

The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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CHANGE ELECTRICAL POWER TAX LAW

The Congress is expected within the next few days to adopt the conference report on the so-called electrical energy-gasoline tax bill under which radio stations would be relieved from payment of the electrical power tax after September 1, 1933.

Section 6 of the bill would amend Section 616 of the Revenue Act of 1932, as follows:

"(a) There is hereby imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3 per cent of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe."

The present law imposes the tax upon the domestic and commercial users of power which the new law will shift the tax upon the power companies. Under a ruling made by the Commissioner of Internal Revenue last year, over the protest of the NAB, broadcast companies were held to be commercial users of power.

REORGANIZATION PLAN SLOWED UP

The plan to consolidate and reorganize various government bureaus and commissions developed under the direction of Secretary of Commerce Roper may be sidetracked until the next session of Congress, it was rumored this week. It was learned on good authority, however, that the President may send to Congress a reorganization plan that will be limited to minor changes in existing bureaus in several departments.

MAY NAME THREE U. S. DELEGATES

It is reported that Representative Schuyler O. Bland, of Virginia, chairman of the Committee on Merchant Marine, Radio and Fisheries of the House of Representatives, will be asked by the State Department to be a member of the American delegation to the North American Radio Conference to be held in Mexico City beginning July 10.

In view of the fact that the Mexican Government has invited the Central American countries to participate in this conference, it is reported that the American Government will appoint three instead of two delegates. The name of the third delegate has not been mentioned but it is understood that he will be someone who is thoroughly conversant with South and Central American conditions. No intimation has come from the State Department as to when the other two delegates will be named. The only one named to date is Judge Eugene O. Sykes, chairman of the Federal Radio Commission, who will also be chairman of the American delegation.

NAB COMMERCIAL SECTION MEETING

Announcement was made this week of the tentative program for the second NAB Commercial Section meeting which will be held at Grand Rapids, Mich., on Tuesday, June 27, in connection with the annual convention of the Advertising Federation of America. The session will commence at 10 a. m. and early indications are that the session will be well attended.

H. K. Carpenter, chairman of the Commercial Committee, will preside.

The tentative program is as follows:

Problems of Station Promotion—Discussion led by John Patt, WGAR, Cleveland, Ohio.

Sales Management—Discussion led by Louis Weiss, WJR, Detroit, Mich.

Merchandising—Discussion led by Harry Howlett, WHK, Cleveland, Ohio.

Commercial Scripts—Discussion led by John Henry, KOIL, Council Bluffs, Iowa.

Cooperation with Local Civic Groups—Discussion led by Ed. Bill, WMBD, Peoria, Ill.

Participating Ideas—Discussion led by Ed. Craney, KGIR, Butte, Mont.

Station Surveys—Discussion led by Martin Campbell, WFAC, Dallas, Texas.

Standardization of Units of Sale and Rates—Discussion led by Arthur B. Church, KMBC, Kansas City, Mo.

Standardization of Commercial Forms—Discussion led by Roy Harlow, WNAC, Boston, Mass.

Sales Problems Common to Both Small and Large Station—Discussion led by Leslie Fox, WSM, Nashville, Tenn.

Station Displays—Discussion led by Don Davis, WHB, Kansas City, Mo.

How the NAB Can Cooperate with Commercial Managers and Program Directors—Discussion led by Herman S. Hettinger, University of Pennsylvania.

Maintenance of Published Rates—Discussion led by Philip G. Loucks, NAB Managing Director.

RAMSPECK NAMED RADIO CHAIRMAN

Representative Bland, Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, announced this week that Representative Ramspeck, Georgia, has been named chairman of the subcommittee on radio of the full committee succeeding Representative Briggs, Texas, who died recently.

ASCAP DRIVE ON RESTAURANTS

The campaign of the American Society of Composers, Authors and Publishers to exact royalties from restaurants has now spread to the States of Michigan and New Jersey, according to reports received from a number of broadcasting stations by Oswald F. Schuette, NAB director of copyright. If member stations learn of further efforts of this nature on the part of ASCAP, they are urged to communicate with Mr. Schuette, National Press Building, Washington, D. C. Restaurants receiving threatening notices from ASCAP should communicate immediately with their Congressmen, calling attention to the fact that a year ago, in the hearings of the House Patents Committee, the highest officials of ASCAP formally pledged themselves to Chairman Sirovich of that committee that they would make no effort to exact royalties from small restaurants and other minor shopkeepers.

