

The National Association of Broadcasters

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PRALL BECOMES FCC CHAIRMAN

Judge Eugene O. Sykes has resigned as chairman of the Federal Communications Commission and Commissioner Anning S. Prall was elected to succeed him.

Judge Sykes forwarded his resignation to President Roosevelt in a letter dated March 8 and it was accepted by the President on the same day in a letter expressing the President's "appreciation of your work as chairman during the period of reorganization."

Judge Sykes was immediately named chairman of the Broadcast Division of the Commission, succeeding Chairman Prall, who had held this post since his appointment to the Commission. Commissioner Norman S. Case was named as a member of the Broadcast Division in place of Commissioner Thad H. Brown, who was transferred to the Telephone Division.

The new lineup of Divisions as announced by the Commission follows:

Division No. 1—Broadcasting

Commissioner E. O. Sykes, Chairman;
Commissioner Norman S. Case, Vice-Chairman;
Commissioner Anning S. Prall.

Division No. 2—Telegraph

Commissioner Irvin Stewart, Chairman;
Commissioner George Henry Payne, Vice-Chairman;
Commissioner Anning S. Prall.

Division No. 3—Telephone

Commissioner Paul A. Walker, Chairman;
Thad H. Brown, Vice-Chairman;
Commissioner Anning S. Prall.

At the same time the Commission made public its new schedule of meeting dates for the various Divisions as follows:

1. The Broadcast Division meeting will be held each Tuesday, at 10 a. m.
2. The Telegraph Division meeting will be held each Tuesday, at 2:30 p. m.
3. The Telephone Division meeting will be held each Wednesday, at 10 a. m.
4. The Commission en banc meeting will be held each Wednesday, at 2:30 p. m.

The events of the week were taken as an indication that other shifts are to follow in the future. Chairman Prall made the motion under which Commissioner Case and Commissioner Brown changed assignments. It was seconded by Commissioner Stewart. All of the Commissioners voted in the affirmative except Commissioner Walker, who dissented, explaining that his opposition was due to his appreciation of Commissioner Case's services as a colleague and former member of the Telephone Division. Commissioner Case did not vote.

At the time of the change Commissioner Brown was in the South holding broadcast hearings in pursuance to instructions from the Broadcast Division. The Commission en banc approved this matter this week.

BILL WOULD REPEAL DAVIS AMENDMENT

A bill to repeal the allocation provisions of the Federal Communications Commission Act (S. 2243) was introduced in the Senate this week by Chairman Wheeler of the Senate Interstate Commerce Committee.

The bill would repeal section 302 of the present act which defines the boundaries of the five zones and amend subsection (b) of section 307 of the act as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and in so far as there is demand for the

same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same."

This bill, if enacted into law, would repeal the so-called Davis Amendment provisions of the old radio act. It is in line with the recommendations of the Federal Communications Commission and also in accordance with resolutions adopted by the NAB at all of its conventions since 1928.

The bill has been referred to the Senate Interstate Commerce Committee.

MUSIC PUBLISHERS GET CODE

The National Industrial Recovery Board has approved a code of fair competition for the music publishing industry, effective March 18.

The code provides a basic maximum work week of 38 hours and a basic minimum weekly wage of \$15. It sets up separate code authorities for the standard and popular music divisions of the industry, with a coordinating committee to deal with questions affecting both divisions.

The NIRB said in its order that approval of the code or of any subsequent amendments "shall not be deemed or construed as approving, sanctioning or condoning any of the acts alleged in the petition filed in the United States District Court of New York, August 30, 1934, and now pending therein, entitled United States vs. American Society of Composers, Authors and Publishers; Music Publishers' Protective Association, et al. * * *."

The NAB insisted that nothing in the code should in any way interfere with the court's determination of the above suit and also insisted that the code be not extended to cover public performance rights. Both of these points were accepted by the NIRB in approving the code.

"Song pluggers," outside salesmen, emergency repair and maintenance workers and executives are exempt from the hours provisions. Emergency maintenance and repair workers are to receive time and a half for hours beyond eight per day or 40 per week.

Regular employees are to receive a minimum weekly wage of \$15, and part-time employees a minimum of 42 cents per hour. The right of collective bargaining is guaranteed, and employment of persons under 16 is forbidden.

Practices forbidden by the trade practice rules include:

Bribery of performers to "puff" songs;

Furnishing of special arrangements or professional copies or orchestrations to performers by publishers;

Purchase of advertising space in benefit programs "if the purchase is in effect a gift to or favor for any performer"; or purchase of advertising "intended to puff, flatter, compliment or exploit any performer, singer or orchestra leader";

Payment by a publisher to induce talking machine, radio broadcasting, electrical transcription, motion picture or other entertainment companies or personnel to use a publisher's music;

Other forms of commercial bribery;

Publication of any compilation of songs or lyrics without the special written permission of copyright owner.

