

# The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

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### HEARINGS ON TUGWELL BILL CONCLUDED

Hearings on the so-called Tugwell bill (S. 1194) to revise and extend the laws governing the manufacture and sale of foods and drugs were begun Thursday, December 7, and concluded on Friday, December 8. The hearing was held before a sub-committee of the Committee on Commerce headed by Senator Royal S. Copeland of New York and including Senators McNary of Oregon and Caraway of Arkansas.

The first day was used primarily in the taking of testimony in support of the bill. Walter G. Campbell, director of regulatory work of the Department of Agriculture, was the chief witness for the Government. He was preceded by Secretary of Agriculture Wallace.

Mr. Campbell claimed that the new law was necessary because the existing statute was ineffective insofar as it relates to many products which reached the markets since the enactment of the 1906 law; that the old law did not cover statements or representations made about an article; and that it was essential that there be a prohibition against false and misleading statements made in the form of advertising. Chief among the supporters of the measure were Professors Emerson of Columbia University; Henderson of Yale; Freeman of Johns Hopkins; and representatives of the American Federation of Labor and the American Home Economics Association.

James W. Baldwin appeared for the Legislative Committee of the NAB and presented a brief pointing out specific objections to the bill in line with the resolution adopted by the NAB at its White Sulphur Springs convention. The portion of the brief relating to specific objections in the bill is as follows:

"1. The definition of 'advertisement' on page 3, lines 15-17, is so broad as to include 'all representations of fact or opinion disseminated in any manner or by any means.'

"Such a definition of advertising appears absolutely unworkable. An expression of 'fact or opinion disseminated in any manner' covers practically every spoken, written or printed word. With such a definition, the prohibitions contained in Section 17, sub-sections (3) and (4) (page 23, lines 15-21) would apply even to the simplest oral statement.

"Such a definition of advertising, if established by Congressional enactment, would go far beyond the scope of the pending legislation. It would, in effect, place formidable barriers around the right of free speech. Within the field specifically covered by these bills, it would render any statement dangerous, unless such statement were based on an intimate and complete knowledge of scientific data.

"Under so extraordinarily broad a definition of advertising, and with the prohibitory provisions of this bill, there is hardly an advertisement of any food product, drug or cosmetic appearing in our newspapers or magazines, or broadcast from our radio stations, which is not at least open to attack. If such a definition is permitted to stand, there is scarcely a legitimate advertiser in this entire field who can feel himself reasonably secure from legal action, particularly since such action may and doubtless will be instigated in large measure by his competitors.

"2. Section 9 (from page 12, line 20, through page 14, line 18) declares, in substance, that any advertisement of a food, drug, or cosmetic 'shall be deemed to be false if in any particular it is untrue, or by ambiguity or inference creates a misleading impression.'

"The broadcasters have no desire to enter into the argument concerning self-medication, with which this section is extensively concerned. They do, however, desire to point out three things:

"(a) The phrase 'if in any particular it is untrue' involves the setting up of an absolute standard of truth which, in the ordinary affairs of human life, is utterly unattainable. One may, in this connection, aptly quote Pilate's 'What is Truth?' There is no piece of advertising copy in existence, no newspaper report, no

public document, which could wholly meet such a requirement as this. Of course it will be urged that this phrase is not to be taken too literally, but a law that cannot be taken literally is a dangerous and bad law.

"(b) The phrase 'by ambiguity or inference creates a misleading impression' is just as dangerous as the phrase commented on in the preceding paragraph. How is the 'impression' created by any given piece of advertising copy to be determined? What is meant by 'misleading'? Even the most accurate and careful statement of facts, whether contained in an advertisement or in any other form of communication to the public, is subject to misinterpretation. A court has trouble enough in determining the correctness of a statement of facts; no one can even guess what would happen if it were called upon to determine legally the 'impressions' created by 'inference.' Such a provision is a direct blow at all legitimate advertising. It would, if applied literally, threaten virtually every piece of advertising copy in the food, drug and cosmetic field. If not applied literally, it would create a complete chaos of uncertainty.