PROGRAM COMMITTEE MEETING CALLED

Edgar L. Bill, chairman of the NAB Program Section, has fixed June 28 at Chicago as the time and place for the meeting of the NAB Program Committee. The Committee will have before it at its meeting a number of important proposals, all of which will be acted upon at the meeting. One of the important matters on the agenda is the establishment of a Program Department in the NAB and the development of details for the operation of such Department. The creation of the Department was approved by the Board of Directors upon recommendation of the Managing Director.

LUCE INTRODUCES COPYRIGHT BILL

Representative Luce of Massachusetts on May 31 introduced in the House a bill (H. R. 5853) which would change the present copyright law in certain important particulars.

Generally, the bill would (1) enable the United States to enter the International Copyright Union under the Rome convention of June 2, 1928; (2) provide automatic copyright for authors and

composers; and (3) would extend Section 1 of the Copyright Act of 1909 to the broadcasting of literary works.

The NAB has not opposed the entry of the United States into the International Copyright Union nor has it opposed the theory of automatic copyright; provided the authors of literary and artistic works are required to register and record such works as at present. The Luce bill, however, would eliminate all requirements of registration and recordation.

The bill would extend the life of a copyright and would do away with the requirement that works must be published in this country as a prerequisite to obtaining copyright.

Section 4 of the bill would grant to authors of literary works substantially the same right which composers of musical works now have in the public performance for profit of their creations. Under this section the right of the author to oppose distortion, mutilation and other modification of his work would subsist in him notwithstanding the assignment of his copyright. It would give to the author of the work the right to restrain the broadcasting of such mutilated work.

The bill in full text follows:

"That copyright throughout the United States and its dependencies shall subsist in the work of alien authors, not domiciled in the United States, by virtue of the adherence of the United States to the Convention of Berne for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Rome on June 2, 1928.

"Sec. 2. From and after the date upon which the adherence of the United States to the said convention of 1928 becomes effective, copyright protection shall be accorded without compliance with any conditions or formalities whatever for all works by such alien authors who are nationals of any country which is a member of the International Copyright Union, as well as for any work which may be or has been first published in a country which is a member of the said Union: Provided, That as to copyright in works not previously copyrighted in the United States, no right or remedy given pursuant to this Act shall prejudice lawful acts done or rights in or in connection with copies lawfully made or the continuance of business undertakings or enterprises lawfully undertaken within the United States or any of its dependencies prior to the date on which the adherence of the United States to the said convention of 1928 goes into force; and the author or other owner of such copyright or person claiming under him shall not be entitled to bring action against any person who has prior to such date taken any action in connection with the exploitation, production, reproduction, circulation, or performance (in a manner which at the time was not unlawful) of any such work whereby he has incurred any substantial expenditure or liability.

"Sec. 3. Copyright is hereby granted and secured by this Act to all authors entitled thereto from and after the creation of their work, whether published or unpublished, including works of architecture and choreographic works and pantomimes, and the duration and termination of such copyright shall be governed by the provisions of sections 23 and 24 of the Act of March 4, 1909 (U. S. C., title 17): Provided, That the duration of copyright in the United States shall not in the case of the work of any alien author extend beyond the date upon which such work has fallen into the public domain in the country of its origin as defined in said convention of 1928.

"Sec. 4. The rights granted in Section 1 of the said Act of 1909 (U. S. C., title 17) shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting: and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work, and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work.

"Sec. 5. The Supreme Court of the United States shall prescribe such additional or modified rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement under the provisions of this Act.

"Sec. 6. This Act shall take effect from the date of its passage."

SECURITY BILL BECOMES LAW

President Roosevelt, May 27, signed the Securities Act which grants broad regulatory powers to the Federal Trade Commission.

The bill covers the advertising of securities by radio and requires copies of the addresses to be filed with the Commission.

Forty days after signing the Act will take effect.

As reported by the Committee on Banking and Currency the purpose of this bill is to protect the investing public and honest

business. The basic policy is that of informing the investor of the facts concerning securities to be offered for sale in interstate and foreign commerce and providing protection against fraud and misrepresentation.

The aim is to prevent further exploitation of the public by the sale of unsound, fraudulent, and worthless securities through misrepresentation; to place adequate and true information before the investor; to protect honest enterprise, seeking capital by honest presentation, against the competition afforded by dishonest securities offered to the public through crooked promotion; to restore the confidence of the prospective investor in his ability to select sound securities; to bring into productive channels of industry and development capital which has grown timid to the point of hoarding; and to aid in providing employment and restoring buying and consuming power.

