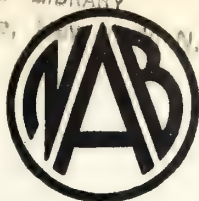


BROADCASTERS'



NEWS BULLETIN

Issued by

THE NATIONAL ASSOCIATION OF BROADCASTERS

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

PHILIP G. LOUCKS, Managing Director.

1932

October 29.

EYES FOCUSED ON ST. LOUIS

The eyes of the radio industry will be focused on St. Louis, Missouri, November 13, 14, 15 and 16, during the Tenth Annual Convention of the National Association of Broadcasters.

Invitations have been sent to every broadcasting station in the United States and already nearly 60 hotel reservations have been made.

In this Bulletin you will read of the developments at Madrid and Washington relating to the proposal to widen the broadcasting band. You will also read of the progress which is being made between Mr. Schuette and Mr. Mills in copyright negotiations and of the possibility that an entirely new copyright contract may be offered to the broadcasters next month.

The solution of the international and copyright problems will rest with the delegates attending the Convention. It is imperative that a definite program be agreed upon and that this program be given the support of a unified industry.

The decision to be reached at the St. Louis meeting will directly affect your interests. Attend and participate in the discussions. Make up your mind now that during the next year you will take a more active part in the activities of the Association. A strong and aggressive NAB is the only hope of perpetuating the present system of broadcasting.

ASCAP CONSIDERS NAB PROPOSAL

A special meeting of the Board of Directors of the American Society of Composers, Authors and Publishers will be held in New York next week to discuss the formal proposal made by Oswald F. Schuette, director of copyright activities of the National Association of Broadcasters, of a new contract which would limit the royalty payments of broadcasters to a percentage of the commercial revenues of their stations from programs using the Society's music.

This proposal is the result of the discussions between Mr. Schuette and E. C. Mills, General Manager of the Society, which have been going on since September 1. The latter has declared himself in agreement with the main features of the plan but said only the Board of Directors of his organization could give the final sanction necessary to making the proposal the proper basis for discussion at the St. Louis Convention of the NAB.

If the plan is approved by that Board, it will be the main item of discussion in the copyright session of the Convention.

The presentation of such a plan at St. Louis, with the advance approval of the Board of Directors of ASCAP, would make it possible for the stations represented at the Convention to discuss the actual basis for a contract to take the place of the agreement that is now being signed by the stations. If such a contract is available, Mr. Mills has given repeated assurance that it would be offered to all stations, whether they have signed the present contract or not. It is probable that such a contract, if acceptable, would become effective January 1 and replace the present contract.

As a result of events during the last two months, Mr. Mills seems to agree with Mr. Schuette that the present contract, based on a royalty levy upon all revenues, whether earned by the use of ASCAP music or not, is inequitable. Mr. Mills and some of his representatives have written to stations saying that ASCAP prefers a contract limited in its royalty levy to the earnings from its own music. This position has been further emphasized by Mr. Mills' withdrawal of a royalty claim to the revenues earned by political meetings and to his subsequent offer of a contract to newspaper-owned stations based exclusively on revenues earned by the performance of the Society's compositions.

For these reasons, refusal by the Board of Directors of ASCAP to sanction the substitute contract would be difficult to reconcile with Mr. Mills's claim that the American Society desires to cooperate with the broadcasters in providing them with copyrighted music for use on the air.

In either case, the copyright discussions at St. Louis will be vital to the future of the broadcasting industry.

The fact that ASCAP has declined to recede from the minimum clause in the present "newspaper" contract makes it likely that if a new contract is sanctioned at the St. Louis Convention it will become the basic contract for all stations whether controlled by newspapers or not. The question of discrimination by ASCAP in favor of the newspaper stations may be discussed at the copyright session in St. Louis.

These developments make it important that the Convention be sufficiently representative of the industry to be authoritative. It is for this reason that it is important that all stations that can do so send representatives to St. Louis in order to assure a united front for the industry. The discussions

ASCAP CONSIDERS NAB PROPOSAL (Continued)

between Mr. Schuette and Mr. Mills have brought matters to a point where proof of the representative power of the NAB should result promptly in the final draft of a new contract. At the same time such a showing at St. Louis will strengthen the NAB in its future relations with ASCAP to make sure that the interpretation of whatever contract is written will be fair and equitable.

All developments in the last two months emphasize the importance of putting the copyright situation of the broadcasting industry into such shape that the industry need not worry about the future. There are broad fields of music not covered by ASCAP in which it is important that the broadcasting industry should be protected. Even more so, it is vital that the broadcasting industry should be able to work freely toward the creation of music particularly adapted to the needs of radio in harmony with the times. In this connection definite proposals will be submitted by Mr. Schuette to the Convention. In these proposals it will be important to have the advice and the cooperation of the entire industry.

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CONVENTION COMMITTEES

Here for the first time is a complete list of Committees in charge of arrangements for the St. Louis meeting:

General Convention Committee - Edwin M. Spence, WPG, Chairman; LeRoy Mark, WOL; J. Thomas Lyons, WCAO; John Henry, KOIL; and Lambdin Kay, WSB.

