

# The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### COPYRIGHT DEVELOPMENTS

With the expiration date of license contracts between the American Society of Composers, Authors and Publishers and the broadcasters just five months off, the broadcasting industry is vitally interested in two recent important developments in the copyright situation. The Interdepartmental Committee on Copyright, headed by Wallace McClure of the Department of State, has completed a draft of a copyright bill which will be introduced in the Senate within a few days and Federal Judge John C. Knox of New York granted the motion filed by the United States Government in the ASCAP anti-trust suit to strike from the Society's answer all irrelevant and non-responsive matter.

The ruling by Judge Knox is a decided victory for the Government since it virtually has the effect of reducing the issues involved in the litigation to price fixing. It also will have the effect of expediting trial of the case. At the same time Judge Knox substantially denied the motion filed by the Society asking that a commission be appointed to take testimony in this country and abroad, stating that in the event a "strong case for relief" is shown by the Society the motion might be renewed with respect to witnesses residing in the United States.

Argument on the motion was heard by the court last January 11. Andrew W. Bennett, special assistant to the Attorney General, in charge of the Government's suit, argued the case for the Government and Nathan Burkan of New York, chief counsel for the ASCAP, argued for the Society.

### COPYRIGHT BILL DUE SOON

The copyright bill, which is now being completed, will be introduced in the Senate within the next few days. This bill, the result of extensive conferences at the Department of State, among all interested parties, will be designed to enable this country to adhere to the Convention for the Protection of Literary and Artistic Property under the provisions of the Rome revision of the Convention. It will be introduced by Senator Duffy (D.) of Wisconsin, a member of the Senate Foreign Relations Committee, which committee has under consideration the question of ratification of the treaty. Adherence to the Convention has the sanction of President Roosevelt and it is expected that strenuous efforts will be made to pass the bill at the present session of Congress. Senator Duffy's bill will, of course, be referred to the Senate Patents Committee, headed by Senator McAdoo (D.), California.

Briefly, the revised bill changes the present law by striking out minimum statutory damages and leaving to the court determination of damages suffered by the copyright owner, with a proviso that in each instance the amount awarded may not be less than the fair value of a license. The bill also places broadcasting on a par with newspapers and periodicals, with respect to issuance of injunctions.

The views of the broadcasters were submitted to the State Department by the NAB on February 23 and in a letter to Philip G. Loucks, managing director of the NAB, Chairman McClure explained disposition of the contentions urged by the Association in the following letter under date of March 20:

My dear Loucks:

You received, I trust, the copies of the revised draft of the copyright bill, which your messenger called for this morning. I shall, of course, be glad to discuss it with you in person tomorrow as arranged in our telephone conversation. Meantime, you may

find it helpful to have some explanation of the changes which have been made, particularly with reference to the desires of the Radio Broadcasters as expressed at the conference on February 23 and in the brief of the National Association of Broadcasters filed at that time. Let me say to begin that the Interdepartmental Committee on Copyright has considered with sympathy the peculiar situation of the broadcasters as a comparatively new industry making very large use of copyright material and not finding in the present copyright law, which was enacted before the advent of broadcasting, any special reference to their needs. You will therefore find, I believe, that the amendments in the new draft have approached closely the requirements of the broadcasting industry as stated in your brief. The items of the brief may be taken in order as follows:

The right of radio broadcasting granted in Section 1 (f) has been enlarged to include other analogous forms of communication to the public, to which it is assumed the broadcasters will find no objection.

The word "writings" (revised draft, p. 6, line 9) has been restored in place of the word "works," thus removing any danger as to the adoption of so-called "oral copyright." The Committee did not believe that oral copyright would be required under the Convention and this opinion has been concurred in by some of the counsel who appeared at the hearings. However, the use of the word "writings" serves to remove any doubt on the question.

Careful consideration has been given to the language proposed by you for an amendment in the proviso to Section 8 of the present law (pp. 11-12 of the new draft). It is understood that the broadcasters desired to be certain that they may continue the use of recordings or arrangements of music made for broadcasting from works hitherto in the public domain but to which copyright will accrue after the adherence of the United States to the Convention. It is believed that the language of Section 8, proviso, is broad enough to permit such continued use, but for the sake of better assurance in this respect, certain changes have been made in the language of the final clause (p. 12), consisting of the insertion of the word "further" before "use" and the elimination of the words "already existing" after "reproduction." The word "substantial" has also been omitted before "expenditure or liability," which should serve to remove the doubts expressed regarding it. It is not understood that the broadcasters would contend for the right to use an arrangement or recording not made by them but merely purchased. The purpose of the proviso in Section 8 is to afford all equitable protection to persons who have themselves invested money or incurred liability in the direction of performance of works which were not copyrighted at the time when the undertaking began, but not to permit everyone to use a work which was in the public domain, since the Convention requires generally the protection of all works for which copyright exists in union countries.

The changes suggested by you in Section 23 (pp. 19-21 of the new draft) as to the permissibility of other proof of the date of origin of a work only in the absence of notice and registration, have been adopted. You will note also that language has been added providing that the term shall in no case exceed 56 years, so that when an unpublished work has been copyrighted, a new term will not begin upon subsequent publication.

In the new draft (p. 24, line 4), broadcasters have been included, as desired by you, in the exemption from temporary restraining orders.

## THIRTEENTH ANNUAL NAB CONVENTION

THE BROADMOOR, COLORADO SPRINGS, COLO.

JULY 6, 7, 8, 9, 10, 1935



The Committee considered carefully the request of your organization for a change in the bill which would restrict the owner of copyright to either damages or profits and not give him both, but it was doubted whether it would be wise to make this change from the present law. The notion of giving profits unconscionably made to the copyright owner in an infringement case is solidly embedded in copyright law and has not hitherto, so far as the Committee is aware, met with any special criticism. The proportion of the profits to be awarded to the plaintiff is left to the discretion of the Court. While the Committee does not regard the question as entirely closed, it has not so far been convinced that the change proposed is desirable. As you know, effort has been made to avoid any changes going beyond what seemed necessary for the purposes of the draft.

You will be very much interested to observe that, on page 26 of the new draft, very material changes have been made amounting, briefly, to the removal of any stated minimum for statutory damages and the increase of the maximum in all cases to \$10,000. The Committee recognizes that there have been great changes in the conditions and forms of the use of copyright material since 1909, when the present Act, including the provision for minimum damages of \$250, was adopted. It seems reasonable and, all things considered, desirable to leave more to the discretion of the Court, while damages should not be so low as to amount to a license to infringe. The Committee believes that the change is in the public interest.

On pages 26-27 of the new draft, the requirement has been inserted of both notice and registration in order to permit the copyright owner to obtain any remedy other than an injunction or the value of a license. This is in accordance with the desire of the broadcasters. It will be further noted that the maximum value of a license under such circumstances has been reduced from \$2,500 (old draft) to \$1,000 (new draft).

On pages 27-28 of the new draft, the suggestions of the broadcasters have been adopted in part. It is provided that proof of fraud, or of good faith on the part of the infringer, shall be sufficient to exempt him from any liability except for the value of a license. The Committee, however, did not feel warranted in going so far as to strike out entirely the saving value of some record in the Copyright Office or of the notice on a published work. Here, as in some other instances, there is danger of incurring the criticism that this is an "infringers' bill". The reference to performance of works in cities of over 100,000 population, however, has been omitted. It is hoped that with these changes the subsection will meet the needs of those whom you represent.

In the provisions relating to infringing advertising matter as to which the infringer was innocent, broadcasters have been included in the exemptions granted, as desired, and similar amendments have been made in other portions of the infringement section, placing broadcasters in general on the same footing as publishers of periodicals (new draft at pp. 31-34).

Another change not specially asked for by the broadcasters, but which seems fair to them, is in the provisions relating to possible impoundment or destruction of infringing matter (p. 36). The harshness of impounding and particularly of destruction is recognized and it has been provided that they shall not take place where the publisher of a periodical or the broadcaster has acted in good faith.

