

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters



Vol. 3 - - No. 21
MAY 3, 1935

ASCAP INVITES NAB TO CONFERENCE

At the invitation of the American Society of Composers, Authors and Publishers, representatives of the National Association of Broadcasters, the National Broadcasting Company and the Columbia Broadcasting System attended a meeting with a committee of the ASCAP board last Friday for the purpose of discussing the possibility of extension of the present copyright agreements with broadcasters.

Those who attended for the broadcasters were: A. J. McCosker, chairman; Walter J. Damm, E. A. Allen, members of the NAB copyright committee; Edward Klauber, executive vice president of CBS; A. L. Ashby, vice president and general attorney of NBC; Joseph C. Hostetler, copyright counsel of the NAB; Truman J. Ward, president of the NAB, and Philip G. Loucks, managing director of the NAB. Those present from the Society were: Otto Harbach, chairman; Sigmund Romberg, Louis Bernstein, Saul H. Bornstein, Walter Fischer and T. Allen, members of the Society committee; Gene Buck, president of ASCAP, and E. C. Mills, general manager of ASCAP.

Upon receipt of the invitation, the NAB Copyright Committee was called into session at the St. Regis Hotel, New York, Friday morning, and it was decided to meet with the ASCAP committee to bear the proposal it was understood would be made. The discussion with the Society group was of a general nature, with Mr. Hostetler pointing out that any result reached must be acceptable to the Government, which now has pending an anti-trust suit against the members of the Society. Mr. Hostetler pointed out that the NAB board had been on record for some time in favor of a per number plan and that a very similar method is proposed by the Government in its suit. He explained that such a proposal had been discussed in various discussions he had had with Mr. Mills.

In view of the fact that all broadcasting contracts expire on September 1 it was urged that present agreements be extended for a period of six months, subject to any action which might be taken in the Government suit. At the conclusion of the meeting it was stated by Mr. Bernstein that he would recommend such action to the ASCAP board and that any action taken thereon would be communicated to the NAB.

U. S. MOVES FOR EARLY ASCAP TRIAL

The United States Government this week filed a motion in the Federal District Court for the Southern District of New York asking that the court fix a date certain for bearing testimony in the Government's anti-trust case against the American Society of Composers, Authors and Publishers, et al.

The motion was filed this week and argument will be heard thereon next Tuesday before Federal Judge Knox. Andrew W. Bennett, special assistant to the attorney general, will argue for the motion.

The motion filed by Mr. Bennett states that "great apprehension has been and is expressed as to what demands for royalties will be imposed upon the expiration of the existing licenses." "Past experience over many years leads the owners of the businesses involved to believe that greatly increased royalties will again be demanded and that they will be forced to pay such increased amounts or go out of business," it is stated. "Deponent is informed by prospective witnesses that as early as 1926, one of the principal officials of the defendant Society and himself a defendant herein stated at a general meeting in effect that the defendant Society controlled the 'goods,' that it would demand any royalty price it saw fit and that it intended to continue to demand as much as could be extracted."

"Deponent believes that an early trial and decision of the legality or illegality of the pooling of individual copyright monopolies and the concerted action of individual copyright owners in eliminating competition and fixing prices or royalties is urgent."

Mr. Bennett asks that the court fix a day certain during the present term of court for hearing the suit.

Affidavits executed by Philip G. Loucks, managing director of the NAB; Edward L. Kuykendall, president of the Motion Picture Theater Owners of America, and Thomas D. Green, president of the American Hotel Association, were filed in support of the Government's motion.

COPYRIGHT HEARINGS CONSIDERED

The Senate Patents Committee met Wednesday and considered the Duffy bill (S. 2465) which provides for amendment and consolidation of the copyright laws. This bill, among other things, would eliminate the \$250 statutory minimum damages for innocent infringement of music copyright and would substitute such damages as the court in its discretion might impose. It has the approval of the Department of State and of the Roosevelt administration.

The text of the bill was printed in a previous issue of NAB REPORTS. The drafting followed conferences at the Department of State which were participated in by the NAB on behalf of the broadcasting industry. The measure is an important step forward in copyright legislation and it is hoped that the present Congress will enact the law.