Entertainment Committee - Thomas Patrick Convey, KWK, Chairman; Clarence G. Cosby, KWK, Vice-chairman; Wm P. Mackle, Secretary; E. B. Foote, New York; Fred Weber, Chicago; Nelson, KMOX, St. Louis; Leo Fitzpatrick, WJR, Detroit; Thomas Stevenson, Washington, D. C.; Scott Howe Bowen, New York; Martin Codel, Washington, D. C.; A. T. Sears, Chicago; R. B. Robertson, New York; Harold C. Vance, Chicago; Willard Henges, St. Louis; and G. W. McElhiney, Jr. St. Louis.

Reception Committee - A.B. Hendry, WIL; Oscar Hirsch, KFVS; W. F. Ludgate, KSD; and Rev. H. H. Hohenstein, KFUD, and Wm H. WEST, KMOX, Chairman.

Transportation Committee - A. B. Hendry, WIL; Woody Klose, KMOX; Billy Lane, WIL; Harry H. Hutton, WIL; K. A. Crank, WIL; Chal Stoup, WIL; and L. A. BENSON, WIL, Chairman.

PUBLICITY - James L. Spencer, KSD, Chairman.

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October 29, 1932

(C O N F I D E N T I A L)

PROPOSE WIDENING BROADCAST BAND

With subcommittees considering allocation of frequencies from 150 kc to 1500 kc deadlocked at the International Radiotelegraph Conference at Madrid, prospects for widening the broadcast band at this time hang in the balance.

Last week Canada, with Mexico and Cuba joining, submitted a proposal under which the present broadcast band would be widened from 1500 kc to 470 kc on condition that the distress frequency of 500 kc be shifted to 375 kc. The American delegation at Madrid favors the proposal and requested the necessary authority from the State Department to support Canada.

Conferences during the week in Washington revealed that the navy, shipping interests, certain communication companies, the coastguard, Departments of Agriculture and Commerce, and the Shipping Board opposed the proposal.

The Federal Radio Commission recommended that the U. S. Delegates be authorized to support the proposal while RCA and the army took neutral positions.

The National Association of Broadcasters, which has advocated widening the broadcast band for the past year went on record immediately in support of the Canadian proposal in the belief that it offered a sound and logical solution to the North American broadcasting problem. The set manufacturers through the Radio Manufacturers Association are also supporting the proposal.

From Madrid reports, it appears inevitable that the broadcast band will be widened. Failure to agree upon a satisfactory plan under which additional frequencies are made available for broadcasting in Europe will result in a drawn convention.

Under the proposal submitted jointly by Great Britain and Germany, bands between 160 kc and 245 kc, and between 245 kc and 265 kc would be made available for broadcasting. This plan is even more objectionable to American shipping interests and would undoubtedly draw opposition from air interests. Another proposal by the French would permit broadcasting stations to be scattered throughout bands assigned to other services. There is opposition to this proposal.

The NAB, both here and in Madrid, has been active in support of the Canadian proposal. It appears that our country's support, if given promptly, will go far toward breaking the deadlock which now exists.

The position of the NAB has been presented both here and abroad, verbally and in writing, but opponents to the Canadian proposal refuse to consent to definite instructions to our delegates in support of the plan.

The Madrid Conference has been in session since September 3 and up to the present time there has been no agreement in subcommittees with respect to allocations between 160 kc and 550 kc. Each proposal is being studied in detail as it is presented and the broadcasting industry will continue to maintain its

PROPOSE WIDENING BROADCAST BAND

position that the broadcast band should be widened in order to develop a basis for solution of the North American situation. If the Canada-Mexico-Cuba proposal were adopted an early North American conference could be called and the whole problem amicably settled.

At the present time the U. S. Delegation has not been authorized to take a definite stand in favor of the proposal but it is believed that Canada will make every effort to keep it alive until such time as an agreement can be reached.

It appears that any widening of the broadcast band will have to be at the expense of marine services and the Canadian proposal is the least objectionable of all plans proposed.

Meetings both here and Madrid will continue next week in the hope that some basis for agreement can be found.

Acting in Madrid for the NAB is Louis G. Caldwell, official representative, and in Washington is Philip G. Loucks, Managing Director, and Arthur Scharfeld, Chicago Tribune. Frank M. Russell, vice president, has been acting for the National Broadcasting Company, and Harry C. Butcher, director of the Washington Office, for the Columbia Broadcasting System.

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ANNOUNCER PINCH HITS FOR MD

Herluf Provensen, President Hoover's favorite announcer, represented the NAB at the radio session of the American Public Health Association meeting here this week. The Managing Director had been invited to criticize a series of broadcasts sponsored by the health organization but was compelled to turn the job over to Mr. Provensen at the eleventh hour because of a State Department meeting called to consider the Madrid matter.

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PROHIBIT AP BROADCAST

Several stations have been ordered recently by the Associated Press to discontinue the broadcasting of news dispatches furnished newspapers by this organization.

"Property rights in news which we deliver to our members and in the news gathered by them which they are contracted to supply only to the Associated Press is established by decision of the Supreme Court of the United States," the AP states.

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October 29, 1932

ICC DISCLAIMS RATE JURISDICTION

The Interstate Commerce Commission this week held that it has no regulatory jurisdiction over broadcasting rates charged for advertisers in dismissing the complaint filed last June by the Sta-Shine Products Company against the National Broadcasting Company and Station WGBB, Freeport, N. Y.