Your proposed change in Section 25 (9) b (new draft, pp. 39-40) has been adopted by providing that there shall be no liability, in respect of "the ordinary occupation by a guest of a hotel or lodging-house room", for the reception of a radio broadcast. You will be interested to note the amendment in paragraph (5) of the same subsection which provides that the incidental reproduction of the copyrighted work in a broadcast relating to current events is not to raise any liability. The Committee recalls, in this connection, Mr. Bellows' remarks as to the situation arising at the time of the broadcast of President Roosevelt's inaugural. The same considerations apply, of course, to the broadcasts of sports events such as the big football games.

Section 34 of the existing law (pp. 43-44 of the new draft) has been amended to accord the right of review of damages on appeal.

Through an unfortunate inadvertence, the amendment desired by the broadcasters in Section 39, providing for no liability in civil cases more than three years after infringement, was omitted in mimeographing the revised draft. The Committee intended to include this change and it will be added before the bill is presented to Congress.

Section 41, dealing with the moral right of the author, has been the subject of much comment on the part of various groups who have been represented before the Committee and who desired to be adequately protected against any possible abuse that might

arise from the inclusion of this right in the law. Accordingly, a somewhat elaborate series of provisions have been added in order to cover all reasonable requirements. First, the full freedom of contract has been reserved; this means the right of the author to waive his moral right entirely if he so desires. Further language has been adopted to apply to cases where there is no contract and to permit the user of the copyrighted material in such cases to edit, arrange or otherwise modify the work for publication, broadcasting or motion pictures, in accordance with customary standards and reasonable requirements. While the language adopted differs from that proposed by you, it is believed that it will have substantially the same effect.

Doubtless you will be interested to observe that a new amendment has been made to Section 42 of the existing law giving to authors a high degree of divisibility of copyright. This has long been strongly urged by representatives of the authors and has been accepted in principle by other interested groups.

The Committee appreciates your comment with reference to the Berlin revision of the copyright convention. Very careful study has convinced it, however, that, regardless of absolute possibilities, the only practicable course for the United States is adherence to the Convention in its latest revised form (Rome, 1928). Moreover, the Committee feels confident that the new provisions of the bill (revised draft, pp. 45-46) fully protect your position in respect of moral rights and that the advantages, if any, of making reservations have been greatly overemphasized. It is very doubtful whether the United States should make reservations in any event. The forward looking course is to encourage the complete elimination of reservations. The Committee feels assured that formal action by the Brussels Conference with reference to legislation in the United States is out of the question and that adverse criticism is extremely unlikely. On the other hand, the Conference will offer to the United States, if it has ratified the Convention, a welcome opportunity to obtain acceptance for some of its own policies and their inclusion in international law.

In conclusion, I wish again to thank you for your very helpful cooperation and to bespeak continued conference with you.

Sincerely yours,

(Signed) WALLACE McCLURE,  
Chairman, Interdepartmental  
Committee on Copyright.

## REORGANIZED FCC MEANS BUSINESS

Twenty-one stations are facing difficulties as a result of broadcasting programs sponsored by medical groups who advertise personal medical and dental care and nine others are being cited for broadcasting advertising of certain medical products.

This is the result of the desire of the reorganized Federal Communications Commission to put a stop to abuses in the field of advertising medical and dental services and medical products.

"Our current campaign," said Chairman Prall, "may seem to be drastic and too inclusive. It is our view, however, that lax practices must be cleaned up for the benefit of the industry itself as well as for the public. In the long run, I am confident that all groups affected will realize that the course is wise, for it is far more desirable and usually more effective to clean house voluntarily than to do it by legislation."

And the Commission means business. Steps are being taken to rid the Commission staff of "politics" and "wire pulling."

Speaking over the NBC, Chairman Prall told the public of the proposed "new deal" for radio. He said:

"We have decided to tighten up broadcasting regulation and enforce our rules more rigidly. That means that radio stations must toe the mark if they want to earn their license renewals. We will not brook any trifling with our regulations. The radio people who disregard them—and I include the broadcasting of harmful and manifestly fraudulent material—are going to be made conscious that there is a board in Washington to whom they must render an accounting. We will punish the malefactors even if it means their extinction from the wave lengths.

"To maintain the high standards of radio programs, to render the most efficient and satisfying service to the people of the country, to aid the broadcasting industry in every possible legitimate way, and to bring to the administration, to which we are responsible, honor and credit in this particular field of its activity, is the purpose of the seven members of the FCC."

Chairman Prall said there was no plan pending for any sort of general reallocation. He said it was his view that the fullest possible use of radio as an educational and cultural force had not yet been made, and that a greater cooperation was essential.



## WOMEN'S GROUP PROPOSES STUDY

Members of the Women's National Radio Committee and representatives of the broadcasting industry met with Chairman Anning S. Prall of the Federal Communications Commission in New York this week to discuss a cooperative program.

Those present were: Mrs. Harold V. Milligan, president; Mme. Yolanda Mero, advisory chairman; and Miss Luella S. Laudin, executive secretary, representing the Women's National Radio Committee; Chairman Anning S. Prall, Federal Communications Commission; J. Truman Ward, president; and Philip G. Loucks, Managing Director, representing the NAB; M. H. Aylesworth, president of NBC; Frederic A. Willis, assistant to William S. Paley, president CBS; and Franklin Dunham, NBC educational director.

In opening the conference Mrs. Milligan explained that the committee is composed of twenty-one affiliated and six cooperating national organizations. She explained that the committee desired to cooperate with the broadcasters and stated that her group is opposed to government ownership of broadcasting and is enthusiastically in favor of the American system of broadcasting. The committee, she said, is of the belief that radio should be as "free as the press."

The organization is not in any sense a "reform" organization but its purpose is simply that of offering to commercial radio the women's viewpoint with respect to programs.

Miss Laudin enlarged upon Mrs. Milligan's statement and reported that listening groups had been formed in the south and west.

Mr. Aylesworth suggested that the committee might well begin its work by undertaking a systematic study of station fan mail and offered to make available the fan mail of his company. On behalf of CBS, Mr. Willis said his company would also cooperate in this effort.

President Ward, on behalf of the NAB, pledged cooperation of the industry and Mr. Loucks explained the work which has been undertaken by the Federal Trade Commission with respect to false and misleading advertising in programs.

Chairman Prall said that the broadcaster should set as his goal "the composite American home" and design his programs for the family group. In suggesting that similar conferences be held, he said that cooperation in planning and presenting programs designed for feminine and juvenile listeners should prove both wholesome and productive.

"If stations should fail by reason of even the small stations doing the wrong thing," he added, "you certainly will find enough legislative power not only to take action on applications on renewal of station license but also to take prompt and effective action when transgressions are made. We are going to protect that portion of the industry that is doing the right thing," he concluded.

## NEW NRA ACT INTRODUCED

Senator Harrison of Mississippi, chairman of the Senate Finance Committee, introduced a bill to extend the National Industrial Recovery Act for a period of two years. The bill was drafted following recommendations made to the Congress by the President in his recent message and also in accordance with recommendations made by Donald Richberg, NRA chairman, in his recent appearance before the finance committee at the NRA investigations.

Section 7 (a), dealing with labor, is very similar to the present law except that the preamble has been slightly changed and the third paragraph completely eliminated.

The introduction of the bill coupled with the President's recent statement that NRA violators be prosecuted is interpreted as meaning that the Administration intends to put new life into the NRA. The bill, if enacted, would not materially change the code for the radio broadcasting industry.

## EDUCATORS PROPOSE NETWORK

The National Committee on Education by Radio is considering a proposal submitted by subcommittee under which the government would operate a broadcasting system paralleling the existing commercial structure. The proposed system would be supported by taxes levied upon the sale of receiving sets and parts and from license fees levied on commercial broadcasting stations. It is expected that the plan, if approved by the whole Committee, will be made the basis of this group's presentation at the forthcoming educational conference called by the Federal Communications Commission for May 15 in Washington.