The Senate Patents Committee intends to hold a meeting next Wednesday, at which time it will review the objections to the bill which have been raised by certain copyright owners, but it is expected that the bill will either be reported or public hearings held.

Members of the Senate Patents Committee are: Senators McAdoo, Calif., chairman; Smith, S. C.; Trammell, Fla.; Bone, Wash.; Radcliffe, Md.; Norris, Nebr., and White, Maine.

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for
NAB CONVENTION — BROADMOOR HOTEL — COLORADO SPRINGS,
COLORADO
JULY 6 TO 10, INCLUSIVE

SENATE ACTS ON COPYRIGHT UNION

The Senate on April 19 ratified the International Copyright Convention which had previously been reported favorably by the Senate Foreign Relations Committee and on the following Monday rescinded this action and reinstated the Convention to the Senate calendar.

The ratification action was the result of a misunderstanding which the subsequent action remedied. It is the understanding of all parties interested in copyright revision that the treaty is to remain on the calendar until legislative action on the pending Duffy copyright bill is completed. Both Senator Duffy, who is sponsoring the bill, and the Department of State, have given promises that action on the treaty will not precede final action on the copyright bill.

The action, however, is an indication of the Senate's desire to take final action on copyright legislation and it is expected that the Duffy bill will be pressed aggressively during the present session.

ASRA MATTER REFERRED TO BOARD

The proposal of the American Society of Recording Artists that stations pay fixed fees for the privilege of broadcasting phonograph records has been referred to the NAB Board of Directors for consideration.

In the meantime, under date of April 22, the Managing Director addressed the following letter to Mr. Arthur W. Levy, Executive Secretary of the Society:

"This will acknowledge receipt of your letter of March 30 enclosing copies of letter and license agreement with copies of Article XII of the by-laws of your Society.

"Under date of March 14 I wrote you stating that this matter would require consideration of the Board of Directors of the Association. No date has as yet been set for this meeting.

"In order that I may be in a position to present the matter fully to the Board will you please furnish me with a list of your 'Regular Members' whose recordings you claim the right to license as well as a complete list of the recordings of each such 'Regular Member'?

"Is it proposed that each station must accept a blanket license or may stations negotiate with individual members for their separate recordings?

"It would also be helpful if you would send me a copy of the form under which your 'Regular Members' have assigned their rights to the Society; advise me in what manner you have measured liability for prior use of recordings; and upon what Federal statutes or court decisions your Society bases its right to issue licenses.

"I am sure that you will want our Board to have this and any other information which you may deem pertinent before it when it gives consideration to this matter."

At the time this issue of NAB REPORTS goes to press no answer has been received.

Up to the present time the NAB has no knowledge of any station signing the offered contract.

CANADIAN COPYRIGHT HEARING

An investigation of the rates filed by the Canadian Performing Right Society, Ltd., under the Canadian Copyright Act has been instituted and is now under way in Toronto. The rates, required by the Canadian law, are attacked by broadcast stations, theaters, and other users of copyright material on the grounds that they are unreasonable and Judge James Parker, senior judge of the County Court of York, Province of Ontario, has been appointed as Commissioner to investigate and report. The Commissioner is required to investigate and report on the fees, charges or royalties which the Canadian Performing Right Society, Ltd., or any such other society, association or company, should be entitled to collect from licensees in compensation for the issue or grant of such licenses, and the bases on which such fees, charges or royalties should properly be computed.

Samuel Rogers, Esq., Toronto, counsel for the Canadian Association of Broadcasters, recently conferred with the Managing Director of the NAB and requested certain information for use in the investigation. Mr. Rogers has also conferred with Joseph C. Hostetler, NAB copyright counsel.

100-WATT STATIONS PLAN MEETING

For the purpose of devising a proper and sound method for presenting their story before national and regional advertisers and

to discuss other common problems, 100-watt stations, all members of the NAB, will hold a session at Colorado Springs, Colo., during the annual NAB convention July 6 to 10, inclusive.