The complainant had claimed that the rates of the network company and the station were unreasonable and unjustly discriminatory and in violation of Sections 1 and 3 of the Interstate Commerce Act. The defendant companies argued their rates were not subject to the provisions of this act maintaining that they were not common carriers.

The case was the first of its kind to come before the Commission and was limited to the question of jurisdiction. A preliminary hearing was held last December and the presiding examiner rendered a comprehensive report holding that broadcasting companies were not subject to the interstate commerce commission act.

"The provisions of the act are undoubtedly applicable to the transmission of wireless messages by persons or concerns engaged in the transmission of such messages as common carriers for hire, that is, common carriers holding themselves out to transmit for the public at large and deliver such messages to a designated receiver," the Commission said. "But can it be construed as applying to persons or concerns engaged merely in the business of broadcasting as performed by defendants here? We are of the opinion that it can not be so construed.

"In so far as our jurisdiction is concerned the provisions of Section 14 of the Radio Act of 1927 can apply only to the common carriers specified in Section 1(3) of the Act. Therefore, in determining whether the defendants are subject to our jurisdiction, the decisive question is whether they are included among the specified public utilities to which the provisions of the Act now apply. Companies engaged in radio broadcasting are not specifically named therein. In fact, at the time of the passage of the transportation act, radio broadcasting, as now perfected, was unknown. Therefore, it is obvious that if defendants are within those specified therein, it is because they are telephone companies operating by wireless and engaged in transmission as defined in Section 1(3) of the Act. While the method used in broadcasting is technically radio telephony, nevertheless a company engaged in broadcasting falls short of performing the service of a telephone company operating by wireless. Defendants do not provide telephone facilities or service for the public. No one could go to any office or booth maintained by them and make a telephone call. They do not, and under their licenses may not, provide the services which telephone companies perform. Defendants sell "time" to the public, the program is put on the air, and then the broadcaster, having performed his contract, is finished. No service is performed at the receiving end by the broadcasting company, similar to the service performed by common carriers in the general transmission of messages. In passing the Act, Congress made its provisions broad enough to cover telephone and telegraph companies operating by wire or wireless and transmitting messages, communications or other intelligence by radio apparatus, but did not include broadcasting companies or radio broadcasting as now conducted, the formation of which was a later development.

"Can the provisions of Section 1(2) of the Act reading: 'The provisions of this Act shall also apply to such * * * * transmission of intelligence' be construed as meaning that such transmission, whether performed by a telephone company or anybody else, is subject to the Act? The answer seems to be in the negative, for otherwise purely private transmissions, such as are carried on by radio amateurs, would be included. We think the Act is properly construed as covering the transmission of intelligence only when conducted by the common carriers specified in Section 1(3) of the Act.

"As the present method of radio broadcasting was unknown at the time of the passage of the transportation act, by which the transmission of intelligence by wireless operation was included in the Act, we are of the opinion that it was not included in the common carriers over which our jurisdiction extends. The mere fact that the subject-matter in question may be within the literal language of the statute is not sufficient to bring it within its intent.

"There is an additional reason to support our viewpoint herein expressed, and to strengthen our conclusion as to what is and what is not a common carrier of intelligence as defined in Section 1(3) of the Act. In any 'transmission' heretofore considered, and in any probably existing at the time of the passage of the Radio Act of 1927 there seems to be implied the idea of a definite sender and a definite receiver. Going, for analogy, to the transmission of intelligence by wire, we doubt if it would be insisted, or if it could be successfully insisted that the mere clicking off of a message from one or more central stations would constitute a transmission of intelligence, and this is not based simply on the fact that such transmission is ordinarily in Morse code. There is the further element involved that the respective messages are to be delivered to the contemplated receivers of the messages. The boy in the blue uniform who rings the doorbell and who brings the message itself, or his counterpart or substitute, the telephone or mail, has a part in the transmission. Unless one has a radio receiving set properly attuned, he will never get and is not expected to get the intelligence, whether it be instruction, entertainment, or advertising, sent out from the broadcasting station. We do not believe this new art and practice, unknown at the time of the passage of the transportation act, of simply putting on the air or ether this instruction, entertainment, or advertisement, to that part of the public who may, by their receiving sets and antennae, go out to get this matter, was ever meant by Congress to be included in any act conferring express or implied power upon this Commission. It can not be presumed that the Congress was attempting to regulate a mere potential service, one that might or might not be developed, and particularly a service distinct and different in character from the methods of transmission of intelligence then known, i.e. messages by wireless from a definite sender to a definite receiver. This conclusion is supported by Section 1(5) of the Act wherein transmission of intelligence as a message or communication by wire or wireless is divided into day, night, and the other classes of messages."

Commissioners Aitchison and Mahaffie were of the opinion that it "is sufficient for the disposition of this complaint that it appear that (1) the defendant is not a common carrier engaged in the transmission of intelligence or (2) that the service in question is not transmission of intelligence, within the intendment of Section 1(1) and (3) of the Act. That companies engaged

ICC DISCLAIMS RATE JURISDICTION (Continued)

only in broadcasting are not common carriers of the sort within the contemplation of Congress, and that their broadcasting of advertising service is not the kind of 'transmission of intelligence' which the Act sought to regulate, seem clear from the terms of the Section as a whole, under familiar rules of statutory construction as to the limitation of general terms by enumeration of certain classes of persons and acts to be deemed included within the Act."