Separate code authorities, each with five members, are to be elected by the two divisions, under the supervision of the divisional code committees.

Each code authority is to name two members of the coordinating committee. The four are to choose the fifth member. An Administration member may be appointed to each code authority and to the coordinating committee by the NIRB.

"THE WRECK OF OLD 97"

Broadcasting stations have received letters from Robert L. Nase, attorney for David Graves George, demanding payment for infringement of use of the song "The Wreck of the Old 97."

These letters grow out of the following facts:

George claimed authorship of the song "The Wreck of the Old 97." He brought suit against RCA-Victor, and Judge Avis in the District Court filed an opinion upholding his claim of authorship. A master was appointed to assess damages.

An appeal was taken to the Circuit Court of Appeals, which Court reversed the findings of Judge Avis as to authorship of the song. A certiorari was then requested of the Supreme Court of the United States, which Court limited argument to the technical point as to whether or not the Circuit Court of Appeals had jurisdiction to hear the case before the damages had been assessed. The Supreme Court ordered the Circuit Court of Appeals to dismiss the appeal taken to it, which brings the case back to the master for assessment of damages.

It has been indicated by attorneys for RCA-Victor that following this assessment an appeal will then be taken to the Circuit Court of Appeals, which court has already determined that George is not the author of the song.

Broadcasters receiving requests for payment may communicate with Mr. Isaac D. Levy, 1622 Chestnut Street, Philadelphia, Pa.

SESAC ANNOUNCES ACQUISITIONS

The Society of European Stage Authors and Composers has announced the following catalog acquisitions:

O. Pagani and Brother, New York, N. Y.
Apollo Music Publishing Company, New York-Athens.
F. Grabczewski, Warsaw, Poland.
Leon Idzikowski, Warsaw, Poland.
M. M. Cole Publishing Co., Chicago, Ill.

FEDERAL TRADE COMMISSION ACTIVITIES

Unfair competition of various types will be discontinued by the following companies under stipulation between the Federal Trade Commission and the concerns in question:

No. 1303. Unfair advertising by radio and in publications will be discontinued by George Moore, Volney James and Ben Odell, trading as "Formula 515 Laboratories," Hollywood, Calif. The use of the word "Laboratories" will be discontinued as part of the trade name or in any way so as to tend to deceive the public into believing that they own, control or operate a laboratory when this is not true.

No. 1304. Julius Goldstein, shoe jobber, 200 Lincoln St., Boston, Mass., agrees to discontinue using the word "Doctor" in any way tending to deceive the public into believing that the shoes he sells are made in accordance with the design or under the supervision of a doctor having a special knowledge of orthopedics.

COMMISSION WINS DON LEE CASE

The United States Court of Appeals for the District of Columbia has upheld the Federal Communications Commission in the appeal of the Don Lee Broadcasting System against the Commission.

This company applied to the Commission for a construction permit for a new station to be located at Redlands, Calif., asking for 780 kilocycles, 500 watts power, and full time on the air. At the same time Station KTM, Los Angeles, asked for a license renewal on 780 kilocycles, its channel, sharing time with KELW, and also asking permission to make a voluntary assignment of the license to the Evening Herald Publishing Company, of Los Angeles.

After due hearing the Commission denied the new construction permit to the Don Lee Company and granted license renewal to the two stations and allowed them to assign their license to the publishing company. "It is our opinion," says the court, "the foregoing decision of the Commission is founded upon substantial evidence and is not arbitrary or capricious. It is therefore affirmed."

RECOGNITION PLANS PROGRESS

Plans for the creation of an agency recognition bureau for broadcasting are progressing. Splendid response has been received from stations in reply to the NAB request for information regarding current practice as to agency recognition and for suggestions as to the services which might be rendered by the contemplated bureau.

Approximately two-thirds of all member stations replied to the NAB questionnaire. The completeness of the information furnished by stations and the soundness of many of the suggestions which were made were indicative of a rather thorough appreciation of the recognition problem among broadcasters.

Replies indicated information most desired by broadcasters to be with regard to the financial status and credit standing of agencies, and the extent to which they were bona fide agencies capable of rendering broadcast advertising service to clients.

A great deal of the preliminary work has been completed with regard to the contemplated bureau, and though final details still remain to be determined, it is certain that recognition standards employed will include measures of financial standing, competency to render broadcast advertising service, operation as a bona fide agency, and the translation of station commissions into advertising service without direct or indirect rebating.

While plans for a recognition bureau for broadcasting as a whole have been pushed in Washington, a highly significant step with regard to local agency recognition has been taken in the Minneapolis-St. Paul district in the formation of the Association of Twin City Newspaper and Radio Stations.