"(c) The provision that an advertisement of a drug shall be deemed to be false 'if it includes the name of any disease for which the drug is not a specific cure but is a palliative' involves what appears to the layman to be a perfectly hopeless confusion of opinion. The 'cure' of today is the 'palliative' of tomorrow. Most people believe, for example, that aspirin 'cures' headaches because it frequently stops them, but the headache itself may be merely the symptom of an ailment which the drug cannot affect. The use of such words as 'cure' and 'palliative' in legislation is certain to create endless confusion, because the words themselves are of such variable meaning.

"3. Section 15 (from page 19, line 1, through page 20, line 11) directs each United States attorney 'to cause appropriate proceedings to be instituted in the proper courts of the United States.' This throws the initial determination of what constitutes unlawful advertising into a multiplicity of courts of presumably equal authority, resulting inevitably in hopeless confusion. An advertisement might and doubtless would be held truthful, and hence legal, in one court, and untruthful, and hence illegal, in another of like authority. It seems utterly impossible to avoid disastrous confusion unless the determination of what is and what is not permissible under the law is handled by a single judicial tribunal. This applies particularly to advertising which is interstate in character, and therefore is of special significance to the broadcaster.

"4. Section 19 (page 26, lines 11-25) gives to the district courts of the United States power to restrain by injunction the 'repetitious dissemination by radio broadcasting \* \* \* of false advertising.' Here again, as in Section 15, confusion is inevitable as a result of action by a multiplicity of courts. An advertisement may be found to be illegal in one court, legal in another, and summarily shut off by injunction in a third where the case has never actually been heard at all. Even the successful defense in court of an advertising statement will not afford full protection, because some other court may rule differently, thereby furnishing the basis for injunctions throughout the country. Unless there is set up a single tribunal with full authority for the entire nation, subject only to the usual rights of appeal, this provision regarding injunctions is bound to give rise to vast confusion and manifold injustices.

"It will be noted that the foregoing four specific criticisms of the bill fall into two groups. One (Points 1 and 2) concerns what seems to be the impossibility of defining accurately enough for legal purposes what is meant by 'truth' in advertising. It may be said that the broadcasters regard this defect in the proposed bill as fundamental, and that they can see no practicable way of extending the scope of such a bill beyond the deliberate misstatement of specific facts. Manifestly, an advertisement should not be permitted to state that the ingredients of a certain drug are



so-and-so, when the manufacturer knows that in fact they are something else. When, however, legislation seeks to control the expression of opinion, or to set up a standard of absolute truth that is quite beyond the reach of the human mind, it is making the violation of its provisions inevitable and universal. A strict interpretation of the bill as it stands would destroy the entire advertising business of the United States; a liberal (i.e., lax) interpretation would lead to hopeless confusion.

"The second group of criticisms (Points 3 and 4) concerns the proposed administration of the bill. The primary object of any such legislation should be the protection of the public by making clear to advertisers what they may and may not legally do. The method of administration here set up appears completely to defeat this purpose.

"Although reference has here been made to specific sections of the proposed bill, the objections raised to these sections apply likewise, though less directly, to other features of it, and therefore it is on the broad, general grounds herein outlined that the Broadcasting Industry has recorded itself as protesting against the enactment of the legislation unless on the basis of many and far-reaching changes therein."

John Benson, president of the A. A. A. A., appeared in opposition to the bill arguing that advertising was salesmanship in print and that a continuance of a reasonable amount of puffing should be permitted.

Among those opposing the bill were Dr. J. H. Beal of Florida, chairman of a committee of drug trade officials and representatives of Squibb Drug Co., the confectioners, proprietaries, retail druggists, New York Board of Trade, Association of National Advertisers, Associated Manufacturers of Cosmetics, National Editorial Association, U. S. Medicine Manufacturers, Drug Institute of America and the National Cannery Association.

The argument in favor of the bill was closed by Professor David A. Cavers of Duke University who assisted Professor Tugwell in the drafting of the bill.