Chairman Porter dissented from the majority view and filed a separate opinion.

WOULD RESTRICT RECORDS

Some of the new phonograph record releases are carrying a notice that their use for broadcasting is prohibited. The labels state that these records have not been licensed for broadcasting. The recording companies have contended for some time that records of the ordinary commercial type may not legally be used for broadcasting but that their use must be confined to use in the home. Copyright owners and recording companies have insisted before Congress from time to time that a special copyright should be granted to the manufacturer of a record to protect him against all but private uses. So far as can be learned no phonograph company has ever attempted to litigate its right to prohibit the use of records for broadcasting purposes.

COMMISSIONER LAFOUNT TO SPEAK

Commissioner Harold A. Lafount, acting chairman of the Radio Commission, will be the principal speaker at the Monday afternoon session of the St. Louis Convention. Commissioner Lafount intends to discuss many problems which the Commission faces in its task of regulating the use of radio.

RADIO'S FUTURE MAGIC

"Radio's Future Magic" will be the subject of an illustrated address to be delivered at the St. Louis meeting of the NAB by O. H. Caldwell, former radio commissioner, president of the New York Electrical Society and editor of "Electronics" and "Radio Retailing." The remarkable new applications of electronic tubes and the electric eye which are revolutionizing communication, surgery, music, chemistry, geology, power transmission, therapeutics, the printing and engraving arts, factory methods, safety precautions, lighting, motion-pictures, time-keeping, surveying, facsimile transmission, television, etc. will be illustrated in Mr. Caldwell's address.

October 29, 1932

LOOKOUT FOR THIS FELLOW

The following warning has been sent out by Station WJAG, Norfolk, Nebraska:

"We entered into a contract with a solicitor to put on a "prosperity auction" over WJAG.

"After selling 42 merchants he left town leaving several bad checks. Either he or his assistants made several collections which were not reported to us. Either he or his assistants made promises to merchants contrary to our agreement.

"We have stopped the auction till we can print a new series of money and exchange the old for the new and we will then continue the auction in order that we may fulfill our part of the auction. The solicitor came to us with good recommendations.

"Any station considering putting on an auction of this kind may secure some suggestions based on experience by writing WJAG at Norfolk, Nebraska. The idea is all right if it is properly handled."

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KLUGH RMA LEGISLATIVE CHAIRMAN

Legislative affairs of interest to the radio industry hereafter will be in charge of Paul B. Klugh of Chicago. At the October 21 meeting of the RMA Board of Directors, Mr. Klugh was elected Chairman of the Association's Legislative Committee which has charge of action in connection with legislation by Congress at Washington and in State Legislatures, City Councils, etc. The RMA legislative organization of state chairmen, maintained in nearly all states, will be continued. Mr. Klugh succeeds as legislative chairman Mr. H. B. Richmond of Cambridge, Massachusetts, former president of the RMA.

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ENGLISH BROADCASTING MONOPOLY

Another step in the British program to replace 21 small radio broadcasting stations with eight large ones was taken when negotiations were completed for the erection of a "twin-wave" station at Droitwich, near Birmingham, England, according to a report from the consulate there made public by the Commerce Department. This will be the fourth station of this type in the British Isles. The "twin-wave" stations were developed by the broadcasting monopoly of Great Britain so that one station may broadcast two programs simultaneously. In this way, a national program is sent out from the transmitter on one wave length and a local program sent on another wave length, both of which are within the broadcast band.

According to the plan of the monopoly, the national program is sent out on about 100 watts and the local program at about 70 watts. It has been decided that the entire country may be better served with the eight stations planned than with the existing 21. So far, two of the "twin-wave" stations have been completed. One of these is at London and the other at Manchester. A third is under construction in Scotland. The fourth will be at Droitwich and take the place of the station formerly known as "Daventry 5XX". It will take about two years to complete the new station and place it in operation.

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October 29, 1932

RECOMMENDS EAST ST. LOUIS STATION

Chief Examiner Ellis A. Yost, in his report No. 425 this week recommended that the application of Station WKBS, Galesburg, Illinois, for license renewal be denied that the application of Maurice L. Barrett, to erect a new station at East St. Louis, Illinois, on 1500 kilocycles be granted and that the applications of Samuel E. Yaste and Burrel Barash to erect a station on 1310 kilocycles at Galesburg, the frequency now used by WKBS, be denied.

The Examiner states that both Permil N. Nelson, owner of WKBS and Samuel E. Yaste and Burrel Barash failed to appear at the hearing and their cases were denied "as in cases of default."

The Chief Examiner recommends that Barrett be allowed to erect his station at East St. Louis using 100 watts power, a frequency of 1500 kilocycles and unlimited time, the time being the facility of WKBS.

It is recommended that "the motion to deny the application of Samuel E. Yaste and Burrel Barash for a construction permit should be sustained because of the default and failure of applicants to appear or offer any evidence whatever in support of said application."