The purpose of the Association is to pass on the recognition of local advertising agencies and to bring about the exchange of credit information. The undertaking is an excellent example of what can be accomplished in the way of the development of standard recognition practice in the local field, and constitutes a most important supplement to any program which the NAB may develop for broadcasting as a whole.

Radio stations included in the Association are KSTP, WCCO, WDGW, and WTCN. James Cole is chairman of the group.

Standards which the agency must meet before being accorded recognition that have been adopted by the Association are as follows:

1. *Financial Stability.* The agency must furnish evidence of its financial stability. It must have resources adequate to its needs and have business practices that are sound.
2. *Demonstrated Ability.* The principals as individuals and the agency as an organization must have demonstrated their ability to develop and serve advertisers. The individual applicant must have satisfied the Association of his or its integrity and financial ability to meet its just obligations.
3. *Ethical Practices.* (a) The agency must be operated primarily in the advertising agency business with a minimum of three accounts; (b) Translating the commissions paid by newspapers and radio stations into service to the advertiser without direct or indirect rebating.
4. *Cooperative Practice.* No agency commission will be paid on accounts which the station has developed and where the station salesman has secured the order and schedule prior to receiving an agency order. Regular commissions will be gladly paid to the agency, however, on any subsequent contract or schedule that may come through the agency for this same account. Non-commissionable advertising as above outlined is not to be included in the twelve months' rebate allowed upon recognition.

A slightly different provision regarding non-commissionable contracts has been set up with regard to the newspapers in the Association in keeping with practice in that field.

Information required from applicant agencies includes a statement of ownership, financial references, name of the applicant's bank, and a list of active clients (billing during the past six months being considered active).

STATE LEGISLATIVE PROBLEMS ACUTE

Problems resulting from state legislation have reached the stage where they may represent a new and added burden on the broadcasting industry amounting to far more than the total tribute now paid to ASCAP. The major problem is that of taxation by the states, and the issue as to whether or not all radio broadcasting is in fact interstate commerce, and hence not taxable as to its revenues by the states, is due before long for a definite decision.

The outstanding development in this field is the announcement on Monday, March 11, that the United States Supreme Court will review the findings of the Supreme Court of Georgia in the case of City of Atlanta vs. Oglethorpe University. This case is of vital importance to the entire broadcasting industry.

The City of Atlanta imposed a license fee of \$300 per year on all broadcasting stations. Oglethorpe University, operating WJTL, went to the courts, and a first decision was rendered by the Supreme Court of Georgia on February 14, 1934. This decision held, in substance, that even though some of the messages from WJTL might go beyond state lines, that fact did not make the broadcasting of the station interstate commerce. After this first decision the case went back for trial to the lower court on the merits. The trial judge directed a verdict for the defendant, the City of Atlanta, and the case was again appealed to the Supreme Court of the State of Georgia. The decision of this Court, handed down January 21, 1935, sustained the trial judge in directing a verdict for the defendant.

This decision, manifestly based on an apparent admission in the pleadings that a considerable part of the activity of WJTL is intrastate, appears directly at variance with the many decisions, including those of the Supreme Court of the United States, that for regulatory purposes all broadcasting, without exception, is interstate commerce. This point is clearly brought out in the briefs filed in the other important state tax case now actively before the courts, the case of Fisher's Blend Station, Inc., vs. the Tax Commission of the State of Washington and the members of that Commission.

In the Washington case, the Supreme Court of Thurston County granted a permanent injunction restraining the Tax Commission of the State of Washington, and its members, from collecting from Fisher's Blend Station, Inc., the tax on the gross revenues of broadcasting provided in the state law. Briefs in this case have recently been filed in the Supreme Court of the State of Washington by Venables, Graham & Howe, attorneys for Fisher's Blend Station, Inc., and by the Attorney General representing the Tax Commission.

The briefs for the respondent clearly bring out the point, apparently not made clear in the Ogleshorpe case, that every broadcast, no matter what its nature, is necessarily interstate in character, and that it is not possible to transmit a broadcast which does not pass over state lines.

What the final determination of this issue means to the broadcasters is apparent from a survey of the bills already pending in state legislatures on the subject, particularly when it is realized that if the Supreme Court of the United States upholds the Supreme Court of Georgia, it will not be long before practically all the other states will seek to enact laws similar to those now pending.

Arizona H. 118 provides for a general sales tax of 1 per cent on gross revenues, specifically including radio advertising.

Kansas S. 331 and H. 438 provide for a general sales tax on services, specifically including radio broadcasting. This bill has just been stricken from the calendar but may be introduced again.

Missouri S. 33 provides for a tax of 3 per cent on gross receipts, specifically including radio advertising.

New Mexico S. 1, which has passed both houses, provides a 2 per cent sales tax on gross receipts, specifically including radio broadcasting.