The principal duty of carrying out the purposes of the bill is placed upon the Federal Trade Commission. It is intended that those responsible for the administration and enforcement of the law shall have full and adequate authority to procure whatever information may be necessary or material in carrying out the provisions of the bill. It has been deemed essential to refrain from placing upon any federal agency the duty of passing judgment upon the soundness of any security. Moreover, care has been taken to prevent the public from being led to believe that the federal government under the proposed law passes upon the soundness of any security, and to represent that any security has been so approved as to its soundness is declared to be unlawful (sec. 10).

This bill is intended to be self-sustaining through the payment of filing fees of one one-hundredth of 1 per cent of the value of the securities registered (sec. 5, subd. (e)) with a minimum of \$25. This fee is, of course, to be covered into the Treasury of the United States (sec. 17).

The bill contains six main features:

1. Registration of information with the Federal Trade Commission.
2. Supervision of advertisements of securities.
3. Revocation and suspension of registration.
4. Exemptions.
5. Personal responsibility.
6. Remedies in case of fraud.

1. REGISTRATION OF INFORMATION WITH THE FEDERAL TRADE COMMISSION (SECS. 3 TO 5)

The bill requires registration or filing of information with the Federal Trade Commission when a person or corporation is about to sell securities in interstate commerce. The issuer who sells securities without previous registration subjects himself to both civil and criminal penalties.

2. SUPERVISION OF ADVERTISEMENTS OF SECURITIES (SEC. 8)

The bill sets forth somewhat in detail what information is required in advertisements including data as the amount of bonuses, discounts, rebates, and commissions given by the issuer, underwriters and others, the net return to capital investment, the names of the officers and directors and those responsible for the security, and a statement that further information can be secured by applying to the Commission. It also requires the issuer or his representatives when delivering stock to a purchaser to furnish the purchaser with written information similar to that in the advertisements. It subjects the issuer of securities, on failure to advertise essential facts, to penalties similar to those applicable where he fails to register information with the Commission. The registration and advertising requirements for private foreign securities are the same as those applied to domestic securities.

Provision is made, however, that where because of limited size of any advertisement it is impracticable to set forth all the information, the Commission may prescribe by rules or regulations what parts thereof or other information should be given in the interest of the protection of the public. Such provision affords the flexibility necessary to meet varying conditions in a practical way.

RADIO BROADCASTS

Section 10 (d) provides: "In any case where a prospectus consists of a radio broadcast, copies thereof shall be filed with the Commission under such rules and regulations as it shall prescribe. . . ."

3. REVOCATION AND SUSPENSION OF REGISTRATION (SECS. 6 AND 7)

The revocation feature of this bill is not found in the British act. It is proposed in the bill to give the power to the Commission to revoke or suspend registration the moment it sees that an advertisement does not agree with the registration information, or that the information filed is false. Immediate revocation will then save the public in large part from what might otherwise result in heavy losses. The rights of the aggrieved party, however, are safeguarded through the privilege to demand a hearing before final order by the Commission. In the event that the final order is against him, he is given recourse by way of review of the order by the Circuit Courts of Appeals or the Court of Appeals of the District of Columbia.

5. PERSONAL RESPONSIBILITY

The committee has been confronted with the problem of the contrasted equities where untrue information as to material facts shall be given in any registration statement upon which the buyer presumably relies. This goes to the essence of the relief to the public. Shall the signers on behalf of the corporation be exempt from liability if it cannot be shown that they knew of the false or erroneous character of the representations made?

The question is whether ignorance of an untruth should excuse the director and leave the loss upon the buyer. To do so in our opinion would fail to give the buyer the needed relief and fail to restore confidence. If one of two presumably innocent persons must bear a loss, it is familiar legal principle that he should bear it who has the opportunity to learn the truth and has allowed untruths to be published and relied upon. Moreover he should suffer the loss who occupies a position of trust in the issuing corporation toward the stockholders, rather than the buyer of stock who must rely upon what he is told.

The committee believes it to be essential to accomplish the objects of the Act to make the directors executing the registration statement liable for the consequences of untrue statements rather than to throw the loss on the buyer.