In connection with the refusal of the station license, the report states: "The motion to deny the application of Permil N. Nelson, licensee of radio station WKBS for license and renewal of license to station WKBS should be sustained because of the default and failure to appear or offer any evidence whatever in support of said applications."

It is further stated in regard to the application for a new station at East St. Louis that "no objectionable interference is expected to result from the operation of the proposed station" and "the equipment proposed to be installed by Maurice L. Barrett, conforms to the technical requirements of the Commission."

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NEWSPAPER PROTESTS MOVE

The Telegraph Herald Company, of Dubuque, Iowa, this week filed an appeal in the Court of Appeals of the District of Columbia against the decision of the Radio Commission granting Station WKBB, permission to move from Joliet, Illinois, to East Dubuque, Illinois.

The newspaper company has no station but wants to obtain one. This is the first time, it is stated, that anyone not owning a station has made an effort to appeal from a decision of the Commission.

Opposition to the stay order asked by the Telegraph Herald Company was filed with the Court on Friday by the Radio Commission claiming that the appellant, "The Telegraph Herald Company is not now and never has been a licensee of any radio broadcasting or other station, and has not now and never has had any application pending before the Commission for a broadcasting station construction permit or license, or other instrument of authorization."

NEWSPAPER PROTESTS MOVE (continued)

It is stated further in the petition of opposition that "on or about November 28, 1931, the Telegraph Herald Company made inquiry of the Commission as to the possibility of establishing a radio broadcasting station in Iowa." The Commission pointed out in a communication to the newspaper company that "in view of the large number of radio stations now licensed to operate and the limited number of channels available for broadcasting purposes, it is doubtful whether the Commission would give favorable consideration to an application for the construction of a new station." No further steps were taken by the company toward establishing a new station in Iowa "so far as the Commission was informed or advised." The Commission asks that the stay order be denied.

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COMMISSION TURNS DOWN NEW STATION

The Radio Commission this week refused to grant Edward Tomajko, Sr., a construction permit for the erection of a new broadcasting station at Greensburg, Pennsylvania thereby reversing Chief Examiner Ellis A. Yost in his Report No. 408.

It was found by the Commission that "Greensburg and surrounding area now receive fair to good daytime broadcast service from at least three stations located nearby and additional nighttime service from various high powered stations situated elsewhere."

The Commission found further in this case that "satisfactory showing is not made in this record that there is any real need for additional service in the Greensburg area or that the service proposed to be rendered therein by this applicant would be in the main materially different from that now received from a number of established stations."

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CHIMPANZEE:- ANNOUNCER - BOXER

The Transportation Committee for the St. Louis Convention has arranged for a number of trips to points of interest in and around St. Louis.

In his report this week, A. B. Hendry, WIL, reported fully upon the plans of this committee. One paragraph of his report is as follows:

"One of the most interesting trips doubtless, which we have arranged, will be to the St. Louis zoo, which is just a few minutes drive from the Hotel Chase. Mr. Vierheller, the Director, at the present time is training a pair of chimpanzees in one of the most unusual radio presentations imagineable. The chimpanzees are being trained to go through some of the supposed gestures of an announcer at the mike, and one of them, believe it or not, will play the piano before the microphone, while the other does a tap dance. There will also be a three-round boxing exhibit between the chimpanzees with a blow by blow broadcast from the ringside."

The same chimpanzees that broadcast will be the boxers - or is it the other way 'round.

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October 29, 1932

HEARING CALENDAR

The following hearings are scheduled for the week commencing Monday, October 31, 1932. All hearings commence at 10 a.m.

MONDAY, OCTOBER 31, 1932.

Docket #1712	NEW	G. C. Redfield Rapid City, South Dakota	C. P. 570 kc, 1 KW Share time with WNAX
Docket #1745	WNAX	The House of Gurney, Inc. Yankton, South Dakota	Renewal 570 kc, 1 KW Unlimited time.

TUESDAY, NOVEMBER 1, 1932.

Docket #1587	KLX	The Tribune Publishing Co. Oakland, California	Mod. Lic. 880 kc, 1 KW Unlimited time.
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THURSDAY, NOVEMBER 3, 1932

Docket #1728	NEW	Visual Radio Corporation Watson town, Pennsylvania	C. P. 2200-2300 kc, 1 KW Intermittent hours.
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OCTOBER 31 MONITORING EQUIPMENT DEADLINE

All broadcasting stations of the country, according to the most recent order of the Radio Commission must have their monitoring frequency apparatus operating successfully by Monday, October 31.

Due to the fact that the manufacturers were slow in making some deliveries a number of the broadcasting stations did not have their equipment installed when the order went into effect last June. The time for this installation has been extended for a number of stations from time to time but the Commission has announced that it will not make any further extensions beyond October 31, except for compelling reasons.

While no announcement has been made at the Commission, it is understood that the frequencies of certain stations will be checked and if they are not operating within the 50 cycle allowance they will be cited for hearing by the Commission.

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MORE TIME TO FILE BRIEFS

The Court of Appeals of the District of Columbia has granted Station WNYC, New York City until November 21, in which to file its brief in its appeal from a decision of the Radio Commission in Docket No. 5695. The Court granted Fred H. Goss until December 8, in which to file his brief in his case against the Commission in Docket No. 5804.