Oklahoma H. 440 provides for a 3 per cent tax on gross sales, specifically including broadcasting.

Pennsylvania H. 1353, just introduced, provides for special taxes on telephone messages and broadcasting, the tax on broadcasting being 2 per cent of the gross receipts.

Texas S. 62 and H. 661 provide for general sales taxes, including a tax of 2 3/4 per cent on the gross receipts of radio broadcasting. As a further measure of control, Texas S. 421 provides that every broadcasting station must file detailed semi-annual reports with the state comptroller.

Washington already has a sales tax bill which, in its application to broadcasting, is now under consideration by the state Supreme Court. In addition, the Washington House on March 10 passed H. 237, a general tax bill, including a tax on all radio broadcasting stations amounting to 10 cents per watt of rated power annually.

West Virginia already has a tax on all amusement enterprises, including broadcasting, and H. 527 and S. 274 propose an amendment to this act making the tax 1/2 of 1 per cent on gross revenue. Broadcasting is specifically included in both these bills.

The foregoing outline indicates what the broadcasting industry is immediately facing in the way of taxation if it is found that broadcasting revenues are subject to state taxes. Obviously, however, this would only be the beginning. On the other hand, the whole structure of federal regulation of radio rests on the assumption that all radio transmission, including broadcasting, is exclusively interstate commerce. If it is held by the courts that some broadcasting is intrastate in character, the results, both in imposing enormous additional burdens on the broadcasters, and in breaking down the whole structure of federal regulation, are simply incalculable.

Just to indicate that the state legislative problems of the broadcasters are not confined to taxation, the Washington State Senate on March 7 passed House 518, already passed by the House, extending to broadcasting the provisions of the state laws regarding libel and slander. On the following day the Senate refused to reconsider this bill, which at last reports was before the Governor for his signature.

ASKS NEW RADIO COMMITTEE

Senator McAdoo of California has introduced a resolution in the Senate providing for a "Committee on Aviation and Radio, to consist of 15 Senators," as one of the regular standing committees of

that body. At present radio matters are handled by the Senate Committee on Interstate Commerce. The McAdoo resolution has been referred to the Senate Committee on Rules for action.

KSLM RECOMMENDED FOR FULL TIME

Station KSLM, Salem, Ore., applied to the Federal Communications Commission for full time instead of daytime hours. The station operates on 1370 kilocycles with 100 watts power. Ralph L. Walker (e), in Report No. I-26, recommends that the application be granted.

The Examiner found that there appears to be a substantial need for the proposed additional service in the Salem area. He found also that this additional time will not interfere with the "fair and efficient" radio service of stations already licensed.

RECOMMENDS NEW LOUISIANA STATION

Application was made to the Federal Communications Commission by the Evangeline Broadcasting Company for the erection of a new broadcasting station at Lafayette, La., to use 1310 kilocycles, 100 watts power, and unlimited time on the air. Melvin H. Dalberg (e), in Report I-27, has recommended that the application be granted.

It was found by the Examiner that the applicant is technically and financially eligible to erect and run such a station and there is a need in the locality for the proposed new service. No interference would be caused by its erection, he found also.

CONTINUE TIME-SHARING RECOMMENDED

Stations WOWO, Fort Wayne, Ind., and WWVA, Wheeling, W. Va., applied for a renewal of their time-sharing agreement. Ralph L. Walker (e), in Report No. I-28, recommends that the licenses on the time-sharing agreement be renewed.

The Examiner states that the hours specified in the time-sharing agreement are the same as those embodied in the agreement entered into by the two parties and under which the stations now operate.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act: Morgantown Water Company, Morgantown, W. Va. (2-1305, Form A-1)

Gaskoal Corporation, Chicago, Ill. (2-1306, Form A-1)

Fifth Avenue Realty Corporation, New York City. (2-1307, Form E-1)

Investment Counsel Investment Fund, Inc., Wilmington, Del. (2-1308, Form A-1)

Investment Counsel Equity Fund, Inc., Wilmington, Del. (2-1309, Form A-1)

Chicago Mail Order Company, Chicago, Ill. (2-1310, Form A-1)

Park City Consolidated Mines Co., Ogden, Utah. (2-1311, Form A-1)

Alameda Investment Bondholders Committee, Oakland, Calif. (2-1312, Form D-1)

Alameda Investment Bondholders Committee, Oakland, Calif. (2-1313, Form D-1)

Century Shares Trust, Boston, Mass. (2-1314, Form A-1)

Boulder Gold Mines, Inc., Oakland, Calif. (2-1315, Form A-1)

Refiners Petroleum Corporation, Detroit, Mich. (2-1316, Form E-1)

S. Broadway Building Committee, Los Angeles, Calif. (2-1317, Form D-1)

Doehler Die Casting Company, Toledo, Ohio. (2-1318, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 18, 1935

KFYO—T. E. Kirksey, tr/as Kirksey Bros., Lubbock, Tex.—C. P., 940 kc., 500 watts, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

KGKL—KGKL, Inc., San Angelo, Tex.—C. P., 940 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Raymond L. Hughes, Midland, Tex.—C. P., 1200 kc., 100 watts, daytime.