Accordingly the registration of false information under the bill makes not only the issuer, but the directors who sign, civilly liable for return of the money which the purchaser paid for the security. If a director can excuse himself by saying that he has in good faith relied upon an accountant's statement, or the statement of some other person, then the investor will continue in the same position from which the Nation is struggling to extricate him. It has been stated in prospectuses repeatedly that the information given is believed by the company to be true, but not guaranteed. But it is the issuer who is in position to learn the facts, not the public.

This phase of the law will have a direct tendency to preclude persons from acting as nominal directors while shirking their duty to know and guide the affairs of the corporation. Upon the discharge of this duty the public and stockholders rely in good faith. We cannot but believe that many recent disastrous events in the investment world would not have taken place if those whose names have appeared as directors had known themselves to be under a legal, as well as a moral, responsibility to the investing public.

The committee believes that making directors and officers personally liable will result in persons retiring from many boards and confining their efforts to a few boards where they will actually direct.

Where an officer or director knowingly participates in violation of the terms of the bill, either by failure to file the information, or by filing false information, or advertises falsely, he subjects himself also to fine or imprisonment, or both. This provision is in harmony with the British statute.

6. REMEDIES IN CASE OF FRAUD, FALSE INFORMATION, ETC.

Under the bill, in case of fraud or misrepresentation in the sale of securities, the remedies are as follows:

(1) The purchaser may rescind the transaction and sue for a return of his money in the district whereof the defendant is an inhabitant or is found, or transacts business (sec. 9).

(2) The Government may stop the further or threatened fraud or misrepresentation by injunction in the district courts (sec. 13).

(3) The registration of the securities may be revoked or suspended for fraud or misrepresentation on the part of the issuer, but the revocation or suspension does not apply to such parts of an issue of securities which have already been sold and are in the hands of the public (sec. 6).

(4) Those guilty of the fraud may be prosecuted criminally by the Attorney General (sec. 13).

The registration of false information makes the issuer, including the directors, civilly liable for return of the money which the purchaser paid for the security. This civil liability is only in the case where materially false or deceptive information has been registered, and is analogous to the common-law liability of a principal for the acts of his agents or of a partner for the acts of his copartners. In case of misrepresentations in the advertisements or selling methods, those responsible for or using the misrepresentations are also made liable to the purchaser for the damages suffered by reason thereof (sec. 9).

A five-year limitation is placed upon all civil suits, actions, or proceedings brought by purchasers.

RECOVERY BILL BEFORE SENATE

Senator Harrison of Mississippi, chairman of the Senate Finance Committee, has stated that he hopes to be able to report the Industrial Recovery Bill to the Senate on June 5.

Hearings which have been held by the committee on the bill were concluded on June 1.

Considerable opposition is developing to the bill, and while there seems to be no question but what the bill will be passed, there is also very little question but what it will have a rather rocky passage through the Senate.

Present opposition is devoted almost entirely to the lack of protection for American manufacturers from foreign competition, and also to the labor provisions contained in the bill. The steel and many other industries are opposed to the labor bargaining provisions of the bill.

There is also increasing dissatisfaction over the tax provisions of the bill as it passed the House. On the other hand the Finance Committee is reported to be working out tax provisions which will not be so hard on the "little fellow."

Meeting was held June 3 of representatives of more than 1,000 industrialists under the call of the National Manufacturers Association to protest against certain sections of the bill. This association, together with the Chamber of Commerce of the United States, stuck with the administration during the drafting of the bill but both organizations now claim that some changes will have to be made in the bill if it is to be just and workable for industry.

The bill as passed by the House on May 26 undoubtedly will undergo several important changes in the Senate. A summary of Title I of the measure, as passed by the House, is as follows:

Section I—Declaration of Policy

Existence of national emergency declared. Policy of Congress declared to be:

To remove obstructions to interstate commerce.

To promote the organization of industry for cooperative action.

To obtain united action of labor and management under governmental supervision.

To eliminate unfair competitive practices, to reduce unemployment, to improve standards of labor.

Otherwise to rehabilitate industry and to conserve natural resources.

Section II—Administrative Agencies

a. Administration of measure vested in the President who is authorized to establish agencies, utilize voluntary services, and federal and state officers and employees.

b. Powers of President may be delegated to designated officers and agents: President may establish an industrial planning and research agency.

c. Title I shall cease to be in effect and all agencies established thereunder shall cease to exist at the expiration of two years after enactment, or sooner upon proclamation of President or upon joint resolution of Congress.

Section III—Codes of Fair Competition

a. Codes of fair competition may be formulated by trade organizations for submission to the President.