A committee consisting of E. A. Allen, WLVA, Lynchburg, Va., chairman; Leroy Mark, WOL, Washington, D. C.; John Elmer, WCBM, Baltimore, Md.; W. W. Gedge, WMBC, Detroit, Mich.; William S. Pote, WMEX, Boston, Mass.; L. A. Benson, WIL, St. Louis, Mo.; Herbert Hollister, WLBK, Kansas City, Kan.; Ben S. McGlashan, KGFJ, Los Angeles, Calif.; Edward E. Bishop, WGH, Newport News, Va.; I. Z. Buckwalter, WGAL, Lancaster, Pa.; S. A. Cisler, WJTL, Atlanta, Ga.; Earl J. Smith, WNBZ, Saranac Lake, N. Y.; Ormond S. Black, WSGN, Birmingham, Ala.; Clifford M. Chafey, WRAW, Reading, Pa.; C. D. Mastin, WNBK, Binghamton, N. Y.; H. M. Loeb, WFOF, Flint, Mich.; C. A. Hill, WIBM, Jackson, Miss.; Winston L. Clark, WLAP, Lexington, Ky.; and C. W. Hayes, WHBC, Canton, Ohio, have been called upon to serve as a committee to draft an agenda for the Colorado Springs, Colo., session. This committee will hold a meeting in Washington, at the studios of Station WOL, on May 6 for the purpose of shaping up the program.

NAB FILES CONFERENCE APPEARANCES

On behalf of its members the NAB filed appearances for the May 15 conference on educational broadcasting to be conducted by the Federal Communications Commission.

President Ward will appear for the NAB and will present a statement on behalf of the broadcasting industry. It is expected that the conference will be well attended and may last several days. Great importance is attached to the conference by broadcasters because there has been much misunderstanding as to whole subject of educational broadcasting.

The Commission, after hearing more than two million words of testimony during hearings last fall, filed a report in Congress stating that no case had been made out for the allocation of a percentage of channels or time for this purpose but that the matter was one for mutual cooperation between broadcasters and educators. The conference is being held to develop such cooperation in accordance with a satisfactory plan.

NEWSPAPER STATIONS PLAN SESSION

Newspaper-owned stations holding membership in the NAB will hold an informal session during the annual convention of the NAB at Colorado Springs, Colo., July 6 to 10, inclusive. The meeting will be held Monday evening at a time which will not conflict with the general sessions of the convention. A committee consisting of Walter J. Damm, WTMJ, Milwaukee, Wis.; Dean Fitzer, WDAF, Kansas City, Mo.; Lambdin Kay, WSB, Atlanta, Ga.; H. K. Carpenter, WHK, Cleveland, Ohio; Jeff Webb, WWJ, Detroit, Mich.; and J. Gardner Cowles, KSO, Des Moines, Iowa, constitute a committee to arrange an agenda for discussion. This agenda will embrace problems mutual to newspaper-owned stations and also questions as to the best manner in which stations owned by newspapers can be helpful to the industry as a whole.

WILL DISCUSS EDUCATION BY RADIO

Leaders in education, radio, and government will meet at Columbus, Ohio, May 6, 7, and 8, when Ohio State University entertains the sixth annual institute for education by radio and the fifth annual assembly of the national advisory council on radio in education. The two groups are meeting together this year for the first time. Sessions will be held in the state office building.

"The council and the institute are this year holding a joint meeting for the frank discussion of broadcasting conditions and techniques. The attempt has been made to point the discussions to the most important current problems and policies and the most significant developments in the techniques of educational broadcasting," according to the meeting announcement issued by Levering Tyson, New York City, director of the council, and Dr. W. W. Charters, Ohio State University, leader in the institute.

Federal and state officials who will participate include John W. Studebaker, U. S. Commissioner of Education; Anning S. Prall, Chairman of Federal Communications Commission; B. O. Skinner, State Director of Education for Ohio; and Agnes Samuelson, State Superintendent of Public Instruction for Iowa.

The NAB will be represented either by President Ward or Managing Director Loucks.