After repeated attacks upon the bill that it was inconsistent with the spirit of the NRA, a representative of the Consumers Board and a representative of the Department of Labor appeared to refute such statements.

A large number of amendments were submitted and these will receive consideration of the sub-committee before reporting the measure to the full committee. It is expected that the full committee will report the measure in amended form to the Senate early in January.

## NRA RADIO CODE EFFECTIVE MONDAY

The Code of Fair Competition for the Broadcasting Industry becomes operative on Monday, December 11, and the operations of all stations throughout the country become subject to its provisions.

Official prints of the code became available on Thursday and copies were sent to all stations. In addition, NAB members will be sent a copy of the National Industrial Recovery Act and a copy of the code suitably punched for insertion in the NAB Handbook. It is expected that the Code Authority will issue its general rulings in printed form and that these likewise will be punched in a similar manner.

The Code Authority appointed by President Roosevelt to administer the code until such time as the industry places itself in a position to regulate itself by broadening the membership of the NAB, will hold its first official meeting on December 11 in Washington. The first order of business will be the election of a chairman, vice chairman and a director to carry on the administrative work in connection with the code. Attention also will be given to the investigations which the Code Authority is required to undertake under the code.

Just as soon as the Code Authority is organized it will consider petitions for exceptions which have already been filed.

## SUPREME COURT REFUSES KFAB REVIEW

The Supreme Court of the United States on Monday, December 4, refused to review the KFAB libel case. The refusal was based on jurisdictional grounds. The case involved the liability of a broadcasting station for defamatory matter uttered in the course of an address delivered on behalf of a duly qualified candidate for public office. The Supreme Court of Nebraska held that Station KFAB, Lincoln, Nebr., was liable for utterances made by a

speaker in the course of a political address, reversing the lower court which had held the station not liable. The station had alleged that it was not liable because Section 18 of the Radio Act of 1927 expressly prohibited censorship of political speeches. The refusal of the Supreme Court of the United States to review the Nebraska Supreme Court's decision leaves the latter decision as the law within the state of Nebraska.

The Supreme Court of the United States announced its refusal to review the case without a written opinion.

## ROPER COMMITTEE FINISHES TASK

The Interdepartmental Committee on Communications under the chairmanship of Secretary of Commerce Roper has completed its study and will transmit its report to the President within the next few days. The report was in the hands of the chairman on Friday, December 8.

The recommendations contained in the report have not been made public and it is not known at this time whether or not the President will utilize the report in making recommendations to the Congress.

Whether the President will ask the Congress for legislation relating to radio, telephones, telegraphs and cables is not known although it is reliably reported at this time that the President has not given serious consideration to such a request.

## NEW DUES SCHEDULE JANUARY 1

The new schedule of NAB dues, adopted at the White Sulphur Springs convention of the Association, becomes effective on January 1, 1934. The new By-Law No. 1, as adopted by the Association, reads as follows:

"(a) After January 1, 1934, the monthly dues of the members of this Association shall be at the rate of two-tenths of one per cent of net sales of broadcasting facilities during the last previous month; provided, however, that no member shall pay less than \$2.50 per month. Dues shall be payable on or before the fifteenth of each month and shall be accompanied by a certified statement of the net sales of broadcasting facilities during the preceding month.

"(b) The annual dues of members of this Association who do not own or operate radio broadcasting stations shall be at the rate of two hundred and fifty dollars per year, payable quarterly in advance."

The above By-Law was drafted in accordance with the resolution adopted at the St. Louis Convention and was adopted after discussion during the White Sulphur Springs meeting.

In line with the new provision the Managing Director will send to each member a form of statement to be filled in by the member instead of a bill as has been the practice. January dues will be based upon December business.

The practice of basing dues upon volume of business has been followed by many successful trade organizations and now finds support in the standard provision required in all NRA codes. Article VI, Section 8 of Code of Fair Competition for the Broadcasting Industry, which is a standard form of provision insisted upon by the NRA, sanctions the method of assessing dues adopted by the NAB.