The NAB is opposed to such system and is preparing to present a plan for cooperation with educational and non-profit organizations at the conference. The NAB will speak for its members at the conference.

## DISCRIMINATION AGAINST RADIO

The Senate bill to rewrite the food and drug law, S. 5, as favorably reported by the Committee on Commerce, contains on page 41, line 25, and page 42, lines 1 to 4, the following provision:

"No retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which he does not distribute or sell in interstate commerce."

Commenting on this, the report of the Committee on Commerce (No. 361) says:

"Retail dealers who sell only at their own establishments frequently advertise articles of local manufacture in small newspapers which are delivered through the mails or which may to some extent be carried across State lines. Since such advertisements are primarily local and not interstate, exemption from prosecution has been extended to retail dealers for such advertising which would otherwise be subject to Federal jurisdiction."

The NAB is vigorously opposed to the portion of this section discriminating against broadcast advertising and will seek an amendment to the bill when it comes up for consideration in the Senate.

## FOOD AND DRUGS BILL REPORTED

Revised in many particulars, the Senate Commerce Committee reported favorably to the Senate the Copeland-Tugwell bill to revise the food and drugs acts.

At the same time President Roosevelt sent a message to Congress asking that the bill be passed during the present session. In his message, he said:

"Every enterprise in the United States should be able to adhere to the simple principle of honesty without fear of penalty on that account. Honesty ought to be the best policy not only for one individual, or one enterprise, but for every individual and every enterprise in the Nation. In one field of endeavor there is an obvious means to this end which has been too long neglected: The setting up and careful enforcement of standards of identity and quality for the foods we eat and the drugs we use, together with the strict exclusion from our markets of harmful or adulterated products.

"The honor of the producers in a country ought to be the invariable ingredient of the products produced in it. The various qualities of goods require a kind of discrimination which is not at the command of consumers. They are likely to confuse outward appearance with inward integrity. In such a situation as has grown up through our rising level of living and our multiplication of goods, consumers are prevented from choosing intelligently and producers are handicapped in any attempt to maintain higher standards. Only the scientific and disinterested activity of Government can protect this honor of our producers and provide the possibility of discriminating choice to our consumers.

"These principles have long been those on which we have founded public policy. But we have fallen behind in their practical application. No comprehensive attempt at reform in the regulation of commerce in food and drugs has been made since 1906. I need not point out to you how much has happened since that time in the invention of new things and their general adoption, as well as in the increase of advertising appeals. Because of these changes loopholes have appeared in the old law which have made abuses easy.

"It is time to make practical improvements. A measure is needed which will extend the controls formerly applicable only to labels to advertising also, which will extend protection to the trade in cosmetics; which will provide for a cooperative method of setting standards and for a system of inspection and enforcement to reassure consumers grown hesitant and doubtful; and which will provide for a necessary flexibility in administration as products and conditions change.

"I understand this subject has been studied and discussed for the last 2 years and that full information is in the possession of the Congress.

"No honest enterpriser need fear that because of the passage of such a measure he will be unfairly treated. He would be asked to do no more than he now holds himself out to do. It would merely make certain that those who are less scrupulous than I



know most of our producers to be, cannot force their more honest competitors into dishonorable ways.

"The great majority of those engaged in the trade in food and drugs do not need regulation. They observe the spirit as well as the letter of existing law. Present legislation ought to be directed primarily toward a small minority of evaders and chisellers. At the same time even-handed regulation will not only outlaw the bad practices of the few but will also protect the many from unscrupulous competition. It will, besides, provide a bulwark of consumer confidence throughout the business world.

"It is my hope that such legislation may be enacted at this session of the Congress."

### NAB EXECUTIVE COMMITTEE MEETS

The NAB Executive Committee held a meeting in Philadelphia this week. President Ward, Treasurer Levy and Managing Director Loucks were present. The Committee discussed the problems before the NAB including the KVOS appeal, the WJTL tax appeal, copyright, the educational conference, and other general legal and legislative matters.

### DELLINGER SUBMITS CCIR REPORT

The report to the Secretary of State of the United States Delegation to the Third Meeting of the International Radio Consulting Committee, held at Lisbon during September and October, 1934, has recently been submitted by Dr. J. H. Dellinger, chairman of the delegation.

The report includes the official opinions of the meeting, and interpretations to be applied to them. The opinions comprise an account of the international aspects of the art of radio communication, including broadcasting, point to point telegraph and telephone, and marine and other mobile communication.

While the Lisbon meeting was held in accord with the usual five-year interval between meetings, it is probable that the invitation of Roumania to hold the next meeting at Bucarest in 1937, just prior to the administrative conference in Cairo late in 1937, will be accepted, because of the fact that the rapidly changing state of the art will undoubtedly make necessary revision of some of the opinions for proper use by the Cairo conference, at which matters of such importance as frequency allocations to the various services become subject to international agreement. The CCIR meetings function to express the state of the art as a basis for the deliberations at the treaty-making conference. The last administrative conference was held at Madrid in 1932, and the resulting Madrid treaty was proclaimed by the President in 1934.

### DELLINGER PRAISES McNARY

In a letter to the NAB, Dr. J. H. Dellinger, chairman of the Delegation of the U. S. International Radio Consulting Committee, commended "the highly meritorious services" of J. C. McNary, NAB technical director, during the Lisbon international conference.

"Mr. McNary," he wrote, "contributed deep knowledge of the technical questions considered and of the related fields of radio engineering. He was distinguished for the fair-minded and unbiased manner of his participation in discussions. He served as U. S. spokesman on many occasions in two of the five committees into which the conference was divided."

### NAB ENGINEERING HANDBOOK SOON AVAILABLE

The preparation of an Engineering Handbook for use by NAB member stations has progressed to a point where it appears that copy will be sent to the printer May 1. The Handbook is being prepared by J. C. McNary, technical director of the NAB, and will be published with the approval of the Engineering Committee. It will contain a wealth of material of value to every operator.

### FCC CALLS CONFERENCE ON MODULATION INDICATORS

Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, has called a conference of manufacturers of modulation indicating devices to be held in Washington, April 12.

The FCC Engineering Department is giving consideration to the feasibility of requiring experimental broadcasting stations, and certain other broadcasting stations adhering to high-fidelity performance specifications, to install modulation indicators for

determining the operating percentage of modulation of broadcast transmitters. The plan under consideration contemplates approval of modulation indicators by type in a manner similar to that used for approval of frequency monitors. A list of approved modulation indicators by manufacturers' names and type numbers would be released after the completion of a series of tests by the Bureau of Standards.

The conference has been called to obtain as much information as possible on which to base specifications.

### CLEAR CHANNEL SURVEY PROGRESSES

Fifty-eight fixed field intensity recorders have been placed in operation in accordance with the plan of operation of the secondary coverage survey being jointly conducted by the Engineering Department of the Federal Communications Commission and the majority of clear channel licenses. The recorders, which operate on a 24-hour schedule seven days per week, have been distributed among the following locations: Burlington, Mass.; Florham Park, N. J.; College Park, Md.; Marietta, Ga.; Dallas, Texas; Chicago, Ill.; Grand Island, Nebr.; Salt Lake City, Utah; Seattle, Washington, and Los Angeles, Calif. Some of the recorders have been in operation for more than a month, while others have only recently commenced functioning. In addition to the fixed recorders, several portable recorders will be operated on intermittent schedules in various parts of the country.

Except for analysis of records, the Commission's portion of the survey is expected to be completed by June 1. This includes calibration of the fixed recorder installations, the measurement of radiated power of the clear channel transmitters whose signals are being measured, a number of trips by the field staff of the Commission to determine listening habits of rural and small town receiving set owners, and a mail survey of listener preferences. The mail survey records are being obtained from 130,000 post cards sent to fourth-class postmasters and a selected list of rural listeners throughout the United States.