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October 29, 1932

APPLICATIONS SET FOR HEARING

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

KECA	Earl C. Anthony Inc. Los Angeles, California	Requests Mod. of Lic. to change frequency from 1430 to 780 kc (facilities of KTM & KELW).
NEW	Joseph De Palma Jeanette, Pennsylvania	Requests C. P. for new station, 590 kc, 250 watts, daytime.
WTBC	The Truth Publishing Co. Inc. Elkhart, Indiana	Requests C. P. to change equipment and increase operating power from 50 to 100 W.
W5XC	Ozark Radio Corporation Shreveport, Louisiana	Requests renewal of general experimental license.
W5XA	Rev. Lennie W. Stewart Shreveport, Louisiana	Requests renewal of general experimental license.

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APPLICATIONS DENIED

During the current week the Commission denied the following applications because the applicants failed to enter appearances at hearings set in their cases.

NEW	F. C. Carroll Lakewood, Ohio	C. P. 3255, 6425 12850 kc, 5 watts, intermittent hours.
NEW	The Humphrey Company Cleveland, Ohio	C. P. 6040, 12080, kc, 500 watts, 4 hours day, 4 hours night.
NEW	John Brownlee Spriggs Pittsburgh, Pennsylvania	C. P. 800 kc, 5 KW, daytime.
KROW	Educational Broadcasting Corp. Richmond, California	Mod. Lic. 930 kc, 500 watts, 1 KW LS, unlimited time.
WENC	Americus Broadcast Company Americus, Georgia	Denied authority to operate experimentally unlimited nighttime, for period of 60 days with 50 watts power, to determine extent of interference which would be caused by operation unlimited time with 50 watts nighttime, 100 watts daytime.

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October 29, 1932

APPLICATIONS RETURNED

During the current week the Commission has returned the following applications to the applicants.

4-MLB-1065	WKBF	Indianapolis Brdcastg. Inc. Indianapolis, Indiana	Mod. Lic. to change hours from specified to share with WCMA and WBAA (Request superseded by application 4-MLB-1068).
4-MLB-1051	KFNF	Henry Field Company Shenandoah, Iowa	Mod. Lic. to change hours to share with KUSD and WILL to remove time clause (Rule 6 a, c and d).
4-MLB-1050	KUSD	University of South Dakota Vermillion, South Dakota	Mod. Lic. to change hours to share with KFNF and WILL to remove time clause (Was to be considered with KFNF application and returned since KFNF application was returned).
4-MLB-1052	WILL	University of Illinois Urbana, Illinois	Mod. Lic. to change hours to share with KFNF and KUSD to remove time clause (Returned since KFNF application was returned).
5-MLB-1056	KUJ	KUJ, Inc. Walla Walla, Washington	Mod. Lic. to change from daytime to unlimited time. (Rule 6 a, c, d).
	WCAX	The Burlington Daily News, Inc., Burlington, Vermont	Renewal application returned. 1200 kc, 100 watts share with WNBX (not in proper form).
	WABZ	Samuel D. Reeks New Orleans, Louisiana	Renewal application returned.
	WJBW	Charles C. Carlson New Orleans, Louisiana	Renewal Application returned.

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SUPREME COURT REFUSES REVIEW

The United States Supreme Court has refused to review the case (No. 396) of the Dubilier Condenser Corporation against the Radio Corporation of America on the ground that it failed to file its petition for review within the time prescribed by the statute. The Dubilier Corporation claimed patent infringement. The Court also refused to review another case (No. 397) involving patent infringement of Lowell and Dunmore Patent No. 1635117 covering a signal receiving system.

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October 29, 1932

LICENSE RENEWALS GRANTED

During the current week the Commission granted the following licenses for which construction permits had been issued for changes: WKBZ, Ludington, Michigan; WHAS, Louisville, Kentucky; KFYO, Lubbock, Texas; WHET, Troy, Alabama.

The following stations were granted renewal of licenses for the regular period: KGA, Spokane, Washington; KIDO, Boise, Idaho; WFOX, Brooklyn, New York; WBBR, Brooklyn, New York; WEVD, New York City; WHAZ, Troy, New York, and KID, Idaho Falls, Idaho.

WCGU	United States Broadcasting Corp. Brooklyn, New York	Designated renewal application for hearing and granted temporary license pending decision on renewal application.
WHIS	Daily Telegraph Printing Co. Bluefield, West Virginia	Designated renewal application for hearing and granted temporary license pending decision on renewal application.
WRBX	Richmond Development Corp. Roanoke, Virginia	Designated renewal application for hearing and granted temporary license pending decision on renewal application.
WTAQ	Gillette Rubber Company Eau Claire, Wisconsin	Designated renewal application for hearing and granted temporary license pending decision on renewal application.
KSCJ	Perkins Bros. Co., The Sioux City Journal, Sioux City, Iowa	Granted temporary license, from November 1 to December 1, 1932, pending action on application for renewal of license.
KGMB	Honolulu Broadcasting Co. Ltd. Honolulu, T. H.	Granted temporary license, from November 1 to December 1, 1932, pending action on application for renewal of license.
KTW	The First Presbyterian Church of Seattle, Washington	Granted extension of temporary license to December 1, 1932.
WRAK	Clarence R. Cummins Williamsport, Pennsylvania	Granted temporary license subject to decision of Commission on pending application for renewal; to operate on 1370 kc, 100 watts, unlimited time until the completion of construction of Station WJEQ at Williamsport, Pennsylvania, and beginning program tests of said station, then simultaneous to share with WJEQ.