FCC TO HOLD HEARING ON RULE 176

The Federal Communications Commission will hear argument in connection with the proposed modification of Rule 176, relating to announcements of transcriptions and phonograph records, on June 20.

Announcement of the argument was made by the Commission in the following language:

"Upon consideration of a petition filed by World Broadcasting System, Incorporated, New York, N. Y., for an amendment to or clarification of Paragraph 176 of the Rules and Regulations of the Commission, the Broadcast Division will hear argument on this subject which pertains to mechanical reproductions. Such argument will be held June 20, 1935, beginning at 10:00 a. m. at the offices of the Federal Communications Commission, Washington, D. C.

"All parties who wish to participate should file their notice of desire to be heard with the Commission not later than May 18, 1935."

Managing Director Loucks will appear for the NAB and present the resolution adopted by the NAB at its Cincinnati meeting. The text of the resolution follows:

"Resolved, that the National Association of Broadcasters hereby reaffirms the resolution adopted at its 1933 convention referring to the elimination of announcements for electrical transcriptions produced especially for broadcasting, and directs the convention resolutions committee to draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission."

The 1933 resolution reads as follows:

"Whereas, the use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners, and has become an important economic factor in the operation of broadcasting stations, and

"Whereas, there is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be so announced, and

"Whereas, there has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs is now generally considered as excellent, and

"Whereas, the broadcasting industry would be greatly benefited by the removal of existing restrictions, therefore, be it

"Resolved, that the NAB hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced, so that such a transcription may be announced merely as a production of the concern making such transcription.

"Resolved further, that the National Association of Broadcasters hereby directs its officers to bring this resolution without delay to the attention of the Broadcast Division of the Federal Communications Commission, and to take whatever steps may be necessary and practicable to secure prompt revision of the regulations in accordance with this resolution."

NAB-AAAA-ANA GROUP MEETS

Definite steps toward the creation of an independent bureau for the purpose of authenticating coverage and audience data supplied by stations to time purchasers were taken at a joint meeting of representatives of the NAB, the American Association of Advertising Agencies and the Association of National Advertisers held at St. Regis Hotel, New York, April 22.

Representing the NAB were: Arthur B. Church, KMBC, chairman of the Committee of Five; Edgar Kobak, NBC; John J. Karol, CBS; H. M. Beville Jr., NBC; Dr. Herman S. Hettinger, NAB research director, and Philip G. Loucks, NAB managing director.

Representing the AAAA were: John Benson, AAAA president; Fred R. Gamble, AAAA executive secretary; H. H. Kynett, Philadelphia; Charles F. Gannon, chairman, AAAA Radio Committee, and L. D. H. Weld, New York.

Representing the ANA were: Stuart Peabody, former ANA president; Paul West, ANA managing director, and A. W. Lehman, secretary of the Cooperative Analysis of Broadcasting.

The invitation for the meeting was extended by the NAB and this action was pursuant to the resolution adopted at the last NAB convention. Several meetings of the NAB committee preceded the joint meeting.

Managing Director Loucks suggested that the meeting first give consideration to the formulation of organization plans, leaving discussions as to scope and method to the bureau, if and when it is created.

There was general agreement upon this plan of procedure and the group formed themselves into a temporary joint committee to receive a report from a subcommittee consisting of Mr. West, Mr. Gamble and Mr. Loucks. Further action is to await conclusion of the ANA annual convention, which is to be held next week.

NAB COMMERCIAL MEETING JUNE 10-11

Mutual problems of the buyer and seller of time and the use of broadcast advertising by retailers will be the principal topics of the annual meeting of the NAB Commercial Section, which will be held at the Palmer House, Chicago, Monday and Tuesday, June 10 and 11, in conjunction with the Advertising Federation of America convention.

A unique feature of the Commercial Section meetings this year will be the fact that they will be organized in the form of a panel discussion. Under this system varying points of view regarding the problem under consideration will first be presented by leading authorities, following which discussion will be opened to all present.

The specific topics for the current season's meeting will be "Mutual Problems Facing the Buyer and Seller of Time" and "The Use of Broadcast Advertising by Retailers."