## DEPRECIATION RATES FOR TAX PURPOSES

Following the recent conference between officials of the Internal Revenue Bureau and E. M. Elkin, chairman of the NAB Tax Committee, and Managing Director Loucks, Deputy Commissioner Charles T. Russell of the Bureau has requested from the NAB certain data and information to assist it in determining rates of depreciation allowable for income tax purposes upon buildings and equipment of radio broadcasting stations.

The NAB has agreed to assist the Bureau in collecting this information and the NAB Tax Committee will hold a meeting for this purpose at an early date. The meeting will be open to all members who will furnish helpful information.

In the Bureau's communication to the NAB the following data is requested:

"1. A statement showing the various groups or classes of equipment which have approximately the same length of serviceable life, and the relative amount or the percentage that the cost bears to the total cost of equipment in use in the 'average' station.



Such facts as have been presented this office indicate that this equipment may be divided into four groups, viz., studio apparatus, speech in-put, transmitter equipment, and antenna equipment not including towers, but if in your opinion a different grouping is advisable, or if subdivisions should be made of any of these groups, your opinions on these questions will be appreciated.

"2. If, in your opinion, the serviceable life of the buildings occupied as radio broadcasting stations will be either greater or less than the life of buildings of the same types of construction in other industries, such facts as will establish the correctness of that opinion should be presented, keeping in mind, however, the fact that unusual conditions which affect individual stations cannot be given consideration in the proposed general basis unless such unusual conditions are shown to apply to buildings of radio broadcasting stations in general, and also keeping in mind the question of whether discontinuance of the use of a building for broadcasting purposes will result in a total loss of the investment in the building or whether such an 'average' building may be used for other purposes.

"3. The estimated *physical* life of each class of equipment should be shown, entirely aside from any consideration that may be given its length of life as the result of normal progress of the art.

"4. Such facts and data as can be secured, regarding the probability of future improvements in equipment that will require the replacement of items now in use, should also be furnished, again bearing in mind that the replacement of the equipment now in use prior to the end of its physical life because of future improvements cannot be assumed merely because it is probable that such improvements will occur, and that before any very great weight can be given this factor, it will be necessary that fairly definite evidence be furnished that such improvements will occur; it being considered that the history of the industry during the last few years should be fairly indicative of the future.

"5. The rates of depreciation allowable will obviously depend to a great extent upon the method of accounting followed regarding the costs of small replacements, and the character of such replacements charged to capital account and to expense, respectively. Consideration must also be given the question of whether losses are to be allowed on items, the cost of which has been charged to capital account and which are discarded prior to the end of their estimated serviceable life, or whether the cost of these items is to be recovered entirely through the rates of depreciation allowed."

The Bureau now has under consideration a number of individual cases, decision in which is being withheld pending a decision on the question of allowable rates. It is urged that the information be compiled at the earliest possible date. It is suggested by the Bureau that the actual history of several stations that have been in operation for several years would be helpful in considering the question, the date to include (a) the original cost of each class of depreciable assets and the year installed; (b) the cost of each subsequent year's additions; (c) the cost of items retired each year (which were previously charged to capital account) and the year in which the discarded items were originally installed; (d) the rates and amounts of depreciation allowed for income tax purposes in each prior year; (e) the amount taken each year as expense deductions as the cost of maintenance, repair and replacements, and (f) the amounts, if any, which have been allowed in each prior year as losses on discarded items.

The Bureau, upon conclusion of its consideration of the question of allowable rates, intends to publish an official bulletin on the subject.

## F. R. C. CONSIDERS LIQUOR QUESTION

The Federal Radio Commission has referred to its Legal Division the question of the legality of liquor advertising by radio. The Commission's attorneys have been in communication with the Department of Justice and the Post Office Department and it is expected that a report on the subject will be forthcoming at a future date. In the meantime the Commission is withholding any official expression on the subject.