The code for an industry may be approved by the President if he finds:

1. That the group formulating the code imposes no inequitable restrictions on membership and is truly representative of its industry.

2. That the code is not designed to promote monopolies, to eliminate, oppress, or discriminate against small enterprises, and that it will tend to effectuate the policy of the title.

As a condition of approval, the President may impose requirements for submittal of reports, keeping of accounts, and for the protection of consumers, competitors, employees, and others, and in the public interest.

The President may also establish exceptions to and exemptions from the code.

- b. Upon approval by President the code shall constitute the standards of fair competition for the industry.

Any violation of such standards "in any transaction in or affecting interstate commerce shall be deemed an unfair method of competition" as construed in the Federal Trade Commission Acts.

Violation of any provision of code shall be a misdemeanor punishable by a fine of not more than \$500 for each offense.

- c. United States district courts are given jurisdiction to prevent and restrain violations of code; federal district attorneys empowered to institute proceedings.
- d. When no code has been approved by the President, he may upon his own motion or upon complaint prescribe and approve a code of fair competition for an industry, such code to be binding upon the industry.

Section IV—Agreements and Licenses

- a. The President is authorized to enter into agreements with, and to approve voluntary agreements between and among persons engaged in an industry, labor organizations, and trade organizations, or groups, if, in his judgment, such agreements will aid in effectuating the policy of the Act and are not inconsistent with previously approved codes of fair competition.

- b. If essential to make effective codes or agreements, the President may, after notice and hearing, establish a date after which no person can conduct a specified line of business, in or affecting interstate commerce, without a license issued under regulations prescribed by the President.

The President may suspend or revoke any license after notice and hearing.

Persons conducting any business for which a license is required, without such a license or in violation of any condition thereof, shall, upon conviction, be fined not more than \$500, or imprisonment not more than six months, or both.

Section V—Applicability of Anti-Trust Laws

While Title I is in effect and for sixty days thereafter, all codes, agreements, and licenses approved or promulgated by the President, and any action complying with the provisions thereof taken during such period, shall be exempt from the federal anti-trust laws.

Section VI—Limitations Upon Application of Title I

- a. No trade organization or group shall be eligible to participate in activities prescribed in previous sections until it files with the President a statement containing such information relating to its activities as the President shall prescribe.
- b. The President is authorized to prescribe regulations to assure the representative nature of any organization availing itself of the benefits of Title I; any organization violating such regulations shall cease to be entitled to the benefits of the title.
- c. The Federal Trade Commission, at request of the President, shall be empowered to make such investigations as he deems necessary to effectuate the provisions of this title.

Section VII—Employment Provisions

- a. Every code, agreement, and license, approved or promulgated, shall contain the following provisions:
1. That employees shall have the right to organize and bargain with representatives of their own choosing and that they shall be free from interference or coercion of their employers in the designation of their representatives, or in other concerted activities relating to collective bargaining.
 2. That no employee or applicant for employment shall be required to join or refrain from joining any "company union" or labor organization.
 3. That employers shall comply with maximum hours of labor, minimum rates of pay, and other working conditions prescribed by the President.
- b. In any industry in which requirements relating to right to organize and to collective bargaining are observed, the

President shall afford opportunity for employers and employees to establish, by mutual agreement, equitable standards for maximum hours, minimum wage rates, and other working conditions; such standards, if approved by the President, shall have the effect of a code of fair competition.

- c. In any industry where no mutual agreement has been approved, the President may investigate labor practices and policies and, after hearings, the President may prescribe a limited code of fair competition fixing maximum hours, minimum wage rates, and other working conditions.

In establishing standards the President may fix differentials based upon experience and skill of the employees affected, and upon geographical considerations, provided that no classifications may be used which would tend to set a maximum as well as a minimum wage.

- d. The term "person" is construed to mean any individual, partnership, association, trust, or corporation.

Section VIII—Application of Agricultural Adjustment Act

This title shall not be construed to repeal or modify any of the provisions of the Agricultural Adjustment Act approved May 12, 1933.

Section IX—Rules and Regulations

- a. The President is authorized to prescribe necessary regulations, and to fix fees for licenses and for filing of codes of fair competition.

Violation of any rule or regulation shall be punishable by fine of not to exceed \$500, or imprisonment for not to exceed six months, or both.

- b. The President may cancel or modify any order, license or regulation issued under this title, and each agreement, code or license shall contain an express provision to that effect.