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PROPOSES TAX ON ANNOUNCERS

Radio stations would be taxed five per cent of their gross business under a bill to be introduced in the Alabama state legislature. The bill would also levy a tax of \$100 per year on announcers and \$25 a year on engineers.

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October 29, 1932

APPLICATIONS GRANTED

During the current week the Commission granted the following applications subject to the provisions of Rules 44 & 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>		
WPCH	Eastern Broadcasters Inc. New York City	Granted authority to make move from Hoboken, N. J. to Flushing, N. Y. effective today.
WJEJ	A. V. Tidmore Hagerstown, Maryland	Granted Mod. of C. P. to change type of equipment.
WFAS	Westchester Broadcasting Corp. White Plains, New York	Granted authority to operate Monday, October 31, from 3 to 4 p.m., in order to broadcast a political rally.
WCAD	St. Lawrence University Canton, New York.	Granted authority to install automatic frequency control. Also granted renewal of license 1220 kc, 500 watts, specified hours.
WDEV	Harry C. Whitehill Waterbury, Vermont	Granted Mod. of C. P. to change type of equipment authorized by C. P.
<u>SECOND ZONE</u>		
WHAS	The Courier Journal Co. & The Louisville Times Company Louisville, Kentucky	Granted authority to determine power of station by antenna measurement.
WORK	York Broadcasting Company York, Pennsylvania	Granted authority to operate from 4:45 p.m., EST, November 8 to 2 a.m., EST, November 9, in order to broadcast election returns.
<u>THIRD ZONE</u>		
KFPM	Dave Ablowich, d/b as The New Fur- niture Co., Greenville, Texas	Granted ren. of lic. 1310 kc, 15 watts, specified hours.
WROL	Stuart Broadcasting Corp. Knoxville, Tennessee	Granted Mod. of C. P. to make changes in equipment and change commencement date from August 29 to 10 days after this date and completion date from November 29 to 60 days after this date.

October 29, 1932

APPLICATIONS GRANTED (continued)

FOURTH ZONE

KLPM	John B. Cooley Minot, North Dakota	Granted authority to operate on a basis of sharing-time stations for the period from October 1 to November 7, in lieu of their present authorization for specified hours of operation.
KGCU	Mandan Radio Association Mandan, North Dakota	
KSOO	Sioux Falls Broadcast Assn. Inc. Sioux Falls, South Dakota	Granted authority to operate simultaneously with Station WRVA, on 1110 kc, from 6:30 p.m. to 1 a.m., CST, November 8, in order to broadcast election returns.
WHA	University of Wisconsin Madison, Wisconsin	Granted Mod. of C. P. extending completion date from September 13 to November 13, 1932

FIFTH ZONE

KRKD	Dalton's Inc. Los Angeles, California	Granted C. P. to move transmitter Locally in Los Angeles, to same location as that of KFSG, and use KFSG's transmitter during period of the move.
KCRJ	Charles C. Robinson Jerome, Arizona	Granted authority to operate from 8 p.m. until 12 midnight, November 8, in order to broadcast election returns.
KGCK	First State Bank of Vida Wolf Point, Montana	Granted Mod. of Lic. to change hours of operation from daily, 6 to 9 a.m.; noon to 3 p.m.; 6 to 9 p.m. MST, to: daily except Sunday 6:30 to 9 a.m.; 11:30 a.m. to 3 p.m. 6 to 9 p.m., and Sunday, 7 to 9 a.m.; 11a.m. to 3 p.m. and 6 to 9 p.m. (Total day and night hours remain same and no change in quota.)
KGAR	Tucson Motor Service Company. Tucson, Arizona	Granted authority to operate from sunset November 8, to 4 a.m., November 9 with 250 watts power, in order to broadcast election returns.
KUMA	Albert H. Schermann Yuma, Arizona	Granted special authority to operate from 9 p.m. to 12 midnight, MST, October 31 and November 7.

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October 29, 1932

APPLICATIONS RECEIVED

During the current week the Commission 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-MPB-387		WGNY	Peter Goelet Chester Township, N. Y.	Mod. of C. P. issued 9/30/32 to make changes in equipment.
1-PB-2722		WABC- WBOQ	Atlantic Broadcasting Corp. New York, N. Y.	C. P. to move auxiliary formerly licensed, from West of Cross Bay Blvd., L. I., N. Y., to location of main transmitter $\frac{1}{2}$ mile from Wayne, New Jersey.
1-MPB-385		WHDH	Matheson Radio Co., Inc. Boston, Massachusetts	Mod. of C. P. issued 7/15/32 to give exact transmitter location.
1-PB-2726		WLCI	Lutheran Association of Ithaca, New York.	C. P. to make changes in equipment.
<u>SECOND ZONE</u>				
2-PB-2717		WBAX	John H. Stenger, Jr. Wilkes-Barre, Pennsylvania	C. P. for changes in equipment, change frequency, power and hours from 1210 kc, 100 watts, specified hours to 1230 kc, 250 watts, unlimited hours.
<p>The nearest station on this frequency would be WPSC, State College, Pennsylvania, which has been denied this frequency by the Commission but still has right of appeal. This station is 110 miles distant while the engineers of the Commission recommend a separation of 60 miles.</p>				
<p>Should this station finally be denied this frequency the nearest other station on the same frequency is WNAC, Boston which is 260 miles distant.</p>				
2-MLB-1079		WRBX	Richmond Development Corp. Roanoke, Virginia	Mod. of lic. to change hours of operation from, shares equally with WHIS, to shares with WHIS, to remove the word "equally" from license.
2-PB-2692A		NEW	Herman Radner Lansing, Michigan	C. P. for new station to use 880 kc, 100 watts, unlimited hours amended to request 1210 kc.