Section 5 of the act of Mar. 3, 1917 (39 Stat. 1069), as amended by the act of Mar. 4, 1917 (39 Stat. 1202), and by section 1407 of the act of Feb. 24, 1919 (40 Stat. 1151), and by section 17 of title II of the act of Oct. 28, 1919 (41 Stat. 313), (18 U.S.C. 341 and 18 U.S.C. Supp. VI 341), and by section 1110 of the act of Oct. 3, 1917 (40 Stat. 329) (18 U.S.C. 342), and by section 3 (c) of the act of Mar. 22, 1933 (48 Stat. 17) (27 U.S.C. 64 b), provides among other things that advertisements of or solicitations

of orders for intoxicating liquors shall not be mailed to any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory unlawful to advertise or solicit orders for such liquors.

The following States and Territories are affected by the said act, effective upon the repeal of the Eighteenth amendment on Dec. 5, 1933:

States and Territories the laws of which prohibit both the advertising of and solicitation of orders for intoxicating liquors: Alabama, Alaska, District of Columbia, Florida, Georgia, Hawaii, Idaho, Maine, Michigan, Mississippi, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, Texas, Virgin Islands, Virginia, and West Virginia.

States the laws of which prohibit advertising but do not refer to solicitation of orders: Missouri, South Dakota and Utah.

States which prohibit solicitation of orders: Arkansas, Minnesota, New Hampshire, Tennessee, and Vermont.

The following States are affected as indicated:

Connecticut: Prohibits solicitation of orders in towns which forbid sale of liquor under local option clause of Liquor Control Act.

Delaware: Prohibits advertising except in newspapers or other periodical publications or by radio.

Indiana: Permits solicitation of orders by holders of permits issued by State Excise Department.

The following States have statutes which provide for local option: Maryland, New Mexico, and Washington.

## SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Protective Committee for holders of bonds of Atlantic City and Atlantic County, N. J., New York City (2-455).

Same (2-456).

Greenebaum Sons Investment Company and Percy Cowan, Chicago, Ill. (2-458).

Oak Ridge Fur Farms Company, Inc., Dover, Del. (2-457).

Protective Committee for Valspar Corporation, New York City (2-459).

American Participations, Inc., Springfield, Mo. (2-464).

Asphalt Vault Company of America, Baltimore, Md. (2-466).

Paul A. Flickinger and others, Reading, Pa. (2-462).

Continental Sugar Company Bondholders' Protective Committee, New York City (2-465).

Bondholders Committee for Metropolitan District Finance Company, Chicago, Ill. (2-463).

Greenebaum Sons' Investment Company and Percy Cowan, Reorganization Managers, Chicago, Ill. (2-468).

Premier Brewing Company, Middletown, Ohio (2-467).

Producers Development Syndicate, Shelby, Mont. (2-461).

Thomas A. Tunney and others, New York City (2-460).

## MISSOURI TAX BILL KILLED

The proposed sales tax of one-fourth of one per cent on "radio casting," which was introduced in the Missouri Legislature by the House Ways and Means Committee, as reported on November 18, 1933, in No. 44 of the NAB Reports, was killed in the House on November 28, 1933.

## COORDINATOR REQUESTS ASSISTANCE

The Federal Coordinator of Transportation has requested all broadcasting stations to aid in solving the Government's transportation problem by filling in a "Passenger Ballot," copies of which were sent to every station. The Federal Coordinator of Transportation has requested the NAB to assist in this undertaking by urging that all NAB members give prompt attention to the ballot. Members are urged therefore to fill out the ballots and return them to Coordinator Joseph B. Eastman, Federal Coordinator of Transportation, Washington, D. C. The study is being conducted under the authority of a law passed by Congress at its last session.



## WBBM APPEALS WGN GRANT

Station WBBM, Chicago, this week filed an appeal in the Court of Appeals of the District of Columbia against the decision of the Federal Radio Commission in granting WGN, Chicago, a power increase to 50,000 watts. WBBM claims that the increased power increases economic competition in the Chicago area.

## RECOMMENDS AGAINST KMLB APPLICATION

Station KMLB, Monroe, La., applied to the Radio Commission for permission to change the transmitter location, to increase its power from 100 to 250 watts and change its time from unlimited time to specified hours. In Report No. 528 this week George H. Hill (e) recommended that the application be denied.