NEW—The Herald Publishing Co., Denison, Tex.—C. P., 1200 kc., 100 watts, daytime.

NEW—F. N. Pierce, Taylor, Tex.—C. P., 1310 kc., 100 watts, daytime.
 NEW—Eugene DeBogory, tr/as Tem-Bel Broadcasting Co., Temple, Tex.—C. P., 1310 kc., 100 watts, daytime.
 NEW—Palestine Broadcasting Assn., Palestine, Tex.—C. P., 1420 kc., 100 watts, daytime.
 NEW—A. P. Mueller, Herbert Mueller, Alvin Mueller, Mueller Amusement Co., Seguin, Tex.—C. P., 1500 kc., 100 watts, 7:30 a. m. to 2 p. m., 4 p. m. to 10 p. m.
 NEW—East Texas Broadcasting Co., Dallas, Tex.—C. P., 1500 kc., 100 watts, simultaneously with KGKB, specified hours night.
 NEW—Eugene DeBogory, tr/as Paris Broadcasting Co., Paris, Tex.—C. P., 1500 kc., 100 watts, daytime.
 NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex.—C. P., 1420 kc., 100 watts, daytime.
 NEW—E. B. Gish (Gish Radio Service), Abilene, Tex.—C. P., 1420 kc., 100 watts, unlimited time.

Wednesday, March 20, 1935

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—C. P., 1120 kc., 100 watts, daytime.
 NEW—Winger and Thomas, Chattanooga, Tenn.—C. P., 1200 kc., 100 watts, unlimited time.

Thursday, March 21, 1935

NEW—Dudley J. Connolly, Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, unlimited time.
 NEW—M. D. Smith, Jr., d/b as Smith Broadcasting Co., Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, unlimited time.
 WNRA—Muscle Shoals Broadcasting Corp., Sheffield, Ala.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, daytime.

Friday, March 22, 1935

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—C. P., 1500 kc., 100 watts, unlimited time.
 NEW—Wm. A. Schall, Omaha, Nebr.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted 1200 C. P. to make changes in equipment.
 WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted 1420 C. P. to move station locally.
 KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted 710 C. P. to install new equipment.
 WDOO—WDOO Broadcasting Corp., Chattanooga, Tenn.—Granted 1280 authority to determine operating power by direct measurement.
 WDAE—Tampa Times Co., Tampa, Fla.—Granted extension of 1220 special experimental authority to operate with 1 KW night, 2.5 KW day, unlimited time, from April 1 to October 1, 1935.
 WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Granted extension of special experimental authority to operate with 1 KW night, 2½ KW day, from March 1 to September 1, 1935.
 WMFE—William J. Sanders, New Britain, Conn.—Granted modification of C. P. to make changes in equipment, extend commencement date to within 60 days of grant and completion date to 90 days thereafter.
 WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. approving transmitter site at Bluff Road, near Columbia, S. C.; increase daytime power from 2½ to 5 KW and extend commencement date to within 30 days after grant and completion date to within 120 days thereafter; also to change equipment.
 WILL—University of Illinois, Urbana, Ill.—Granted modification of license to change frequency from 890 kc. to 580 kc.; change power to 1 KW, daytime hours.
 WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted 970 modification of C. P. to change type of equipment and antenna system.
 WPHR—WLBG, Inc., Petersburg, Va.—Granted license to cover 880 C. P., 880 kc., 500 watts, daytime.
 WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—620 Granted license to cover C. P., 620 kc., 250 watts, daytime. (Original C. P. authorized changes in modulating system.)

WKEU—Radio Station WKEU, Griffin, Ga.—Granted license to 1500 cover C. P. authorizing move from LaGrange to Griffin, Ga., and change specified hours to daytime only; 1500 kc., 100 watts.
 WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted license to cover C. P. authorizing changes in equipment.
 WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted 610 license to cover C. P. authorizing changes in equipment; 610 kc., 1 KW night, 5 KW day, unlimited.
 KIUF—J. H. Speck, Santa Fe, N. Mex.—Granted license to cover 1310 C. P. authorizing new station to operate on 1310 kc., 100 watts, unlimited time, site to be determined.
 WPGA—Rome Broadcasting Corp., Rome, Ga.—Granted modification of license to change hours of operation from specified to unlimited, 1500 kc., 100 watts night, 100 watts day.
 KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—1230 Granted C. P. approving transmitter and studio location in Albuquerque, and application dismissed from the Hearing Docket.
 WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—1360 Granted renewal of license, 1360 kc., 500 watts, specified hours, with authorization to operate with 1 KW from local sunrise to local sunset on Sunday. (Application dismissed from Hearing Docket.)
 WDZ—James L. Bush, Tuscola, Ill.—Application for renewal of 1070 license dismissed from Hearing Docket and granted for regular period; 1070 kc., 100 watts, daytime.