MICHIGAN LIQUOR ADS VETOED

On May 25th the Governor of Michigan vetoed the Doyle Bill (S. 101), which would have repealed section 9203 providing for a prohibition of advertising intoxicating liquor.

FLORIDA WOULD LEASE WRUF

The Florida House on May 27 passed the Brown Bill which would permit the state to lease Station WRUF, now licensed to the state university at Gainesville, Fla. The bill now goes to the Senate.

TEN LEGISLATURES IN SESSION

Of the 45 state legislatures in session last January, only 10 now remain in session. Since the first of the year 62,500 bills were introduced in the various legislatures, of which 8,000 have been enacted into law. Of the 8,000, about 1,200 relate to taxation, many of which contain extensive regulatory features vitally affecting industry.

CONGRESS MAY SOON ADJOURN

Leaders of both the Senate and House have stated that Congress will be ready to adjourn during the present month. Every effort will be made to conclude President Roosevelt's emergency legislation program before adjournment.

PENNSYLVANIA ACT BECOMES LAW

On May 24th Governor Pinchot signed the Coyne Bill, which by its terms becomes effective immediately, prohibiting advertising by radio (or otherwise) of insurance companies not authorized to do business in the Commonwealth, and requiring that insurance advertising by broadcast include a statement that the station holds a certificate stating that the advertiser is authorized by the Insurance Department to do business in Pennsylvania.

GEORGE H. HILL TO BE EXAMINER

Appointment of George H. Hill, who has been a member of the legal staff of the Federal Radio Commission since November, 1931, as an examiner, was announced June 2. Mr. Hill will assume his new duties on June 15. He succeeds Elmer W. Pratt, who was one of the original attorneys for the Commission and also one of its first examiners. Mr. Pratt's resignation became effective on June 1. Mr. Hill, the new examiner, is a Democrat and came to the Commission from Mississippi.

APPROVE NEW ALABAMA STATION

The Federal Radio Commission on June 2 granted the application of Kathryn Jones for the erection of a new 100-watt station at Florence, Ala., sustaining Examiner E. W. Pratt in his Report No. 475. The station will operate daytime hours on a frequency of 1420 kilocycles.

The Commission in its decision found that there is need for additional daytime radio service in the Florence area and the operation of the proposed station would not create interference with any other broadcasting station. The Commission states also that "the application has the support of the community as is evidenced by the fact that representatives of five civic bodies appeared at the hearing urging the granting thereof."

LICENSE DENIED STATION WKAV

Application for renewal of the license of Station WKAV, Laconia, N. H., was denied by the Federal Radio Commission June 2, sustaining Chief Examiner Yost in his Report No. 483. The station operates on a frequency of 1310 kilocycles, 100 watts power, specified hours. The renewal was denied as in cases of default.

COURT DISMISSES KGDA CASE

The Court of Appeals of the District of Columbia on Friday dismissed the appeal of Station KGDA, Mitchell, S. Dak., against the Radio Commission. The case was dismissed at the request of the appellant.

The Radio Commission refused to renew the license of this station and also refused to allow it to move to Aberdeen, S. Dak. In the same decision the Commission granted increased power and a license renewal to Station WNAX, Yankton, S. Dak.

CANADIAN REGULATIONS FOLLOW U. S.

The Canadian Radio Broadcasting Commission, under an act which became effective on May 26, 1932, has just adopted its Rules and Regulations for broadcasting stations, which follow very closely the Rules and Regulations approved by the Federal Radio Commission and made effective February 1, 1932.

In fact, the Canadian Commission has laid down for the instruction and guidance of broadcasters the same engineering principles incorporated in the Rules and Regulations of the Federal Radio Commission. For instance, effective September 30, 1933, all Canadian broadcasting stations in operation on and after that date shall be equipped so that the station transmitter will maintain its carrier frequency between the limits of fifty cycles above and fifty cycles below the assigned frequency. The Federal Radio Commission put that rule into effect June 22, 1931.

Effective September 30, 1933, all Canadian broadcasting stations will be required to have in use transmitters capable of delivering satisfactorily the authorized power with a modulation of at least seventy-five per cent. All stations are required to have installed radio frequency monitor systems on or before September 30, 1933, which will indicate visually the stations' frequency drift. These requirements were made effective by the Federal Radio Commission as to stations in the United States on April 30, 1931.