The Examiner found that the granting of this application would result in interference at night with station WOW. He also found that "there is no showing that the increase of power and the reduction of hours of operation requested would serve the public interest."

## OPPOSES SIMULTANEOUS OPERATION

Stations WOKO, Albany, N. Y., WHEC, Rochester, N. Y., WCAH, Columbus, Ohio, and WHP, Harrisburg, Pa., all applied to the Radio Commission for authority to operate simultaneously, day and night, on 1430 kilocycles. Also Station WCAH requested an increase in daytime power from 500 to 1,000 watts. Station WFEA, Manchester, N. H., was constructed under experimental terms issued by the Commission and sought authority to operate on a regular basis on 1430 kilocycles.

In Report No. 527, this week Ralph L. Walker (e) recommended that the applications of Stations WOKO, WHEC, and WCAH be denied; that the application of WHP be granted for unlimited time, except the hours specified in the license of Station WBAK. He also recommended that the application of Station WFEA for license be granted.

## WBT AND WHAS GET POWER INCREASES

Stations WBT, Charlotte, N. C., and WHAS, Louisville, Ky., had their power increased from 25,000 to 50,000 watts by a decision of the Radio Commission handed down on Friday. Hearings in both of these cases were heard before the full membership of the Commission on November 22. WBT operates on a frequency of 1080 kilocycles, while WHAS is on 820 kilocycles.

It was found by the Commission in its WBT decision "that the applicant is qualified and able to operate Station WBT with 50 kilowatts power in such manner as to serve public interest," and also "that the operation of Station WBT with 50 kilowatts power will result in a more efficient use of the frequency of 1080 kilocycles."

In connection with its decision in the case of WHAS, the Commission found that this station also would be able to operate in a more efficient manner with 50,000 watts and that "no appreciable increase in interference may reasonably be expected to develop from the operation of Station WHAS with 50 kilowatts power."

## WIRED RADIO BRINGS SUIT

Wired Radio, Inc., is reported to have brought suit for infringement of patents against WFBE, Inc., Cincinnati, Ohio. The suit was filed September 26, 1933, in the United States Court of the Southern District of Ohio, and alleges infringement of certain patents covering crystal control circuits.

## UNLICENSED STATIONS PROSECUTED

The Commission this week announced that convictions have been obtained in several cases in the Federal courts of Texas involving the operation of broadcasting stations without benefit of licenses from the Federal Radio Commission.

Curry Jackson, of Abilene, Tex., was sentenced to ten days in prison for operating without a station license and for operating without an operator's license. Fred Bitterman and Albert Cox

were convicted on similar charges at Waco, Tex. It is reported that a number of the remaining unlicensed stations in Texas have ceased operation.

## FEDERAL RADIO COMMISSION ACTION

### HEARING CALENDAR

Thursday, December 14, 1933

WBBX—Coliseum Place Baptist Church, New Orleans, La.—Involuntary assignment of license, 1200 kc., 100 watts, share with WJBW.

WBBX—Samuel D. Reeks, New Orleans, La.—C. P., 1200 kc., 100 watts, share with WJBW.

WBBX—Samuel D. Reeks, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share with WJBW.

Wednesday, December 13, 1933

### Oral Argument Before Commission en banc

KECA—Earle C. Anthony, Inc., Los Angeles.—Modification of license, 780 kc., 1 KW, unlimited time, (facilities of KTM and KELW). Present assignment, 1430 kc., 1 KW, unlimited.

NEW—Don Lee Broadcasting System, Redlands, Cal.—C. P., 780 kc., 500 watts, unlimited time (facilities of KTM and KELW).

KFBK—James McClatchy Company, Sacramento, Cal.—C. P., 1430 kc., 500 watts, unlimited time (facilities of KTM and KELW). Present assignment: 1310 kc., 100 watts, unlimited time.

KTM—Pickwick Broadcasting Corp., Los Angeles.—Voluntary assignment of license to Evening Herald Publishing Co., 780 kc., 500 watts, 1 KW LS, shares with KELW.