The development of a radio audit bureau and the establishment of an agency recognition bureau within the NAB will be among the specific questions which will be raised under the first main topic, while leading retailers and broadcasters will discuss various phases of the latter question. General meetings are tentatively scheduled for Monday and Tuesday morning.

In addition to the general meetings there will be a session of the NAB Commercial Committee either Monday or Tuesday afternoon. Arrangements for the sessions are in charge of Arthur B. Church, chairman of the Commercial Committee.

ABOUT TABOO ACCOUNTS

Several stations have written asking for a list of advertising accounts which are objectionable to the Federal Communications Commission. No such list is available. NAB REPORTS publishes each week a list of the actions of the Federal Trade Commission and if these were given the study they deserve stations would have little difficulty in determining their course. Stations might address communications to the Federal Trade Commission or the Food and Drugs Administration, Department of Agriculture, or U. S. Public Health Service, all located in Washington, D. C., or their local health officers, Better Business Bureaus or Medical and Dental Associations for advice. The NAB has neither the funds nor the personnel to enter the field of advertising censorship even if it were desirable to do so. Stations should use their own good judgment in accepting and rejecting accounts. There is no test by which your action can be determined except by the test of what is good broadcasting and there is no way to apply this test except by the application of just good old common horse sense. There isn't a broadcaster who doesn't know what is good broadcasting and what is not. Broadcasters ought to censor their own programs—the Government ought to be prevented from doing so.

SENATORS VOTE NRA TO APRIL '36

The Senate Finance Committee May 1 voted 16-4 to report out a Joint Resolution extending the NRA, with important restrictions, to April 1, 1936.

The resolution provides against price fixing, except those of mineral natural resources; that the NRA be restricted to strictly interstate business, and that the President shall be given 30 days in which to review existing codes and make them conform to the new provisions.

It is understood that the anti-price fixing provision does not bar open price filling. Further, Radio Broadcasting undoubtedly will be considered an interstate business. Consequently, the resolution in its present form should not require any revision of the Broadcaster's Code.

The text of the resolution follows:

S. J. Res.

TO EXTEND UNTIL APRIL 1, 1936, THE PROVISIONS OF TITLE I OF THE NATIONAL INDUSTRIAL RECOVERY ACT, AND FOR OTHER PURPOSES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 2 (C) of Title I of the National Industrial Recovery Act is amended by striking out "at the expiration of two years after the date of enactment of this act" and inserting in lieu thereof "on April 1, 1936."

Sec. 2. (A) In the application of Title I of such act after the date of enactment of this joint resolution and until April 1, 1936, the following amendatory provisions shall apply:

(1) No price fixing shall be permitted or sanctioned under the provisions of any code; except that provisions for the regulation of prices under governmental control may be included in codes for those mineral natural resource industries in which prices are now fixed pursuant to the provisions of any code and which the President finds to be so affected with a public interest that such regulation is necessary and proper in the public interest.

(2) No code of fair competition shall be applicable to any person whose business is wholly intrastate.

Sec. 3. The President shall review or cause to be reviewed for compliance with the requirements of this joint resolution every code in effect on the date this joint resolution takes effect. In order to afford reasonable opportunity for such review, such codes are hereby continued in effect (subject to cancellation or modification pursuant to the provisions of this joint resolution) for a period of thirty days after June 15, 1935, unless previously reviewed and superseded; but no such code shall continue in effect after the expiration of such thirty-day period unless the President has reviewed such code and has approved it and finds that the code in the form so approved conforms to the requirements of this joint resolution.

NRA FACES SUPREME COURT TEST

Coincident with the action of the Senate Finance Committee in reporting out a Joint Resolution to extend the NRA for eight months the new Solicitor General of the United States, Stanley Reed, filed the government's brief in the controversy of the Schechter poultry interests of New York. This suit is brought to test the constitutionality of the National Industrial Recovery Act. The U. S. Supreme Court will hear arguments in the case tomorrow.