Again the Canadians must maintain a minimum regular operating schedule of two-thirds of the hours that the stations are authorized during the broadcast day. The broadcast day is defined as that period between 6:00 a. m. and 12:00 midnight, local standard time, the same as in the Rules and Regulations of the Federal Radio Commission.

Under the Canadian rules the broadcast stations are classified, just as they are by the Federal Radio Commission, into "high-power channels," "regional stations," and "local stations," according to the same power assignments.

The definition of technical terms, their significance and application, follow almost verbatim the language used in the Rules and Regulations of the Federal Radio Commission.

Announcements regarding mechanical reproductions follow closely the rule on the subject adopted by the Federal Radio Commission.

An interesting deviation is the section devoted to "Control of Programs." That provides stations must not use more than forty per cent of their time on programs imported from foreign countries, stations in Canada shall not mention or suggest prices in connection with any advertising programs or announcements transmitted, the licensee must file with the Commission weekly in advance copy of the daily program schedule. Canadian programs are given priority, when requested, to foreign programs. The licensee, upon request of the Commission, must give right of way to programs which in the judgment of the Commission are of national interest.

The use of recorded programs and electrical transcriptions must be confined to such hours and subjects as may be defined for each station by the Commission. Electrical transcriptions designed for advertising purposes shall not be broadcast more than once from any one station.

Except where special permission has been given by the Commission, the amount of advertising matter of all kinds contained in programs broadcast from Canadian stations shall not exceed five per cent of the time of any program period; for example, in a quarter-hour program forty-five seconds only may be given to advertising matter. No station shall broadcast spot announcements to exceed one hundred words and no such announcements shall be made between the hours of 7:30 p. m. and 11:00 p. m.

Under the Radio Act of 1927 as amended the Federal Radio Commission has no right of censorship over programs.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, June 7, 1933, Oral Argument before
Commission en banc

KGIX—J. Heaton, Las Vegas, Nev.—Construction permit to move station locally, and renewal of license, 1420 kc., 100 watts, specified hours.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Modification of construction permit to move station to Monongahela, Pa., and change hours from specified to unlimited, 1200 kc., 100 watts.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Construction permit to move transmitter outside of Pittsburgh, 1220 kc., 1 KW, unlimited time.

WHBC—Edward P. Graham, Canton, Ohio—Construction permit to increase power from 10 to 100 watts and install new equipment, 1200 kc., specified hours.

June 7, 1933, before Examiner

KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts, LS, unlimited time; also modification of license to change frequency.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification of license to change frequency from 1340 kc., to 890 kc., 1 KW, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from 1360 kc. to 1340 kc., 500 watts, 1 KW LS.

June 9, 1933

WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Modification of license to increase night power from 250 watts to 500 watts, 580 kc.

WOBV—WOBV, Inc., Charleston, W. Va.—Modification of license to increase night power from 250 watts to 500 watts, 580 kc.

TENTATIVE HEARING CALENDAR

(Dates subject to change)

June 12, 1933

The hearing involving the applications of KECA, KFBK, and the Don Lee Broadcasting System for facilities of KTM and KELW, and the applications of KTM and KELW for voluntary assignments of licenses and for renewals of licenses will be heard June 12.

June 14, 1933, before Commission en banc

Oral argument in re Examiner's Report No. 470, in which the Examiner recommended that time now assigned to KWKH be assigned to WWL.

June 15, 1933

NEW—William L. Slade, Hamilton, Ohio—Construction permit, 1420 kc., 100 watts, unlimited time.

WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license, 1420 kc., 100 watts, unlimited time.

NEW—Philip J. Wiseman, Lewiston, Maine—Construction permit for new station, 640 kc., 500 watts, limited time.

June 16, 1933

- KGEK—Elmer G. Beehler, tr. as Beehler Elec. Equip. Co., Yuma, Colo.—Construction permit to move station to Ft. Collins, Colo., 1200 kc., 100 watts, specified hours.
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 50 watts, daytime.

June 19, 1933

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power to 1 KW experimentally, 610 kc.
WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.
WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.

June 20, 1933

- WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to use 500 watts, 600 kc., unlimited time.
WICC—Bridgeport Broadcasting Station, Bridgeport, Conn.—Modification of license to use 500 watts night power experimentally.

June 21, 1933

- WINS—American Radio News Corp., New York, N. Y.—Modification of license to increase power from 500 watts to 1 KW, 1180 kc., limited time.
WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of license to use 630 kc., 250 watts, unlimited time.
WABI—First Universalist Society, Bangor, Maine—Modification of license to increase time to unlimited, 1200 kc., 100 watts.
WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase hours from daytime to unlimited time, 830 kc., 1 KW.

