application to operate unlimited time on 1380 kc, 200 watts. (Now shares with KQV).
Ex. Rep. No. 414	The House of Gurney, Inc. Yankton, South Dakota	Involving application to increase power from 1 KW to 1 KW night, $2\frac{1}{2}$ KW LS, on 570 kc, unlimited time.
Ex. Rep. No. 414	Mitchell Brdcstg. Corp. Mitchell, South Dakota	Involving renewal of license and authority to remove station KGDA from Mitchell to Aberdeen, South Dakota, reconstruct transmitter and change frequency from 1370 to 1420 kc.

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NEW PLAY BY SIROVICH

A play entitled "Tin Boxes", written by Dr. William I. Sirovich, chairman of the House Patents and Copyrights Committee, is slated to open in New York this winter. The play will be produced by Robert Crawford Productions, Inc. Mr. Crawford is president of De Sylva, Brown and Henderson.

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October 22, 1932

REGULAR LICENSE RENEWALS

During the current week the Commission granted the following renewal of licenses for the regular period: WBEC, Brooklyn, New York; WCAH, Columbus, Ohio, WCKY, Covington, Kentucky; WCSC, Charleston, South Carolina; WDAG, Amarillo, Texas; WGES, Chicago, Illinois; WHBL, Sheboygan, Wisconsin; WHEC-WABO, Rochester, New York; WHP, Harrisburg, Pennsylvania; WIOD-WMBF, Miami, Florida; WJSV, Alexandria, Virginia; WKBF, Indianapolis, Indiana; WLTH, Brooklyn, New York; WMBD, Peoria, Illinois; WOKO, Albany, New York; WQBC, Vicksburg, Mississippi; WSAW, Allentown, Pennsylvania; (and auxiliary) KECA, Los Angeles, California; KFLV, Rockford, Illinois, KOH, Reno, Nevada, KUOA, Fayetteville, Arkansas; WCAO, Baltimore, Maryland (and Auxiliary).

The following stations were designated for hearing because of the request of Station KFBI for facilities of those stations. (KFBI has now withdrawn its application which has been dismissed, without prejudice.) Renewals for the regular period were granted: WJAG, Norfolk, Nebraska; WCRW, Chicago, Illinois; WEDC, Chicago, Illinois; WSBC, Chicago, Illinois and KWKC, Kansas City, Missouri; WCOA, Pensacola, Florida; KGB, San Diego, California; KGHF, Pueblo, Colorado, KLRA, Little Rock, Arkansas; KMO, Tacoma, Washington.

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SPECIAL AUTHORIZATIONS

During the current week the Commission granted the following stations special experimental authorizations for period November 1, 1932 to May 1, 1933, to operate pending decision on hearing of renewal application of Station WBAK and WHP requesting facilities of WBAK:

WCAH	The Commercial Radio Service Co. Columbus, Ohio	Granted special experimental authority to operate unlimited time simultaneously with Stations WHP, WOKO, WHEC-WABO and WFEA.
WFEA	New Hampshire Broadcasting Co. Manchester, New Hampshire	Granted as above to operate simultaneously with WHP, WHEC-WABO, WCAH and WOKO.
WHEC-WABO	WHEC, Inc. Rochester, New York	Granted as above to operate simultaneously with Stations WOKO, WHP, WCAH and WFEA on 1430 kc.
WHP	WHP, Inc. Harrisburg, Pennsylvania	Granted special experimental authority to operate sharing time with WBAK and simultaneous operation with WCAH, WFEA, WOKO and WHEC-WABO.
WOKO	WOKO, Inc. Albany, New York.	Granted special experimental authority to operate unlimited time and simultaneous operation with stations WHP, WCAH, WFEA, and WHEC-WABO on 1430 kc.
WQBC	Delta Broadcasting Co. Inc. Vicksburg, Mississippi	Granted special experimental authority to operate unlimited time on 1360 kc with 500 watts power.