The nearest station on this same frequency is CFCO, Chatham, Ontario, which is 130 miles distant. The engineers of the Commission recommend a separation of 185 miles. Both the Second Zone and the State are under quota.

October 29, 1932

APPLICATIONS RECEIVED (continued)

SECOND ZONE (continued)

2-MLB-1074A	WCBA	B. Bryan Musselman Allentown, Pennsylvania	Mod. of Lic. to increase power from 250 to 500 watts; amended to request the authorization be made on experimental basis.
2-MLB-1075A	WSAN	Allentown Call Publishing Co. Inc., Allentown, Pennsylvania	Mod. of Lic. to increase power from 250 to 500 watts; amended to request the authorization be made on experimental basis.

THIRD ZONE

3-FB-301	WACO	Central Texas Broadcasting Co. Inc., Waco, Texas	Install automatic frequency control.
3-MLB-1078	WENC	H. P. Everett, Linwood Morris, R. T. Crabb d/b as Americus Broadcast Company, Americus, Georgia	Mod. of Lic. to change power and hours from 100 watts, daytime to 50 watts night, 100 watts local sunset, unlimited hours.

The nearest station on the same frequency to WENC, 1420 kc is WAMC, Anniston, Alabama, which is 150 miles away. The engineers of the Commission recommend a separation of 185 miles. The Third Zone is over quota but the state has just what it is allowed. Granting of this application would increase the quota.

3-FB-2723	KOCW	J. T. Griffin Chickasha, Oklahoma	C. P. to change transmitter and studio locally and change equipment.
3-ALB-472	KTSA	Lone Star Broadcast Co., Inc. San Antonio, Texas	Vol. assign. of lic. to Southwest Broadcasting Company.

FOURTH ZONE

4-MLB-1080	WKBH	WKBH, Inc. La Crosse, Wisconsin	Mod. of lic. to change hours of operation from simultaneous day with KSO; divide night with KSO to unlimited.
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Granting of this application would increase the quota. The Zone is over quota but the State is under quota.

4-FB-2721	NEW	Harold Bourell & Larry Thomas d/b as The Hutchinson Brdcstg. Corp., Hutchinson, Kansas	C. P. for new station to use 1500 kc, 200 watts, daytime.
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Hutchinson is 260 miles from Grant City, Missouri, where station KGIZ, operates on the same frequency and is the nearest station on that frequency. The Commission's engineers recommend a separation of 100 miles. The Fourth Zone is over quota but the State is under quota. Granting of this license would increase the quota.

October 29, 1932

APPLICATIONS RECEIVED (continued)

FOURTH ZONE (continued)

4-PB-2695	NEW	Capitol Radio Transmitting & Detection Corp. Joplin, Missouri	C. P. for new station to use 1420 kc, 100 watts, unlimited hours, facilities of WMBH, Joplin, Missouri.
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The nearest station on this frequency is KGFF, Oklahoma City, Oklahoma, which is 190 miles distant. The engineers of the Commission recommend a separation of 185 miles. Both the Z one and State are over quota.

FIFTH ZONE

5-MPB-388	KMJ	James McClatchy Co. Fresno, California	Mod. of C. P. issued 7/22/32 to give exact transmitter location and change in antenna.
5-FB-299	KGfJ	Ben S. McGlashan Los Angeles, California	Install automatic frequency control.
5-FB-302	KLZ	The Reynolds Radio Co., Inc. Denver, Colorado	Install automatic frequency control.

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RENEWAL APPLICATIONS RECEIVED

During the current week the Commission has received license renewal applications from the following stations: KREG, Santa Ana, California; WMPC, Lapeer, Michigan; WKBZ, Ludington, Michigan; WJBK, Detroit, Michigan; WSIX, Springfield, Tennessee; KGIZ, Grant City, Missouri; KFVD, Los Angeles, California; WWSW, Pittsburgh, Pennsylvania; WCAK, Burlington, Vermont; WEBG, Altoona, Pennsylvania; WJAC, Johnstown, Pennsylvania; WGH, Newport News, Virginia; WDAS, Philadelphia, Pennsylvania; WJTL, Atlanta, Georgia.

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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: KGBX, Springfield, Missouri; KNX, Los Angeles, California; KASA, Elk City, Oklahoma; KNX, Los Angeles, California.

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NFRA PLANS RADIO "WHO'S WHO"

H. G. Erstrom, executive vice president of the National Federation of Radio and Electrical Associations, has announced that his group is endorsing and promoting a publication to be entitled "Who's Who In Radio".

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