No date has been set for the completion of the field intensity recording schedule. While it appears highly desirable that the recorders operate indefinitely, it is probable that a date will be set for the preparation of a preliminary report based on information obtained prior to that time.

### BUREAU OF AIR COMMERCE AND NEW TRANSMITTER SITES

A number of broadcasting stations have encountered difficulty in securing approval of the Bureau of Air Commerce of new antenna tower locations from the point of view of their being a possible menace to air navigation.

When an application involving a new transmitter site is filed with the FCC, it is promptly forwarded to the Bureau of Air Commerce for comment on possible menace to air navigation because of the proposed construction. The Bureau, in turn, usually requests comments from its field staff and from air line operators in the vicinity of the proposed construction. On their advice, a recommendation to the FCC is prepared.

In many cases, long delays have been encountered in securing approval of the Bureau of Air Commerce.

While efforts are being exerted at the present time to secure clarification of the procedure, it is suggested to stations proposing re-location of antenna towers, that, as a practical matter, time may be saved by contacting the field representative of the Bureau of Air Commerce before filing a construction permit application with the FCC, rather than afterward. Also, under present conditions, it is advisable to withhold purchase of ground for transmitter sites and to refrain from incurring expenses of field intensity surveys until becoming well informed of the local airways situation.

The addresses of the Bureau of Air Commerce field offices are as follows:

New England, New York, New Jersey, Pennsylvania, Maryland, Delaware, Northern Virginia, Northern Kentucky, Eastern Ohio, and District of Columbia: Manager, First Air Navigation District, Municipal Airport, Newark, New Jersey.

Southern Virginia, Southern Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee: Manager, Second Air Navigation District, Box 4327, Atlanta, Georgia.

North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Western Ohio: Manager, Third Air Navigation District, 1204 New Post Office Building, Chicago, Illinois.



Arkansas, Louisiana, Oklahoma, Texas, Kansas, New Mexico, and Eastern Arizona: Manager, Fourth Air Navigation District, Box 1689, Fort Worth, Texas.

Nebraska, Montana, Wyoming, Colorado, Utah, Nevada, Idaho, Eastern Oregon and Eastern Washington: Manager, Fifth Air Navigation District, 434 Federal Building, Salt Lake City, Utah.

Western Washington, Western Oregon, California and Western Arizona: Manager, Sixth Air Navigation District, 201 New Post Office Building, Oakland, California.

## STATE LEGISLATIVE ACTIVITY

Forty-four of the forty-eight state legislatures have been in session during the past three months. Of these, twenty-seven are still sitting, one has recessed, and sixteen have adjourned. Adjournment, however, means little, as the legislatures are all subject to calls for special sessions to consider revenue matters.

A total of eighty bills directly affecting broadcasting have been reported to the state legislative bureau of the NAB. Of these, twenty-seven are tax bills and fifty-three are miscellaneous, mostly concerned with such matters as the regulation of radio advertising, libel or slander by radio, and conditions of employment in broadcasting stations.

In each state where an NAB state committee of broadcasters has been set up, constant contact has been maintained with that committee. In all other states contact has been maintained with representative broadcasters who have accepted the responsibility of keeping in close touch with their states' legislative activities.

By far the most significant part of the work has concerned legislative proposals for the taxation of broadcasting revenues. For the first time, the material demonstrating that all broadcasting is exclusively interstate commerce, and hence not subject to taxation by the states or subdivisions thereof, has been put together in such shape as to be readily usable, and has been supplied by the NAB to every state where bills proposing to tax broadcasting have been under consideration. It is still too early to sum up the results of this service, but to date practically all of the current proposals to tax broadcasting have either been withdrawn or are still in committee.

Of the four outstanding efforts to enact state laws covering libel or slander by radio, three have been withdrawn, and the fourth was enacted with an amendment protecting the broadcaster in all cases where he can show that the defamatory statement was broadcast without his prior knowledge, or that he could not prevent its utterance.

Practically all of the miscellaneous bills affecting broadcasting have either been dropped or have been so amended as to be entirely fair and workable.

In general, the very large amount of correspondence which has resulted from the institution of this state legislative service proves conclusively that the broadcasters and their local attorneys are urgently in need of centralized information and assistance in dealing with their state problems, and their response has been uniformly enthusiastic. It is clear that a real start has at last been made on a type of service which is vitally important to every broadcaster from the very practical standpoint of dollars and cents.

## BROADCAST ADVERTISING INCREASES

February broadcast advertising volume promises to be approximately one-third greater than during the same month of 1934, according to preliminary estimates prepared by Dr. Herman S. Hettinger, NAB research director, and based on information collected by the NAB regarding broadcast advertising volume.

The report for February volume, to be issued within a few days, is the twentieth monthly report dealing with trends in all phases of broadcast advertising to be published by the NAB. These reports are the only source of complete network and non-network advertising figures, and as such have attracted widespread interest among advertisers, agencies, trade publications in the advertising and selling field, and economists interested in distribution.

## A.A.A.A. MEETING

The annual meeting of the American Association of Advertising Agencies will be held at the Greenbrier, White Sulphur Springs, W. Va., April 12 and 13.

Principal speakers at the session for members and guests will include Mrs. William Brown Meloney, Editor, "This Week"; Arthur Kudner, President, Erwin, Wasey & Company, Inc., and Chairman of the Board of the A.A.A.A., and J. Stirling Getchell,

President of J. Sterling Getchell, Inc. The session will be held Friday morning, April 12, while the annual dinner will take place the evening of that day.

## COMMERCIAL SECTION MEETING TOPICS

Details attendant to the establishment of an agency recognition bureau of the NAB and of a cooperative bureau of standard coverage and listener data by broadcasters, advertisers and agencies, will be the principal topics for discussion at the meeting of the NAB Commercial Section to be held in conjunction with the annual convention of the Advertising Federation of America, scheduled for the Palmer House, Chicago, Ill., June 9-12.

Most of the preliminary work on both projects already has been completed. Stations have been surveyed regarding their current recognition practices and as to the nature of service desired from the contemplated bureau. Detailed plans are now in process of preparation with respect to the standards of agency organization and operation required for recognition, as well as with regard to the interchange of credit information which will be one of the activities of the bureau.

Groundwork similarly has been laid for the realization of the plan for a cooperative bureau of standard coverage and listener information. A meeting of the Committee of Five, appointed to study and report on this problem, will be held in the near future for further consideration of the details involved.

Along with uniform cost accounting, recently developed by the NAB, the creation of an agency recognition bureau and the development of standard coverage and listener data promise to be particularly important assets in the development of sound economic practices on the part of the broadcasting industry.

## ENGINEERING SECTION MEETING SCHEDULED

A meeting of the Engineering Section of the National Association of Broadcasters will be held concurrently with the 1935 Convention of the Institute of Radio Engineers at Detroit, July 1-3. A program for the meeting is in course of preparation within a few weeks.

## COST ACCOUNTING FORMS DELAYED

The uniform system of accounting for broadcast stations developed and published by the NAB for use by its members, has gained widespread commendation. Sample forms for use in installing the system have been ordered and will be sent to all NAB members immediately upon receipt.

## NAB MEMBERS NUMBER 380

The NAB is preparing to issue shortly a new membership directory. The membership today stands at 380 and is increasing weekly.

## NEW FCC RULES AND REGULATIONS BEING PREPARED

The Rules and Regulations of the Federal Radio Commission, which were adopted by the Communications Commission shortly after its creation, will be superseded by new rules now being prepared. It is understood that the publication of the FCC rules applicable to broadcasting station operation and to procedure before the Commission will be made public during the month of June.