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October 22, 1932

APPLICATIONS DENIED

During the current week the Commission has denied and dismissed the following applications:

KGW	Oregonian Publishing Co. Portland, Oregon	Denied request that Commission reconsider its action of October 6, which denied request of KGW to have station KTAR, Phoenix, operate after midnight, so that interference that might be expected by the increase in power of KTAR from 500 to 1000 watts, might be determined.
WCAH	The Commercial Radio Service Co. Columbus, Ohio	Dismissed request that the application for ren. of lic. for auxiliary transmitter of this station be denied, and that authority be granted to dismantle this transmitter.
NEW	Everett J. Riley & Joseph Franklin Riley, d/b as Wabash Valley Broadcasting Company. Attica, Indiana	Dismissed from hearing docket, without prejudice, at request of applicant, application for C. P. 1210 kc, 100 watts, unlimited time.
KXL	KXL Broadcasters Portland, Oregon	Dismissed from hearing docket, without prejudice, at request of applicant, application for C. P. 1410 kc, 250 watts, unlimited time.
	Virgil V. Evans Spartanburg, South Carolina	Denied motion filed by his attorney to dismiss application of W. T. Hamilton for C. P. for new station at Greenville, South Carolina, to operate on 1240 kc, 250 watts night, 500 watts day, unlimited time. This application to be heard on November 21, 1932.

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WMT FILES APPEAL

Station WMT, Waterloo, Iowa, this week appealed to the Court of Appeals of the District of Columbia from a decision of the Radio Commission granting Station KSO authority to move from Clarinda, Iowa to Des Moines, Iowa.

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FOOTBALL BILL OPPOSED

The bill compelling Alabama colleges receiving state funds to allow broadcasts of football games (H 313) which passed the Alabama House on October 6 was adversely reported in the Senate on October 14.

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October 22, 1932

APPLICATIONS RETURNED

The Commission, during the current week, has returned the following applications to the applicants:

3-PB-2687	NEW	John S. Pitts, III Tuscaloosa, Alabama	C. P. for new station to use 1370 kc, 100 watts, unlimited hours, facilities of WAMC, Anniston, Alabama. (Unsatisfactory equipment and insufficient information re proposed transmitter location.)
	KGMB	Honolulu Brdcastg. Co. Ltd. Honolulu, Hawaii	1320 kc, 250 watts, unlimited time.
5-PB-2690	NEW	R. E. Warmack & A. E. Waterman Oroville, California	C. P. for new station to use 1370 kc, 15 watts, daytime, 4 hours per day. (Unsatisfactory equipment, Rules 151, 121, 6b).
2-PB-2679	WPAD	Paducah Broadcasting Company Paducah, Kentucky	C. P. change equipment, change frequency and power from 1420 kc, 100 watts to 1120 kc, 250 watts. (Insufficient information re transmitter location and equipment and Rule 6 c and d).
2-PB-2659	NEW	The Building Industries Exhibit, Inc. W. C. Campbell, President, Cincinnati, Ohio.	C. P. for new station to use 900 kc, 250 watts daytime. (Superseded by application filed 10/3/32 in name of The Building Industries Broadcasting Company.)
2-PB-2686	WLVA	Lynchburg Broadcasting Corp. Lynchburg, Virginia	C. P. change equipment, change frequency, power and hours from 1370 kc, 100 watts, shares with WBTM to 1500 kc, 100 watts, night 250 W. LS, unlimited. Facilities WRBX, Roanoke, Va. (Rule 49 a).

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STATION EXHIBITS AT CONVENTION

The Convention Committee has planned for exhibits of station forms, promotion material, etc., at the Chase Hotel, St. Louis, Missouri, during the Tenth Annual NAB Convention to be held there November 13, 14, 15 and 16, 1932. Stations are urged to send material they desire to display to Philip G. Loucks, Managing Director, NAB, Hotel Chase, St. Louis, Missouri.

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October 22, 1932

APPLICATIONS GRANTED

During the current week the Commission granted the following applications subject to the provisions of Rules 44 and 45 providing proper protests may be filed within twenty days from the date of action.