NEWSPAPER EDITORS CRITICISE NAB

The American Society of Newspaper Editors, at their annual meeting in Washington last month, took time to discuss and adopt a resolution disapproving the action of the NAB in soliciting funds to assist in the KVOS case. The resolution reads as follows:

"Resolved, That the American Society of Newspaper Editors, assembled in Washington for its annual convention, declare its disapproval of the action of the National Association of Broadcasters in undertaking to finance a court fight to break down property rights in news as developed through the years by newspapers and press associations, and be it further

"Resolved, That this Society give to the Associated Press a vote of approval for the well directed effort it is making in the case of Station KVOS to outlaw piracy of news as practiced by those radio stations rebroadcasting published information without the consent of those who pay for gathering the news and its distribution."

RADIO-PRESS BUREAU LIBERALIZED

Liberalization of the Press-Radio Bureau was approved at the meeting of the American Newspaper Publishers Association held in New York last week.

The report, in full text, as submitted by E. H. Harris, Richmond, Ind., Palladium-Item, and chairman of the Publishers National Radio Committee, and adopted by the publishers' association, is as follows:

"The focal point of Press-Radio relations is based upon the newspapers' property rights in the news which they have gathered as members or as clients of one or more press associations. Since all newspapers which are members or clients of one or more press

associations have a certain property right in the news of those press associations, the Radio Committee bases its activities upon the premise that these property rights in the news should have some central body to coordinate their interests in the broadcasting of news furnished by the press associations. The Press-Radio Bureaus, composed of the press associations, the newspapers, and the broadcasters provide a medium through which these rights may be coordinated and preserved in the broadcasting of news. This is the basis upon which the Radio Committee makes its report.

"During the last year attempts were made by some broadcasters to encroach upon the property rights of the newspapers and the Press Associations in the news which they gather. These attempts manifested themselves in the news which certain radio stations took from the newspapers without their consent or that of the Press Associations. They persisted in these violations even after notice had been served upon them. One case of this kind in the State of Washington in which the property rights of The Associated Press in the news had been violated by a broadcasting station was taken to a Federal Court. The Federal Judge ruled against The Associated Press. An appeal was taken to a higher court. The United Press and the International News Service agreed to share the expense of the appeal. On the other side of the controversy The Executive Committee of the National Association of Broadcasters is raising a fund to fight this appeal. Many members of the National Association of Broadcasters are using their influence to induce the Association to withdraw from the case.

"Efforts have been made by certain interests connected with the broadcasting industry to destroy the property rights of the newspapers and the Press Associations in the news through legislation. This action was attempted in the Legislature of the State of Washington, where a bill was introduced to permit radio stations to take the news from the newspapers without their consent or that of the Press Associations. The legislation failed of enactment.

"Your Radio Committee has only been able to report these violations and to make recommendations for legal action on the part of those who are in a position to defend these fundamental rights.

"We believe, however, that through further cooperative efforts on the part of some of the larger interests in radio and through continued effort on the part of the newspapers to cooperate with the radio industry as a whole, we will be able to eliminate some of the conflicts which exist in these spots.

"Publishers must understand that the Press Associations and newspapers have no legal right to interfere with the broadcasting of news which has not been gathered by the newspapers or the Press Associations.

"The newspapers and the Press Associations have no monopoly on the gathering or selling of news.

"The main point at issue between the broadcasters and the newspapers is the reluctance of the newspapers and the Press Associations to sell the news to radio advertisers for sponsorship over the air.

"This refusal rests upon these two fundamentals:

"First: The practice would permit the advertiser to censor and edit the news to suit not only his own advertising program but also his prejudices on social, economic, religious and political questions, and thus news would degenerate into propaganda for the advertiser.

"Second: Since the sale of news is the basis of the newspaper publishing business this asset should not be sold to the broadcasters to be used in competition with the newspapers.

"To get to the essence of the problem which has confronted the Radio Committee, the general public is demanding news by means of Radio broadcasting because of its speed and convenience. Many radio stations are not inclined to give away the time for broadcasting news when this 'Radio time' can be sold to an advertiser for a substantial amount of money. News also can be sold easily to almost any radio advertiser.