## ARTA ACTIVE

Reports reaching NAB headquarters indicate that organization activities among broadcasting station operators by the American Radio Telegraphists Association are now being based on the assumption that the anticipated passing of the NRA in June of this year will result in general reduction of operators' wages and increase of working hours. The inference is that representation by ARTA will prevent these changes in operators' working conditions.

## FEDERAL TRADE COMMISSION ACTIVITIES

### Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2202. Dr. Southington Remedy Co., Kansas City, Mo. Issued because the respondent company's products, "Dr. Southington



ton's Single Strength Prescription Compound," "Dr. Southington's Double Strength Prescription Compound," "Dr. Southington's Prescription Compound No. 3," etc., are not cures for and will not afford relief from the numerous ailments set out in the respondent company's advertising.

No. 2207. Hoffman Engineering Co., New York City. To cease and desist advertising that its product, "Super-Frye Amplifying Unit," will cause automobile motors to have more speed and power, to run more smoothly, to be freer of carbon and to save gas in operation when this is not the case.

### Voluntary Agreements

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

No. 0835. Dollar Crystal Co., Omaha, Nbr. To cease advertising its mineral crystals as competent treatment or effective remedy for kidney, liver, stomach or other disorders.

No. 0836. K. A. Hughes Co., Boston, Mass. To cease advertising that its cold treatment, "Salicon," does not depress, affect or harm the heart or cure a cold in short order.

No. 0837. Clark Brothers Chewing Gum Co., Pittsburgh, Pa. To discontinue representing that Clark's Peppermint Gum or Clark's Teabury Gum will relieve a "drowsy" feeling or "brace" a person, will polish the teeth and materially influence the flow or character of the gastric juices, and to cease advertising that "no other" gum has the same ability to moisten the throat or that either product derives its flavor from the "tips" of peppermint plants.

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These concerns will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them:

Nos. 2322-2326 inclusive. The Champion Co. and the Springfield Metallic Casket Co., Springfield, Ohio; National Grave Vault Co. and Perfection Burial Vault Co., Galion, Ohio, and the Clark Grave Vault Co., Columbus, Ohio. False and misleading advertising as to the air-tight and water-proof qualities of their grave vaults. Hearing, April 19.

No. 2327. The Fairfacts Co., Trenton, N. J. Charged with advertising itself as a manufacturer, thus tending to deceive buyers into believing that when purchasing from the respondent they are saving middleman's profits, when in fact the respondent is not a manufacturer. Hearing, April 19.

No. 2328. Eyesight Normalizing Co., New York City. Alleged that the respondents' product, advertised as "Nu-Eye-Life," does not correct such defects as near or far sightedness, astigmatism, failing vision, weak eyes and other eye troubles, as claimed in the advertising. Hearing, April 19.

No. 2329. Combination in restraint of trade by means of an understanding is alleged against the following manufacturers of "pin tickets" (used for marking prices, etc., on fabrics, etc.): A. Kimball Co., New York; The Reyburn Mfg. Co., Philadelphia; Waterbury Buckle Co., Waterbury, Conn.; American Tag Co., Chicago; Dancyger Safety Pin Ticket Co., Cleveland; Adam Sutcliffe Co., Central Falls, R. I.; and Noesting Pin Ticket Co., Mt. Vernon, N. Y. Hearing, April 19.

No. 2330. Yardley of London, Inc., Union City, N. J., a subsidiary of Yardley & Co., Ltd., England. Alleged that the company misleadingly represents its products as imported when in fact they are manufactured or compounded in the United States of domestic ingredients in whole or in part. Hearing, April 19.

No. 2331. Sinclair G. Stanley, doing business as the Z. G. Herbs Co., Chicago, Ill. Charged with misleading advertising through publications and radio that his product, Z. G. Herbs Tea No. 17, is a cure or competent treatment for stomach troubles, nervousness, rheumatism and other ailments, when this is not the case and the claims are grossly exaggerated.

No. 2332. Harry Sachnoff, trading as the Park Row Pen Co., and Argo Pen-Pencil Co., New York City. Charged with representing himself as manufacturer of pens and pencils when this is not the case, and of stamping pen-points "Durigold 14" to deceive buyers into the belief that they are made of gold or gold alloy or 14 carat fineness when, in fact, they are manufactured of steel and thinly gold plated. Hearing, April 19.

No. 2333. Douglas P. Borden, trading as Mormiles, Chicago, Ill. Alleged that the respondent represents his tires are recon-

structed and sold with the original tread under a 5,000-mile guarantee, when the tires are not reconstructed and do not in all cases contain their original tread. Hearing, April 19.

No. 2334. George A. Cook and Helen M. Cook, doing business as Postal Correspondence School, Washington, D. C. Alleged that the respondents advertised their courses in publications and over the radio as being prepared by a former First Assistant Postmaster General of the United States, that they are based on information derived from a former U. S. postal official, and making other misleading claims having a tendency to mislead and deceive those of the public who wish to enter the postal service of the United States and to unfairly divert trade from competitors who do not make such false and misleading statements.

The complaint avers that the courses have been materially revised since the death of the First Assistant Postmaster General previously referred to, that the courses advertised have not been compiled on information acquired from such former post official. Hearing, April 26.

### NEW WAY TO SURVEY LISTENERS PROVIDED

Means whereby all families within a given community, neighborhood, trade area or rural district may be reached by direct mail without the necessity of individually addressing each mailing piece, is provided in a regulation of the Postmaster General allowing the distribution of such unaddressed matter by postmen to all persons on their route.

This order, now published by the NAB, should be of particular interest to broadcasting stations because of its possible application in station merchandising activities and in listener queries by mail.

Under the order, letter carriers will deliver unaddressed mailing pieces to every address on their route. Anything which is eligible for distribution through the mails—letters, postcards (with return postcards attached, if so desired), samples, booklets, and similar matter—may be distributed in this manner. All addresses on the route must be taken, however, delivery at alternate addresses and similar devices not being allowed. Postmasters are prepared to consult with interested persons as to the routes in their particular community.

The order providing for this service and a statement regarding some of its more important details are as follows:

"ORDER NO. 6338

"Paragraph 6, section 585, Postal Laws and Regulations, is amended to read as follows:

"6 (a). When it is desired to send a piece of advertising or other matter as ordinary mail to (1) every rural or star-route box holder served from any post office having rural- or star-route delivery; (2) every post-office box holder at post offices not having city letter carrier service, or (3) patrons of any post office having city or village letter carrier service for delivery by city or village letter carriers, the name, box, and route numbers or local street address may be omitted from the matter, provided each piece is definitely addressed in the following manner, respectively:

- (1) Rural or Star-Route Box Holder,  
.....  
(Post Office and State)
- (2) Post-Office Box Holder,  
.....  
(Post Office and State)
- (3) Patron (or Householder), Letter Carrier Route,  
.....  
(Post Office and State)

"Provided further, That postage at the proper rate is fully prepaid on the matter, preferably in money under permit in accordance with section 562 or section 579, or by means of pre-canceled stamps under the conditions governing their use, and all the pieces for the same post office are put up by the mailer, so far as may be practicable, in packages of 50, each package to be labeled, preferably by means of a facing slip, as follows, according to the distribution desired:

- (1) For distribution to rural or star route box holders.  
.....  
(Post Office and State)



- (2) For distribution to post office box holders

.....  
(Post Office and State)

- (3) For distribution to patrons served by city or village letter carriers

.....  
(Post Office and State)

"(b) It is preferable that the names of the post office and State be included in the address on each piece of matter mailed under this regulation but, when the sender so desires, such names may also be omitted, provided the word "Local" be used in lieu thereof; provided further, the packages in which the pieces are put up and labeled as prescribed in the preceding subparagraph (a) are securely tied or otherwise prepared so that there will be no likelihood of the packages breaking open and the pieces scattered in the mails.