SET FOR HEARING

WCAO—The Monumental Radio Co., Baltimore, Md.—Application 600 for C. P. to make changes in equipment and increase night power from 500 watts to 1 KW.
 NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—1420 Application for C. P. to erect a new station, 1420 kc., 100 watts, unlimited.
 WBHS—Virgil V. Evans, Huntsville, Ala.—Application for C. P. to 1200 move studio and transmitter from Huntsville, Ala., to Chattanooga, Tenn.; change hours of operation from 6/7 time to unlimited.
 NEW—John Brown University, Siloam Springs, Ark.—Application 1500 for C. P. to erect a new station, 1500 kc., 100 watts night, 250 watts day, unlimited time.
 WTRC—Truth Radio Corp., Elkhart, Ind.—Application for C. P. 1310 to make changes in equipment and increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day.
 KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Application 1120 for modification of C. P. to extend completion date from March 20 to April 20, 1935. (To be heard before Commissioner Brown on April 8, in Los Angeles.)
 NEW—Hazlewood, Inc., West Palm Beach, Fla.—Application for 1200 C. P. to erect a new station, 1200 kc., 100 watts, unlimited. (To be heard with Miami applications.)
 NEW—Luther E. Gibson, d/b as Times Herald Publishing Co., 850 Vallejo, Calif.—Application for C. P. to erect a new station, 850 kc., 250 watts, daytime.
 KPCC—Pasadena Presbyterian Church, Pasadena, Calif.—Application 1210 for C. P. to install new equipment and increase power from 50 watts night and day to 100 watts night, 250 watts day.
 WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Application 600 for modification of special experimental authorization to operate additional power of 500 watts night and 1500 watts day, at new location in Marion Township, Iowa.
 WLBC—Donald A. Burton, Muncie, Ind.—C. P., already in Hearing Docket, amended so as to request changes in equipment and increase in power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day. (Formerly requested unlimited time, now requests present assignment of simultaneous day with WTRC, share with WTRC at night.)
 NEW—Hauser Radio Co., C. R. Hauser and John McGinniss, 1310 Ventura, Calif.—C. P., already in Hearing Docket, amended so as to request 1310 kc., 100 watts, unlimited time, instead of 1210 kc., 100 watts, daytime.
 WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and 1390 Bostwick, St. Albans, Vt.—C. P., already in Hearing Docket, amended so as to request the use of 1390 kc., and 1 KW day, to move transmitter 3 miles west of old location. Amendment requests changes in equipment and changes in specified hours formerly requested.

MISCELLANEOUS

WSBT—The South Bend Tribune, South Bend, Ind.—Application **1360** for renewal of license removed from Hearing Docket and granted for regular period; **1360 kc.**, 500 watts, specified hours.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Denied **1120** application for special temporary authorization to operate on **1120 kc.**, with power of 250 watts day and night, unlimited time, except for the hours of 8 to 9 p. m., CST, on Monday and Friday nights, which hours are now assigned to WTAW, but for a period not to exceed 30 days, in order to allow KGHI to more adequately serve the City of Little Rock and surrounding territory.

KIT—Carl E. Haymond, Yakima, Wash.—Denied application for **1310** special temporary authorization to operate from local sunset (March sunset 6 p. m., PST), to 7:45 p. m., PST, during month of March, 1935, with power of 250 watts, in order to broadcast frost warnings.

NEW—Dr. J. R. Burgess and Geo. B. Bairey, d/b as WHM Broadcasting Co., Helena, Mont.—C. P., **1420 kc.**, 100 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Application for modification of license, **560 kc.**, 1 KW, share with WFI, and application for special experimental authorization, **560 kc.**, 1 KW, share with WFI, were retired from Hearing Docket to closed files since the deletion of Station WLIT, after assignment of license to WFIL Broadcasting Co.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Reconsidered **610** action in consolidating this application with hearings scheduled on applications of KFRC and WDAF, and granted petition for separate hearing on KFBB application to be held March 25, 1935. This application is for a special experimental authorization to operate on **610 kc.**, with 1 KW.

WMFH—Joseph M. Kirby, Boston, Mass.—Denied petition asking **1120** that Commission reconsider its action in designating for hearing application for night-time operation with 250 watts.