"The newspapers, the Press Associations, and the two Chains have been cooperating in the performance of a public service to radio listeners, but many of the independent radio stations have not cooperated because the sound of the cash register means more to them than the preservation of principles which affect the welfare of the general public.

"We believe that substantial progress has been made in the last year in the Press-Radio Bureaus, in the cooperation extended by the National Broadcasting Company and the Columbia Broadcasting System, and that still further progress is possible.

"The co-operation of the newspapers with radio stations in the broadcasting of news has been carried on under the general supervision of your Committee.

"The Press-Radio Bureaus have performed a service of inestimable value to radio listeners. This statement is based upon the contents of thousands of letters and calls which have come to the Bureaus from listeners who voluntarily expressed their appreciation of the service.

"The New York Bureau has attained a high standard of efficiency under the personal supervision and direction of Edwin S. Friendly of *The New York Sun*. The Pacific Coast Bureau has been developed to an equally high degree of efficiency by Norman Chandler of *The Los Angeles Times* and J. R. Knowland of *The Tribune*, Oakland, California, all of whom are members of your Committee.

"In addition to this, your Committee has been making a study of the trend of radio and its relation to the newspaper publishing business. One of the noticeable developments is the gradual increase in the number of radio stations owned, in whole or in part, by the newspapers. The records show that one hundred and fifteen of the six hundred radio stations in the United States are owned or controlled by newspapers, which in terms of power amounts to about one-third of the total.

"The Committee believes that the Press-Radio Bureaus should be maintained for another year, that the broadcasting of news should be liberalized, and that fuller authority should be vested in the two Bureaus for governing the broadcasting of news.

"While the plan, which your Committee submits herewith, is not entirely satisfactory, we believe it is the best that can be obtained under the competitive conditions which exist among the various groups represented in Press-Radio. Your Committee, therefore, recommends the adoption of the plan and that it be put in operation at once.

"Your Committee desires to place itself on record as being opposed to the general practice of selling news to an advertiser for sponsorship over the air because this policy is unsound in principle and, if it is generally adopted eventually will destroy Press-Radio Bureaus and do untold damage to the public welfare.

"The sale of news to an advertiser for broadcasting purposes opens the way for him to edit and censor the news over the air. The listeners will be offered propaganda of various kinds under the guise of news. The radio advertisers who are in control of all advertising programs under our present system of broadcasting have developed the technique of weaving their advertising stories into the broadcasting as a part of their news programs, so that the listeners, if they are not on guard, will be sold a cathartic or a breakfast food because some alert advertiser has hooked up his product with a news item concerning the health of some person prominent in the public life. The listening public is being fooled by advertising propaganda broadcast under the guise of news.

"After many conversations with the various groups involved in Press-Radio relations, a conference with representatives of the groups which had been previously concerned with this problem was held at the Hotel Biltmore, New York City, April 5th, which was attended by representatives of the National Broadcasting Company, the Columbia Broadcasting System, The United Press, The International News, The Associated Press, and the Executive Committee of the A. N. P. A. Radio Committee.

"After eliminating all of the proposals to which the combined group could not agree, we arrived at the following final and unanimous conclusions as a basis for further cooperation between the broadcasters, the press associations, and the newspapers, for a period of one year. This course seemed to be the only one open to us

"1. That the public interest requires the continuation of the Press-Radio Bureaus in order to make certain that reliable and authentic news is disseminated through the medium of radio broadcasting. (The National Broadcasting Company and The Columbia Broadcasting System have pledged their support for another year if this recommendation is adopted.)

"2. That the Committee in charge of the operations of each of the Press-Radio Bureaus be authorized to adopt such rules and regulations as in their opinion are essential to a better service.

"3. That the newspapers owning or affiliated with radio stations, subject to the regulations of the Press-Radio Bureaus, be allowed a more flexible use of wire reports as those reports are received in their own offices for broadcasting of news; provided, that such newspapers make announcement of the news sources as required of those who receive their reports from the Press-Radio Bureaus.

"4. That publishers should individually take every step necessary to prevent the improper use of news and the prostitution of news

in their own communities, even to dropping the programs of the offenders from their columns.