(c) The total number of boxes served by rural and star-route carriers from each office having rural or star-route delivery service, irrespective of the number of routes served from the respective post offices, shall be shown in the county list of post offices in the Annual Official Postal Guide. The number of post office box holders at offices not having city letter-carrier service shall also be shown in such list.

(d) Postmasters at offices having city or village delivery service shall compile, and keep current, data showing the number of patrons or stops on each route served by a city or village letter-carrier of their respective offices, and upon request shall furnish such information to persons or concerns who desire to mail matter to such patrons under this regulation.

JAMES A. FARLEY,  
*Postmaster General.*

"Under this regulation, as amended, the simplified form of address heretofore applicable only to matter intended for distribution to rural and star route boxholders and post-office boxholders at offices not having letter-carrier service is extended to matter to be distributed to patrons of city and village letter-carrier offices. The arrangement is further simplified by making it optional with the sender to omit the names of the post office and State from the individual pieces, provided the word "Local" is used in lieu thereof. This method of addressing and distributing is convenient and economical. Its extension and further simplification, as provided by the order above referred to, is in response to a widespread demand for such modifications.

"In the case of matter to be distributed at letter-carrier offices, the arrangement may be followed where it is desired to cover all letter-carrier routes of a post office or only some of the routes, as, for instance, where a dealer or merchant wants to confine the distribution of the matter to his neighborhood or trade area, provided, in the latter event, enough pieces are mailed to cover completely the particular route or routes selected and the numbers of such routes are shown on the facing slips attached to the packages in which the matter is put up.

"In all cases the mailer should present a sufficient number of pieces to serve every box or patron on the route or routes to be served, but when through inadvertence the number is not sufficient the pieces should be distributed as far as they will go and the mailer advised accordingly for his future guidance. Should any pieces be left they should, if they bear a pledge to pay return postage, be returned charged with the return postage computed on each individually addressed piece (sec. 809, Postal Laws and Regulations). If they do not bear such pledge and are of no obvious value, they should be disposed of as prescribed by paragraph 2, section 807, Postal Laws and Regulations.

"While matter mailed under the provisions of this regulation should be distributed as promptly as possible, it should be handled in the most economical manner and should not be permitted to delay the delivery of the regular mails or require excessive overtime on the part of regular carriers.

"When mailers prefer to address their matter to particular rural route or post office box numbers, or to the occupants of residences served by city or village letter carriers (the word "Occupant", together with the local street and number being shown in the address in the latter case), they may, of course, do so."

C. B. EILENBERGER,  
*Third Assistant Postmaster General.*

## COMMISSION GETS MORE MONEY

The Senate this week in approving a deficiency bill included \$1,200 for the Federal Communications Commission for the pur-

chase of an additional ten acres of land at the monitoring station, Grand Island, Nebr. The President in a special communication had asked that this amount be put in the bill.

## LICENSEES MUST OBSERVE RULES

The Federal Communications Commission has issued the following warning to all broadcast stations:

"There has been a general laxity on the part of licensees of broadcast stations with reference to the observance of the Rules and Regulations of the Federal Communications Commission. You are advised that henceforth all stations will be required to observe these Rules and Regulations in their strictest form.

"The Commission, for example, has had a number of applications filed recently for authority to broadcast special programs, many of which were not filed in accordance with Commission Rule No. 22. In the future, all applications filed which do not come under this rule or any other rule, will be returned without action.

"Your cooperation in the enforcement of these rules will be appreciated."

## RECOMMENDS DENYING EXPERIMENTAL STATION

Delbert E. Replogle, applied to the Federal Communications Commission for a construction permit for the erection of a new experimental radio broadcasting station to be erected at Boston, Mass., using 1570 kilocycles, 1,000 watts power and unlimited time on the air.

R. H. Hyde (e) in Report No. 1-29 recommends that the application be denied. The Examiner says that the applicant "has not shown that he has the finances necessary to carry out his program," and the "evidence concerning the applicant's program indicates that the whole plan is quite indefinite."

## FCC HOURS CHANGE APRIL 15

The office hours of the Federal Communications Commission will change to 8:30 A. M. to 4 P. M., effective April 15.

## RECOMMENDS WITHDRAWAL WITHOUT PROTEST

The Gish Radio Service, filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station at Abilene, Texas to use 1420 kilocycles, 100 watts power and unlimited time.

Melvin H. Dalberg (e) in Report No. 1-33 recommended that the application be withdrawn without prejudice inasmuch as counsel for the petitioner requested that this be done.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### HEARING CALENDAR

Monday, April 1, 1935

Before Commissioner Thad H. Brown at San Antonio, Texas

T. Yount, d/b as Universal Advertising Agency, Laredo, Tex.—Authority to transmit programs from a studio in Laredo, Tex., to all Mexican stations through XENT, Nuevo Laredo, as key station.

## APPLICATIONS GRANTED

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted C. P. to make changes in equipment; change frequency from 1330 kc. to 1290 kc.; and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted modification of license to change frequency to 550 kc. and power to 1 KW night, 5 KW day. (Formerly licensed on 1290 kc., 1 KW.)

NEW—The Monocacy Broadcasting Co., Frederick, Md.—Granted C. P. for a new station to operate on 900 kc., 500 watts day. Daytime hours.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted modification of C. P. giving exact transmitter



and studio sites  $2\frac{1}{2}$  miles east of Chico and Gage's Building, Chico, respectively.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted modification of C. P. to extend completion date to 6-11-35.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of C. P. to extend completion date to 4-21-35.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of C. P. to extend completion date to July 4, 1935.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted modification of C. P. to extend completion date to July 11, 1935.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license covering C. P. authorizing changes in equipment; move of transmitter; increase power from 500 watts night and day to 1 KW night and day, limited time, on 1180 kc.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; 1350 kc., 1 KW night, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power from 100 to 250 watts; 1310 kc., 100 watts night, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 to  $2\frac{1}{2}$  KW, 1360 kc., 1 KW night, unlimited time, subject to further order of the Court and the Commission, pending determination of the issues raised by appeal in Cause No. 6218, Radio Serv. Corp. (KSEI), appellant, v. FCC.

WAWZ—Pillar of Fire, Zarepath, N. J.—Granted modification of license to increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.

WHBI—May Radio Broadcasting Corp., Newark, N. J.—Granted modification of license to use WHBI's transmitter as auxiliary.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of license to change hours of operation from 100 watts day to 100 watts night and day, unlimited time.

KMJ—James McClatchy Co., Fresno, Calif.—Granted modification of license to increase daytime power from 500 watts to 1 KW.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted renewal of license for a period of 60 days, pending study by Legal Department; 1240 kc., 1 KW night and day. One-half time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted extension of special experimental authorization to operate with 25 KW from 6 a. m. to LS, on permanent basis for the regular license period.

WCAD—St. Lawrence University, Canton, N. Y.—Granted renewal of license, 1220 kc., 500 watts, specified hours, daytime.

KOTN—Wm. F. Chaplin, Pine Bluff, Ark.—Granted consent to voluntary assignment of license to Universal Broadcasting Corp.

NEW—Benson Polytechnic School, Portland, Ore. (Portable-Mobile).—Granted general experimental C. P. frequencies 31100, 34600, 37600, 40600 and 86000-400,000 kc., 25 watts. Also authority to communicate as a broadcast pickup station in the temporary service on an experimental basis only.

W10XX—RCA Victor Co., Inc., Camden, N. J. (Portable-Mobile).—Granted voluntary assignment of license to RCA Mfg. Co., Inc.

W3XAD—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of license to RCA Mfg. Co., Inc.

W3XAD-W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of C. P. to RCA Mfg. Co., Inc.

W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of license to RCA Mfg. Co., Inc.

W3XAI—RCA Mfg. Co., Camden, N. J.—Granted modification of C. P. for extension of completion date to 9-15-35.

W3XAD—RCA Mfg. Co., Camden, N. J.—Granted modification of C. P. for extension of completion date to 9-15-35.