<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
<u>FIRST ZONE</u>		
WMAL	M. A. Leese Radio Corporation Washington, D. C.	Granted C. P. to install auxiliary transmitter, maximum power 1 KW.
<u>SECOND ZONE</u>		
WEEU	R. A. Gaul, H. O. Lardis & H. S. Craumer, d/b as Berks Brdcstg. Co. Reading, Pennsylvania	Granted consent to vol. assign. of lic. to Berks Broadcasting Company (A corporation).
<u>THIRD ZONE</u>		
KVOO	Southwestern Sales Corporation Tulsa, Oklahoma	Granted authority to operate simultaneously Tuesday, November 8, from 6 p.m. to midnight, and if desired by either or both stations to continue until 3 a.m. CST, Wednesday, November 9, with 1 KW power, in order to broadcast election returns. (Stations are licensed to share time on clear channel frequency 1140 with 5 KW power).
WAPI	and WAPI Broadcasting Corporation Birmingham, Alabama	
KOCW	Oklahoma College for Women Chickasha, Oklahoma	Granted temporary renewal of license and set application for renewal for hearing.
KCMC	North Mississippi Brdcstg. Corp. Texarkana, Arkansas	Granted authority to install automatic frequency control.
<u>FOURTH ZONE</u>		
WMBH	W. M. Robertson Joplin, Missouri	Granted special authorization to operate from 9:30 p.m., November 8 to 1 a.m., November 9, CST.
KFBJ	Marshall Electric Company, Inc. Marshalltown, Iowa	Granted special authorization to operate from 9 p.m. to 12 midnight, CST, Nov. 8.
KSO	Iowa Broadcasting Co. Des Moines, Iowa	Granted Mod. of C. P. to change type of equipment authorized by C. P. and approval of transmitter and studio location at 715 Locust Street, Des Moines.
WCBS	Charles H. Messter & Harold L. Dewing, Springfield, Illinois	Granted consent to vol. assign. of lic. to WCBS, Inc.

APPLICATIONS GRANTED (continued)

FOURTH ZONE (continued)

KGDA	Mitchell Broadcasting Corp. Mitchell, South Dakota	Granted authority to remain silent October 14, 15 and 17, in order to move main studio from transmitter location to 417 North Main Street, Mitchell.
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FIFTH ZONE

KGEW	City of Fort Morgan Fort Morgan, Colorado	Granted authority to discontinue operation until December 1.
KGGM	New Mexico Broadcasting Co. Albuquerque, New Mexico	Granted C. P. to move transmitter within same building and make changes in equipment.

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COMMISSION BARS DES MOINES MOVE

The Commission this week denied the application of Station WMT seeking authority to move from Waterloo to Des Moines, Iowa, upholding the recommendation of Examiner Ralph L. Walker in Report No. 352. At the same time the Commission granted a renewal license to the station permitting it to operate unlimited time with 500 watts power. The station had been operating with 250 watts with an additional 250 watts experimentally. Examiner Walker (Report No. 358) had recommended renewal of license but had held that the power could not be increased.

In the report involving the license renewal, the Commission found that Station WMT "now renders a generally meritorious service in the Waterloo area and the only local service received therein, and the programs broadcast appear to be well diversified, of good quality and adapted to the needs of the area served." This station has been operating with 250 watts power and 250 watts additional experimentally. The Commission has granted a full 500 wattage to the station in its new decision.

Relative to the moving of the station from Waterloo to Des Moines the Commission states, that "it does not appear that there is any substantial need in the Des Moines area for the proposed service of the applicant station. That city and vicinity now receive high grade service from a station located therein, fair to intermittent service from a number of stations situated elsewhere, and will receive additional good local service upon the completion of the recently authorized removal of Station KSO from Clarinda to Des Moines."

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AMERICAN SOCIETY SUES

Gene Buck, as president of the American Society of Composers Authors and Publishers, is suing the Westland Theatres, Inc., Denver, for playing for public performance of "Am I Blue", "What's the Use" and "Making the Best of Each Day". The numbers were parts of movie shorts shown at the theatre.