KTM—Pickwick Broadcasting Corp., Los Angeles.—Renewal of license, 780 kc., 500 watts, 1 KW LS, shares with KELW.

KELW—Magnolia Park, Ltd., Burbank, Cal.—Voluntary assignment of license to Evening Herald Publishing Co., 780 kc., 500 watts, shares with KTM.

KELW—Magnolia Park, Ltd., Burbank, Cal.—Renewal of license, 780 kc., 500 watts, shares with KTM.

## APPLICATIONS GRANTED

### First Zone

NEW—The Northern Corp., Chelsea, Mass.—Granted C. P. for new station, 1500 kc., 100 watts night, 250 watts day, unlimited time.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted authority to remain silent December 25 and January 1, on account of Christmas and New Year's holidays.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted C. P. to move transmitter locally and make slight changes in equipment.

WOL—American Broadcasting Co., Washington, D. C.—Granted license covering changes in equipment, 1310 kc., 100 watts, unlimited.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted license, 1370 kc., 100 watts, specified hours.

### Second Zone

None.



### Third Zone

- KRMD—KRMD, Inc., Shreveport, La.—Granted authority to operate December 8, 1933, until 8:45 p. m. in order to broadcast by remote control local Boy Scout program.
- KWWG—Frank P. Jackson, Brownsville, Tex.—Granted extension to remain silent until decision on application for assignment of license and request of new applicant for facilities of KWWG, but not later than April 1, 1934.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted authority to remain silent Christmas Day, also January 1.
- WGCM—Great Southern Land Co., Mississippi City, Miss.—Granted license covering increase in power and change in specified hours; 1210 kc., 100 watts night, 250 watts day.
- WSMB—WSMB, Inc., New Orleans, La.—Granted license covering move of transmitter, 1320 kc., 500 watts, unlimited.
- WENC—Americus Broadcasting Corp., Americus, Ga.—Granted C. P. to move transmitter and studio from Americus to Albany, Ga., and make changes in equipment.

### Fourth Zone

- WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authority to operate from 10 p. m. to 1 a. m., CST, Friday, December 15.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted license covering move of station, change in frequency and hours of operation; 1500 kc., 100 watts, specified hours.
- KWLC—Luther College, Decorah, Ia.—Granted authority to remain silent from December 20, 1933, to January 2, 1934, during Christmas holidays at College.
- KGBX—KGBX, Inc., Springfield, Mo.—Granted 60-day extension of authority to operate unlimited time, pending decision on pending application.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license covering change in location of main transmitter, 950 kc., 1 KW, unlimited time.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted C. P. to move auxiliary transmitter from Independence, Mo., to Kansas City, Kans., to location of main transmitter.

### Fifth Zone

- KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted special temporary authority to operate from 6 to 7 a. m., PST, on Christmas Day.
- KWSC—State College of Washington, Pullman, Wash.—Granted authority to remain silent from 9:30 p. m., December 23, to 6:45 a. m. January 8, 1934, PST, in order to make certain improvements in equipment.
- KDFN—Donald Lewis Hathaway, Casper, Wyo.—Granted license covering local move of station, and making changes in equipment, 1440 kc., 500 watts, unlimited.
- KIEM—Harold H. Hanseth, Eureka, Cal.—Granted authority to operate night of December 7, in order to broadcast NRA meeting. KFJI consented to operation.

### APPLICATIONS DENIED

- KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Cal.—Denied authority to operate from midnight to 6 a. m., PST, in addition to present daytime hours of operation.

The following cases, heretofore designated for hearing, were denied because applicants failed to enter appearance within time allowed:

- KIEM—Harold H. Hanseth, Eureka, Cal.—Modification of license, 1210 kc., 100 watts, unlimited time (facilities of KFWI); also special temporary experimental authority, 1210 kc., 100 watts, daytime and night hours to 10 p. m.
- NEW—G. M. Dauntley, San Francisco.—C. P., 930 kc., 500 watts, share with KROW (facilities of KFWI).