## RENEWAL OF LICENSES

KFWB—Warner Bros. Broadcasting Co., Hollywood, Calif.—Granted renewal of license on a temporary basis only, sub-

ject to Commission's action upon pending application for renewal.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted renewal of license on a temporary basis only, subject to Commission's action upon pending application for renewal.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license on a temporary basis only, subject to Commission's action on pending application for renewal and on application 1-L-B-1063.

WLB—University of Minnesota, Minneapolis, Minn.—Present license extended for a period of 1 month from April 1st, on a temporary basis only, subject to such action as may be taken on pending application for renewal.

KRKD—Radio Broadcasters, Inc., (auxiliary), Los Angeles, Calif.—Granted renewal of license for auxiliary transmitter on a temporary basis only, subject to such action as the Commission may take on licensee's pending application for renewal of license for main transmitter.

KPJM—M. B. Scott and Edw. C. Sturm, d/b as Scott and Sturm, Prescott, Ariz.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

WHA—University of Wisconsin, Madison, Wis.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal; also for auxiliary.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.

WDSU—WDSU, Inc., New Orleans, La.—Present license extended on a temporary basis only to May 1, 1935, pending receipt and/or action on renewal application.

WABI—First Univ. Society of Bangor, Maine.—Granted renewal of license on a temporary basis for the period ending June 1, 1935.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted renewal of license on a temporary basis, and renewal set for hearing before the Division en banc May 2, 1935.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Present license extended for a period of 1 month from April 1, 1935, on a temporary basis, subject to such action as may be taken on pending application for renewal.

KGBU—Alaska Radio & Serv. Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis to May 1, 1935, subject to such action as may be taken upon pending application for renewal.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Present license extended on a temporary basis to May 1, 1935, subject to such action as may be taken upon pending application for renewal.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Renewal of license granted for the period ending July 1, 1935.

WHFC—WHFC, Inc., Cicero, Ill.—Renewal of license granted for the period ending July 1, 1935.

WJAR—The Outlet Co., Providence, R. I.—Granted renewal of license for the period ending September 1, 1935.

KFSG (and aux.)—Echo Park Evangelist Assn. (Maurice E. Kennedy, Agt.), Los Angeles, Calif.—Applications for renewal of licenses designated for hearing, and temporary licenses issued subject to such action as may be taken on pending application for renewal and upon the application of Harry Prezant.

KGEL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Application for renewal of license designated for hearing, and temporary license issued subject to such action as may be taken on application for renewal and upon application of Wyo. Radio Educational Assn.

WAZL—Hazleton Broadcasting Serv. Inc., Hazleton, Pa.—Application for C. P. to make changes in equipment; increase day power to 250 watts.

NEW—Cache Valley Broadcasting Serv. Co., J. A. and J. M. Reeder, L. R. Jansen, Logan, Utah.—Application for C. P. for new station, frequency 1370 kc., 100 watts, unlimited time.

## SET FOR HEARING



NEW—C. M. Electric Serv. Co., Stevensville, Mont.—Application for C. P. for new station, frequency 1500 kc., 100 watts, unlimited time.

NEW—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—Cumberland Broadcasting Co., Inc., Portland, Me.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited time.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Application for C. P. for new station to operate on 780 kc., 500 watts night, 1 KW day, unlimited time (facilities of KGHL).

NEW—Harry Prezant, Los Angeles, Calif.—Application for C. P. for new station, frequency 1120 kc., 1 KW, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Application for voluntary assignment of license to J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—Clark Standiford, Chico, Calif.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Application for C. P. to make changes in equipment, move transmitter site locally to Wolf Point, change frequency from 1310 kc. to 610 kc., and increase power from 100 watts night, 250 watts day, to 1 KW, and time from S. H. to unlimited.

WOKO—WOKO, Inc., Albany, N. Y.—Application for modification of license to change frequency from 1430 kc. to 970 kc. (To be heard May 9 by the Division en banc.)

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Application for modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day, on 1380 kc.

KFRO—Voice of Longview, Longview, Tex.—Application for modification of license to change frequency from 1370 kc. to 1210 kc., hours of operation from daytime to unlimited, and power from 100 watts day to 100 watts night and day (facilities of KWEA).

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Application for special authorization to install new equipment and operate with 5 KW night. (To be heard by the Division en banc.)

### APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

KFJB—Marshall Elec. Co., Marshalltown, Iowa.—C. P., 1230 kc., 500 watts, unlimited time.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of C. P., 1200 kc., 100 watts night, 250 watts day, unlimited time.

KSCJ—Perkins Bros. Co., Publishers Sioux City Journal, Sioux City, Iowa.—Modification of license, 1290 kc., 1 KW night, 2½ KW day, unlimited time.

NEW—William L. Waltman, Muskogee, Okla.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—P. A. McBride, Ironton, Ohio.—C. P., 1500 kc., 100 watts, unlimited time.

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of license, 780 kc., 1 KW night, 500 watts day; unlimited time.

WMFH—Jos. M. Kirby, Boston, Mass.—C. P., 1120 kc., 250 watts night, 500 watts day, unlimited time.

The following applications were denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48(b):

NEW—Brothers & England, Mansfield, Ohio.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—John G. Curtis, Erie, Pa.—C. P., 1370 kc., 100 watts, unlimited time.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification of C. P. to extend commencement and completion dates.

### ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-23: Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Effective date 3 a. m., EST, April 9, 1935. Examiner Geo. H. Hill sustained.

NEW—Ex. Rep. No. 1-20: Abraham Shapiro, Astoria, Ore.—Granted C. P. for new station to operate on 1370 kc., 100

watts, daytime only. Denied application for night hours. Examiner R. L. Walker sustained.

### MISCELLANEOUS

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Denied petition asking that the Commission reconsider its action of January 29, 1935, in designating application for hearing and to grant the same. Applicant seeks authority to move station locally, install directional antenna, and increase night power from 250 watts to 1 KW.

Pittsburg Publishing Co., Pittsburg, Kans.—Denied petition to intervene and be named a party to the hearing on the application of Joplin Broadcasting Co. for C. P. for new station at Pittsburg, Kans., to operate on 1200 kc., 100 watts, daytime.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Reconsidered and granted application to change the type of equipment authorized by C. P. and approved the exact transmitter site, approximately 7.5 miles northeast of Cedar Rapids. Grant made with the proviso that the tower is to be marked in accordance with the specifications of the Air Navigation Division of the Department of Commerce.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa (formerly KSO).—Reconsidered and granted application for C. P. seeking approval of the Commission of a transmitter site at Des Moines; also authorized the use of new transmitting equipment. The new transmitter site approved is approximately 5.5 miles north of the western edge of the business district of Des Moines.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Denied petition asking Commission to consider and grant without a hearing, its application which has been set for hearing before an Examiner on March 29, 1935. Application seeks authority to make changes in equipment and increase daytime power from 2½ to 5 KW.

WDNC—Durham Radio Corp., Durham, N. C.—Hearing on application for C. P. to operate with 1 KW power on 590 kc. set for April 1, 1935, postponed so that all other applicants for the same frequency may be considered at a joint hearing at some future date. The other applicants seeking to operate on 590 kc. are WEEI, Boston; WOW, Omaha, Nebr.; WAPI, Birmingham; Lawrence B. Holzman, Atlanta, Ga.; KHQ, Spokane, Wash., seeks an increase in power to 5 KW on 590 kc.

Palestine Broadcasting Assn., Palestine, Tex.—Granted permission to take supplemental depositions in re application to construct a new station at Palestine, Tex., to operate on 1420 kc., 100 watts, daytime, which was heard before Examiner Walker on March 20, 1935.