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October 22, 1932

APPLICATIONS RECEIVED

During the current week the Commission has received the following applications:

<u>FRC</u>	<u>FILE</u>	<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
<u>FIRST ZONE</u>				
1-FB-300		WCAD	St. Lawrence University Canton, New York	Install automatic frequency control.
1-MLB-1076		WKAU	Laconia Radio Club Laconia, New Hampshire	Mod. of lic. to change specified hours of operation.
<u>SECOND ZONE</u>				
2-MLB-1074		WCBA	B. Bryan Musselman Allentown, Pennsylvania	Mod. of lic. to increase operating power from 250 to 500 watts.
2-MLB-1075		WSAN	Allentown Call Publishing Co. Inc., Allentown, Pa.	Mod. of lic. to increase operating power from 250 to 500 watts.

These two applications should be considered together. The two stations share time on 1440 kilocycles. The nearest station on the same frequency is 175 miles and is WOKO, Albany, New York. The engineers of the Commission recommend a separation of 500 miles. Both the Second Zone and the State of Pennsylvania are under quota.

<u>THIRD ZONE</u>				
3-MLB-1072		WWL	Loyola University New Orleans, Louisiana	Mod. of lic. to change hours from specified to unlimited. Facilities of KWKH, Shreveport, La.
3-MLB-1077		WFDV	Rome Broadcasting Corp. Rome, Georgia	Mod. of lic. to make change in specified hours.
3-PB-2680		NEW	John Tindale Abilene, Texas	C. P. for new station to use 142 kc, 100 watts, share with KABC, facilities of KABC, San Antonio, Texas.

The nearest station on this frequency is KGFF, Shawnee, Oklahoma, using 100 watt power. The distance is 250 miles. The engineers of the Commission recommend a separation of 185 miles. Both Texas and the Third Zone are over quota.

FOURTH ZONE

None

FIFTH ZONE

5-PB-2714		NEW	Otis Hill Hilo, Territory of Hawaii	C. P. for new station to use 1150 kc, 50 watts, unlimited time.
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October 22, 1932

APPLICATIONS RECEIVED(continued)

FIFTH ZONE (continued)

5-PB-2703	KPQ	Wescoast Broadcasting Co. Wenatchee, Washington	C. P. to change equipment and increase operating power from 50 to 100 watts.
<p>KPQ operates on a frequency of 1500 kilocycles. The nearest station on that same frequency is KGKY, Scottsbluff, Nebraska, which is 900 miles distant. The engineers of the Commission recommend a separation of 185 miles. Both the Fifth Zone and the State of Washington are over quota. This would increase the quota.</p>			
5-MPB-383	KOA	National Broadcasting Co. Inc. Denver, Colorado	Mod. of C. P. to extend date of completion to 5/17/33.
5-MPB-384	KPO	National Broadcasting Co. Inc. San Francisco, California	Mod. of C. P. to extend date of completion to 5/17/33.
5-MPB-386	KGEX	Sandpoint Broadcasting Co. Lewiston, Idaho	Mod. of C. P. issued 5/10/32 gives exact location transmitter; change in equipment.
5-ALB-469	KTM	Pickwick Broadcasting Corp. Los Angeles, California	Vol. assign. of lic. to Evening Herald Publishing Company.
5-ALB-470	KELW	Magnolia Park, Ltd. Burbank, California	Vol. assign. of lic. to Evening Herald Publishing Company.
5-PB-2712	NEW	Guy C. Earl, Jr., Sacramento, California	C. P. for new station to use 780 kc, 500 watts night, 1 KWLS, unlimited hours. Facilities of KTM, Los Angeles, California and KELW, Burbank, California.

The nearest station on this same frequency is WMC, Memphis, Tennessee, using 500 watts power. The distance is 1760 miles while the engineers of the Commission recommend a separation of 800 miles. Should the Commission grant this application it would not increase either the State or Zone quota.

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LICENSE APPLICATIONS RECEIVED

During the current week the Commission received applications for licenses covering previously authorized permits from the following stations: KFLX, Wenatchee, Washington; WEBR, Buffalo, New York; WOOD, Grand Rapids, Michigan; WJSV, Alexandria, Virginia; WJW, Akron, Ohio.

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