June 22, 1933

- NEW—Raymond M. Brannon, Fremont, Nebr.—Construction permit for 100-watt station, 1500 kc., daytime (facilities of KFOR).
KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Renewal of license, 1210 kc., 100 watts, 250 watts LS, unlimited time.

June 23, 1933

- WJJD—WJJD, Inc., Mooseheart, Ill.—Renewal of license, 1130 kc., 20 KW, limited time.

APPLICATIONS GRANTED

First Zone

- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted unlimited time on 1450 kc., facilities of WBMS. Hearing set for June 5 cancelled. Application of Radio Investment Co., Inc., for facilities of WBMS has been defaulted. Station WBMS has no authorization of any kind to operate at this time as its last license expired May 1, 1933.
WODA—Richard E. O'Dea, Paterson, N. J.—Granted consent to voluntary assignment of license to WODAAM Corp.
WAAM—WAAM, Inc., Newark, N. J.—Granted consent to voluntary assignment of license to WODAAM Corp.

Second Zone

- WNBW—WNBW, Inc., Carbondale, Pa.—Granted extension of special temporary authority to remain silent pending decision on application, but not later than Dec. 1, 1933.
WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted license covering changes in equipment, 880 kc., 250 watts, shares WOAN.
WEHC—Emory and Henry College, Charlottesville, Va.—Granted modification of construction permit extending completion date to August 28, 1933.

Third Zone

- WACO—Central Texas Broadcasting Co., Inc., Waco, Texas—Granted construction permit to install new transmitter, change frequency from 1240 kc. to 1420 kc., decrease power from 1 KW to 100 watts, and change hours of operation from sharing with KTAT to specified hours.

- KGKB—East Texas Broadcasting Co., Tyler, Texas—Granted modification of license to change hours of operation from unlimited to specified.

- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Texas—Granted modification of license to change hours of operation from sharing with WACO to unlimited.

- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted modification of construction permit to extend completion date to Sept. 17, 1933.

- WPFB—Hattiesburg Broadcasting Co., Hattiesburg, Miss.—Granted authority to remain silent from June 1 to July 1, 1933, on account of business conditions.

- WBHS—The Hutchens Co., Huntsville, Ala.—Granted extension of special temporary authority to remain silent pending hearing and decision on renewal of license and assignment of license.

Fourth Zone

- WMBH—W. M. Robertson, Joplin, Mo.—Granted license covering installation of new equipment, 1420 kc., 100 watts, 250 watts LS, specified hours.

Fifth Zone

None.

MISCELLANEOUS COMMISSION ACTION

- WABI—First Universalist Society of Bangor, Maine—Application for modification of license to increase hours of operation to unlimited, heretofore set for hearing, was denied because applicant failed to enter an appearance within the time specified.

- KGBX—KGBX, Inc., Springfield, Mo.—Application for construction permit to change frequency to 1340 kc., and increase power to 250 watts, heretofore set for hearing, was dismissed at request of applicant.

- KGIZ—Grant City Park Corp., Grant City, Mo.—Granted permission to take depositions.

APPLICATIONS SET FOR HEARING

- WHAM—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit to make changes in equipment and increase power from 25 to 50 KW.

APPLICATIONS RECEIVED

First Zone

- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—License to cover construction permit to move transmitter from Cranston, R. I., to Providence, and move studio locally.
WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Special experimental authorization amending previous application requesting change of frequency from 1210 kc., 100 watts, to 630 kc., 250 watts on experimental basis for six months; also install new equipment.

Second Zone

None.

Third Zone

None.

Fourth Zone

- WEHS—WEHS, Inc., Cicero, Ill.—Modification of license to change frequency from 1420 kc. to 1310 kc.
WHFC—WHFC, Inc., Cicero, Ill.—Modification of license to change frequency from 1420 kc. to 1310 kc.
WKBI—WKBI, Inc., Cicero, Ill.—Modification of license to change frequency from 1420 kc. to 1310 kc.
WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to change frequency from 1310 kc. to 1420 kc.
WKBB—Sanders Brothers Radio Station, Joliet, Ill.—Modification of license to change frequency from 1310 kc. to 1420 kc.
WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Modification of license to increase power from 500 watts to 500 watts night, 1 KW to local sunset. Resubmitted without change.