W. O. Ansley, Jr., Abilene, Tex.—Granted petition to intervene at hearing of application of Denton Broadcasting Co. and Palestine Broadcasting Co. for new stations at Abilene, Denton, and Palestine, Tex.

KMAC—W. W. McAllister, San Antonio, Tex.—Hearing scheduled for March 18th continued for sufficient time to enable adequate notice to be given all interested parties of the enlargement of the notice of hearing to include the issue: "To determine the nature and character of experiments proposed to be conducted."

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Denied **1290** petition asking Commission to reconsider action in designating for hearing application for authority to make changes in equipment and to increase daytime power from 2.5 KW to 5 KW and to grant the same. Hearing scheduled for March 29, 1935.

WCLS—WCLS, Inc., Joliet, Ill.—Reconsidered and granted application for unlimited daytime operation. Denied application for unlimited night-time operation.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Denied **970** motion asking that Commission default and deny application of Journal Company (Milwaukee Journal), Milwaukee, Wis.

John G. Curtis, Erie, Pa.—Denied request for continuance for **60** **1370** days of hearing scheduled for March 26, 1935, on application for C. P. for new radio station to operate on **1370 kc.**, 100 watts.

Brothers & England, Wellington, Ohio.—Denied request for **1370** continuance of hearing scheduled for March 26, 1935, for authorization to operate a radio broadcasting station on **1370 kc.**, with 100 watts power.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Sustained **1460** motion to dismiss protest of KSTP against application of Minnesota Broadcasting Corp. so as to show location of transmitter site and extension of the commencement and completion dates of construction.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Denied **880** petition asking that Commission reconsider action in designating for hearing application for C. P. to make changes in equipment and to increase power from 250 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license to **970** change frequency from **1430 kc.** to **970 kc.**

WEEI—Edison Electric Illuminating Co. of Boston, Mass.—Construction permit for installation of new equipment and to **590** change power from 1 KW to 5 KW day and night. Amended to use directional antenna.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—**710** License to cover construction permit (1-P-B-1492) as modified to install new equipment, increase power, and move transmitter.

WSYB—Philip Weiss, d/b as Philip Weiss Music Co., Rutland, Vt.—**1500** Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts.

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to **1120** install new equipment and increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of license to change frequency from **1190 kc.** to **1200** **kc.**, power from 100 watts daytime to 100 watts day and night, and hours of operation from daytime to unlimited. Amended to omit request for change in frequency and to change hours of operation from daytime to limited time (local sunset at San Antonio, Tex.).

WAWZ—Pillar of Fire, Zarepath, N. J.—Construction permit to **1350** make equipment changes (antenna) and increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WAWZ—Pillar of Fire, Zarepath, N. J.—Authority to install **1350** to increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WAWZ—Pillar of Fire, Zarepath, N. J.—Modification of license **1350** matic frequency control.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification **1250** of license to use WHBI's transmitter as auxiliary.

Second Zone

WHJB—Pittsburgh Radio Supply House, Pittsburgh, Pa.—License **620** to cover construction permit (B2-P-307) to make equipment changes.

WKAR—Michigan State College, East Lansing, Mich.—Construction permit to make changes in equipment (antenna and **1040** transmitter).

WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Special experimental authorization to increase power to 1 KW. Amended to change name to WFIL Broadcasting Co.

WSAN—WSAN, Inc., Allentown, Pa.—Extension of special experimental authorization to operate with additional 250 watts **1440** power (operating power 250 watts) for period of 90 days.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Construction permit to install new equipment and increase day **1420** power from 100 watts to 250 watts.

WCBA—B. Bryan Musselman, Allentown, Pa.—Extension of special experimental authorization to operate with additional **1440** 250 watts power (operating power 250 watts) for period of 90 days.

WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Modification of **560** license to increase power from 500 watts to 1 KW. Amended to change name from WFI Broadcasting Co. to WFIL Broadcasting Co.

Third Zone

NEW—H. K. Glass and M. C. Kirkland, Eustis, Fla.—Construction permit for new station on **1310** **kc.**, 100 watts day, request call WFIH. Amended as to transmitter site.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Special experimental authority to install new equipment, operate on **1240** **kc.**, 250 watts, 1 KW day, for period of six months.

WALA—Pape Broadcasting Corp., Mobile, Ala.—Modification of **1380** license to increase power from 500 watts, 1 KW day, to 1 KW day and night.

KFRO—Voice of Longview, Longview, Tex.—Modification of **1210** license to change frequency from **1370 kc.** to **1210 kc.** and hours of operation from daytime to unlimited, facilities of KWEA.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—**1420** Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

NEW—Big Spring Herald, Inc., Big Spring, Tex.—Construction 1500 permit to erect a new station to operate on 1500 kc., 100 watts, unlimited.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., 1420 Abilene, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, unlimited.