Dallas Broadcasting Co., Dallas, Tex.—Denied petition to amend application in the following manner: "Hours of operation—Unlimited daytime to local sunset. Specified hours of operation from 8 p. m. to midnight, daily." This application for authority to construct a new broadcast station in Dallas to operate on a frequency of 1500 kc., 100 watts, was heard before Examiner Walker on March 20, 1935. Rule 55 provides that amendments to an application must be filed with the Commission not later than 20 days before hearing date.

WBNX—Standard Cahill Co., Inc., New York City.—Denied petition requesting that modification of license application be considered immediately.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period ending September 1, 1935.

### APPLICATIONS RECEIVED

#### First Zone

WMFH—Joseph M. Kirby, Boston, Mass.—Modification of construction permit authorizing erection of a new broadcast station to operate on 1120 kc., 500 watts, day, requesting extension of commencement date from 12-13-34 to 3-13-35 and completion date from 3-13-35 to 6-13-35.

W8XH—WBN, Inc., Portable, within 25 miles of WBN.—Construction permit for installation of new transmitter and increase power to 100 watts (general experimental).

NEW—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, a 1140 co-partnership d/b as Connecticut Broadcasting Co., Springfield, Mass.—Construction permit for new broadcast station to be operated on 1140 kc., 500 watts, limited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of 1420 construction permit (B1-P-2940-a) to extend completion date from 4-18-35 to 8-18-35.



WJAR—The Outlet Co., Providence, R. I.—Extension of special  
890 experimental authorization to use additional power of 250  
watts night for license period to 9-1-35. (Gives 500 watts  
day and night.)

NEW—Brown Radio Service & Laboratory, Gordon P. Brown,  
630 Rochester, N. Y.—Construction permit to erect a new station  
to be operated on 630 kc., 250 watts, daytime.

Atlantic Broadcasting Corp.—Authority to transmit sustaining  
programs to CKLW Windsor, CFRB Toronto, CKAC Mon-  
treal, on Columbia Network.

### Second Zone

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Transfer  
1230 of control of corporation from Steinman Hardware Co. to  
Mason Dixon Radio Group, Inc.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—  
1200 Voluntary assignment of license from Lancaster Broadcasting  
Service, Inc., to Associated Broadcasters, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Construc-  
1200 tion permit to move transmitter and studio from 16-18 W.  
King St., Lancaster, Pa., to site to be determined, Easton,  
Pa.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Modification  
1370 of construction permit authorizing installation of new equip-  
ment; move transmitter from Main St., Mt. Orab, Ohio,  
to Portsmouth, Ohio, site to be determined; and move of  
studio from same location to Portsmouth, Ohio, site to be  
determined, giving exact transmitter and studio sites as 821  
Chillicothe St., Portsmouth, Ohio.

NEW—E. L. Clifford, Pottsville, Pa.—Construction permit for new  
580 station on 580 kc., 250 watts, day.

### Third Zone

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction per-  
1200 mit to erect a new station to operate on 630 kc., 100 watts,  
unlimited. Amended to change frequency from 630 kc. to  
1200 kc. and hours of operation from unlimited to daytime.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modifica-  
550 tion of license to change frequency from 1290 kc. to 550 kc.  
and power from 1 KW to 1 KW, 5 KW day.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—  
1370 Construction permit to make changes in equipment, increase  
power from 100 watts to 100 watts, 250 watts day, and change  
hours of operation from share KCRC to unlimited. Facili-  
ties of KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—  
1370 Modification of license to change hours of operation from  
share KCRC to unlimited time. Facilities of KCRC.

NEW—Vernon Taylor Anderson, Mgr., A. B. C. Broadcasting Co.,  
1500 Big Spring, Tex.—Construction permit to erect a new broad-  
cast station to operate on 1500 kc., 100 watts, daytime.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—  
1210 Construction permit to erect a new station to be operated on  
1210 kc., 100 watts, unlimited time.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—  
780 Authority to determine operating power by direct measure-  
ment of antenna (for S. A. exp.).

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co.,  
1420 Abilene, Tex.—Construction permit for new station on 1420  
kc., 100 watts, unlimited. Amended re transmitter site, to  
be determined.

NEW—Denton-Record Chronicle Co., Denton, Tex.—Construction  
1420 permit for new station on 1420 kc., 100 watts, day.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of  
1500 construction permit (B3-P-254) authorizing changes in equip-  
ment and increase of power from 100 watts to 100 watts,  
250 watts day, to extend completion date from 4-18-35 to  
7-18-35.

### Fourth Zone

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension  
1280 of special experimental authorization to operate with addi-  
tional power of 500 watts nighttime for period from 4-1-35  
through 5-31-35.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis,  
1500 Ill.—Modification of construction permit authorizing erec-  
tion of a new station to be operated on 1500 kc., 100 watts,  
unlimited time, requesting approval of transmitter site at  
5th and Broadway, and studio at Hotel Broadview, 5th and  
Broadway, East St. Louis, Ill.; and antenna changes.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modifica-  
950 tion of construction permit authorizing installation of new  
equipment and increase in power from 1 KW, 2½ KW, to  
1 KW, 5 KW day, for further changes in equipment.

NEW—A Stanearth Graham, E. V. Baxter, Lester E. Cox, d/b as  
1310 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction  
permit to erect a new station to operate on 1310 kc., 100  
watts, unlimited time.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modifi-  
1200 cation of license to change hours of operation from specified  
hours to unlimited time.

NEW—Champaign News-Gazette, Inc., Champaign, Ill.—Construc-  
1370 tion permit to erect a new station to be operated on 1370 kc.,  
100 watts, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special ex-  
1250 perimental authorization to make changes in equipment,  
change frequency from 1200 kc. to 1250 kc., and increase  
power from 100 watts, 250 watts day, to 250 watts, 500  
watts day.

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

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction  
1200 permit to erect a new station to be operated on 1200 kc.,  
100 watts, daytime. Amended as to equipment.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broad-  
1500 casting Co., Omaha, Nebr.—Construction permit to erect a  
new station to be operated on 1500 kc., 100 watts, unlimited  
time. Amended requesting 1200 kc. frequency, transmitter  
site to be determined, Nebr.

WBBM Broadcasting Corp.—Authority to transmit sustaining pro-  
grams to CKLW Windsor, CFRB Toronto, CKAC Montreal,  
on Columbia network.

### Fifth Zone

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—License to cover  
1200 construction permit (5-P-B-3306) as modified to make  
changes in equipment, increase power, and change frequency.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to  
1200 move 100-watt transmitter from 127 E. Main St., Missoula,  
Mont., to 5 miles northwest of Missoula near Frenchtown  
Road, to operate on 1200 kc., 100 watts, unlimited time,  
during period of construction, as authorized by B5-P-232.  
Amended giving transmitter site as U. S. Highway No. 93,  
¾ miles northwest of Missoula, Mont.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to  
1150 erect a new station to be operated on 1150 kc., 100 watts,  
unlimited time.

NEW—Clark Standiford, Oakland, Calif.—Construction permit to  
1490 erect a new station to be operated on 1490 kc., 100 watts,  
unlimited time.

NEW—A. Corenson, Pasadena, Calif.—Construction permit to erect  
1480 a new station to be operated on 1480 kc., 100 watts, daytime.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license  
780 to change hours of operation from share KBPS to specified  
hours, change frequency from 1420 kc. to 780 kc., and in-  
crease power from 100 watts, 250 watts day, to 250 watts.

KGA—Louis Wasmer, Spokane, Wash.—Extension of special ex-  
900 perimental authorization to operate on 900 kc., 1 KW, 2½  
KW day, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—Construction permit to  
850 erect a new station to be operated on 850 kc., 100 watts,  
daytime. Amended: Transmitter site to be determined.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—  
780 Extension of special experimental authorization to operate on  
780 kc. for period of 90 days from 4-1-35 to 6-30-35.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension  
1240 of special experimental authorization to operate with power  
of 1 KW (night) for period from 4-1-35 to 10-1-35.