### SET FOR HEARING

- NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—C. P. for new station; 620 kc., 250 watts, daytime only.
- NEW—Walter B. Stiles, Inc., Muskegon, Mich.—C. P. for new station, 1310 kc., 100 watts, unlimited time.
- NEW—Ark-La-Tex Radio Corp., Shreveport, La.—C. P. for new station; 850 kc., 10 KW, unlimited time. Facilities KWKH and WWL.
- NEW—S. George Webb, Newport, R. I.—C. P. for new station, 1390 kc., 250 watts, unlimited time.
- NEW—Jos. G. Mayer and Clarence R. Cummins, Erie, Pa.—C. P. for new station, 1420 kc., 100 watts, unlimited time.
- NEW—Henry Clay Allison.—C. P. for new station, facilities of KFJZ, 1370 kc., 100 watts; share equally with KFJZ.
- NEW—Wm. E. Chaplin, Pine Bluff, Ark.—C. P. for new station, 1500 kc., 100 watts, daytime.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license to change hours of operation from specified to unlimited. Facilities of KGAR.
- WLEY—Albert S. Moffat, Lexington, Mass.—C. P. to move station from Lexington to Lowell, Mass.; increase hours of operation from specified to unlimited.
- WHA—University of Wisconsin and Department of Agriculture and Markets, Madison, Wis.—C. P. to consolidate stations WHA and WLBL; install new equipment; use 670 kc., 5 KW power, one-half time sharing with WMAQ; facilities of WMAQ.

### ORAL ARGUMENT GRANTED

The Commission, sitting en banc, will hear oral arguments on January 3, 1934, beginning at 10 a. m., in re Examiner's Report No. 520, concerning applications of WCAO, Baltimore; WICC, Bridgeport, Conn., and WCAC, Storrs, Conn., for increase in operating power to 500 watts, on their common frequency—600 kc.

### APPLICATIONS RECEIVED

#### First Zone

- WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Application to determine operating power of broadcasting station by direct measurement of antenna power.
- NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—Construction permit to erect a new station to operate on 1400 kc., 500 watts, unlimited time. Facilities of WBBC, WLTH, WARD and WVFW.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Determine operating power by direct measurement of antenna power.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—License to cover construction permit as modified 10-24-33 authorizing changes in equipment and move of transmitter.



### Second Zone

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Construction permit to make changes in equipment and to cover move of transmitter to Third St., Village of Laurium, Mich.

### Third Zone

KWWG—Port Arthur College, Port Arthur, Texas.—Construction permit to move station KWWG from Brownsville, Texas, to 1500 Proctor St., Port Arthur, Texas, *amended* to change transmitter location to site to be determined subject to approval of the Commission.

NEW—N. Vernon Clark, Chester, S. C.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, daytime hours. To be considered under Rule 6 (f).

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit granted 6-9-33, requesting authority to make changes in equipment and extend date of completion from 10-9-33 to 3-1-34.

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to make changes in equipment and increase daytime power from 250 watts to 1 kilowatt *amended* to make further changes in equipment.

WMC—WMC, Incorporated, Memphis, Tenn.—Construction permit to move studio from Memphis, Tenn., to Frankstown,

Miss., increase power to 1 KW night, 2½ KW daytime, make changes in equipment *amended* to request application be considered under Rule 6 (f) and (g).

### Fourth Zone

WHA—University of Wisconsin, and Department of Agriculture and Markets, Madison, Wis.—Construction permit to consolidate Radio Stations WHA and WLBL under the call of WHA, using new equipment, transmitter location of WLBL (near Stevens Point, Wis.), and studio location of WHA, (Campus of University of Wisconsin, Madison, Wis.), on the frequency of 670 kc., 5 kilowatts power, one-half time sharing with WMAQ. Facilities of WMAQ, Chicago, Ill.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 6-30-33, authorizing changes in equipment.

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts daytime. Application to be considered under Rule 6 (f).

### Fifth Zone

KGHF—Curtis P. Ritchie and Geo. J. Ikelman, Pueblo, Colo.—Consent to voluntary assignment of license to Geo. J. Ikelman.