NEW—Reporter Publishing Co., Abilene, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, unlimited.

WAIM—Wilton E. Hall, Anderson, S. C.—Modification of construction permit to erect a new station to operate on 1200 kc., 100 watts, unlimited. Amended to make changes in equipment and giving transmitter and studio locations as Anderson College, Anderson, S. C.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of construction permit authorizing erection of a new station to operate on 1370 kc., 100 watts, daytime, requesting extension of completion date from 4-11-35 to 6-11-35.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, 920 Spartanburg, S. C.—Modification of construction permit authorizing changes in equipment, change of frequency from 1420 kc. to 920 kc., hours of operation from unlimited to daytime, and power from 100 watts, 250 watts day, to 1 KW day and night, and move transmitter locally, requesting extension of completion date from 3-21-35 to 4-21-35.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—License 1180 to cover construction permit (3-P-B-3269) to move transmitter, make changes in equipment, and increase power.

Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Extension of special experimental authorization to operate with an additional 15 KW power from 6 a. m. to local sunset, for period ending 11-1-35.

NEW—“Radio Chapel of the Air,” Rev. Robert E. Connely, Pres., 1380 Minneapolis, Minn.—Construction permit for a new station to be operated on 1380 kc., 100 watts power, unlimited. Amended: Studio and transmitter sites to be determined.

KFBI—Farmers & Bankers Life Ins. Co., Abilene, Kans.—Construction permit to make equipment changes; move studio from 412 N. W. 3rd St., Abilene, Kans., to corner First and Market Sts., Wichita, Kans.; transmitter from corner 5th and Barry Sts., Milford, Kans., to 3 miles west of city limits on Highway No. 54, Wichita, Kans.

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of 1300 license to move studio from 6400 E. Central Ave., Wichita, Kans., to Hotel Lassen, Wichita, Kans.

WIBW—Topeka Broadcasting Assn., Topeka, Kans.—License to 580 cover construction permit (B4-P-247) to increase power from 1 KW to 1 KW, 5 KW day.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make 1020 changes in equipment and increase power from 100 watts to 250 watts, change frequency from 1070 kc. to 1020 kc. when KYW moves to Philadelphia. Amended to make further changes in equipment.

KLPM—John B. Cooley, Minot, N. Dak.—Consent to transfer of 1240 control of corporation from John B. Cooley to Northwest Radio Service, Inc.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

WTRC—Truth Radio Corporation, Elkhart, Ind.—Voluntary assignment of license to The Truth Publishing Co., Inc.

KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Construction 680 permit to install new equipment and increase power from 2½ KW day to 5 KW day. Amended: Transmitter site to be determined.

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—1370 Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Modification of construction permit authorizing move of transmitter and increase of power from 5 KW to 50 KW, requesting extension of completion date from 4-4-35 to 7-4-35.

KFH—The Radio Station KFH Co., Wichita, Kans.—Construction 1300 permit to make changes in equipment and increase power from 1 KW to 1 KW, 5 KW day.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Special experimental authorization to operate with 5 KW power night for license period.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—License to cover 1350 construction permit (B4-P-196) to make changes in equipment and increase day power.

Fifth Zone

KIUJ—J. H. Speck, Santa Fe, N. Mex.—License to cover construction permit (B5-P-22) as modified for a new station.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new equipment.

KFWB—Warner Brothers Broadcasting Corp., Hollywood, Calif.—950 Special experimental authorization to install new equipment and to operate with 5 KW power night-time, for period to 4-1-35.

NEW—Southern Oregon Publishing Co., Roseburg, Ore.—Construction permit for a new station on 1500 kc., 100 watts, unlimited; request call of KRNR.

NEW—Clark Standiford, Chico, Calif.—Construction permit to 1210 erect a new station to operate on 1210 kc., 100 watts, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—Construction permit to 850 erect a new station to operate on 850 kc., 100 watts, daytime.

KGIR—KGIR, Inc., Butte, Mont.—License to cover construction 1360 permit (B5-P-102) as modified to install new equipment and increase power.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—License to 1400 cover construction permit (B5-P-139) to make equipment changes.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to 1260 move 100-watt transmitter from 127 E. Main Street, Missoula, Mont., to 5 miles northwest of Missoula, near Frenchtown Road; to operate on 1200 kc., 100 watts, unlimited time, during period of construction of new transmitter.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Construction permit to 590 increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day, and move transmitter from Sprague Avenue and Post St., Spokane, Wash., to site to be determined. Amended to request 5 KW power day and night.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Modification of construction permit to erect a new station to operate on 950 kc., 250 watts, daytime, giving exact transmitter site. Amended giving site as 2½ miles east of Chico, Calif.