"The United Press and The International News Service, in concurring in the action of the conference, reserved the right, when and if, in their opinion, it should become necessary, to sell a news service to advertisers or radio stations for broadcasting purposes under such restrictions as they shall impose to preserve the purity of the news. They stated that, in principle, they were opposed to the sale of news for radio sponsorship as a source of revenue, and that such news would be sold only for sponsorship when competitive broadcasting of news warranted such action.

"We believe that the above plan will provide enough flexibility in the operation of the two Press-Radio Bureaus to enable them to serve the public with reliable news and at the same time, not tie the hands of the press associations nor penalize newspaper-owned or affiliated radio stations.

"Your Committee has made an honest effort to serve the Press as a whole, with due regard for the rights and privileges of the public, but there still remains a responsibility upon every publisher to do his part to solve a most difficult problem by lending his full cooperation to any plan which the Convention may adopt as a policy for the best interests of all.

"Respectfully submitted, E. H. Harris, Chairman; Amon G. Carter, Norman Chandler, E. D. Corson, John Cowles, K. A. Engel, Edwin S. Friendly, H. Ponting, J. G. Stahlman, O. S. Warden."

MEMBERSHIP GROWS: DELINQUENTS GO

The NAB membership reached the high mark of 395 this week. Of this number only 24 are in arrears in their dues and the required 14-day expulsion notice was mailed to these members on May 1.

BAN ON DENTAL ADVERTISING

The Supreme Court of the United States has upheld an Oregon law prohibiting dentists from advertising.

Harry Semler, a Portland dentist, contended the 1933 act was not for the welfare of the general public but for the financial benefit of a part of the dental profession at the expense of the public.

Chief Justice Hughes delivered the opinion. He said the important point was whether the Oregon law was an "arbitrary interference with liberty and property," adding that the public should be protected against practices which "tend to demoralize the profession."

No dissent was announced.

ANA ANNUAL MEETING NEXT WEEK

The annual convention of the Association of National Advertisers will be held at White Sulphur Springs, W. Va., next week. Among the matters to be considered is the proposal to join with the NAB and the AAAA in the creation of a central bureau for the authentication of coverage or audience data. Managing Director Loucks and Arthur B. Church, chairman of the NAB Commercial Section, have been invited to attend the meeting.

GORDON PERSONS HONORED

Gordon Persons, Station WSFA, Montgomery, Ala., and a member of the NAB Board, has been appointed chairman of the Rural Electrification Authority by Governor Graves of Alabama. The Authority is a private, non-profit, self-supporting corporation set up as one of the agencies that will have charge of spending the money appropriated by Congress in the \$4,880,000 works bill. The corporation has been organized by Mr. Persons and has started its activities in the state.

FEDERAL MUSIC AND ART COMMISSION

A bill which, if enacted, might easily have far-reaching effects is H. R. 7161, introduced April 1 by Congressman Connery of Massachusetts.

This bill would establish an independent agency of the Government to be known as the "Commission for the Advancement of Music and Art." This new body would consist of five commissioners, each receiving a salary of \$10,000 a year. Its object would be to "advance the cultural interests of the American people by providing employment for and aiding in securing employment for

persons engaged in artistic endeavor and persons promoting music and other fine arts."

In view of the fact that the bill has as its expressed purpose "to widen the employment opportunities of American musicians and other artists," and also in view of the fact that it was referred to the House Committee on Labor, its object is clearly to employ the machinery of the Federal Government for creating additional jobs, particularly in the field of music. The authority of the proposed Commission would be very broad, and the bill contains a blanket provision for the transfer to the proposed Commission of all powers and functions now vested in other executive agencies which the President finds would be more appropriately exercised by the new Commission.

PLEASE SEND REPORTS PROMPTLY

Though the great majority are sending their reports of broadcast advertising volume to the NAB in ample time, a number of stations are still reporting sufficiently late to delay the publication of the monthly summary figures. If all reports can be received regularly by the twentieth of the month, it will be possible to advance the publication date of the NAB broadcast advertising reports from five to ten days. Your cooperation is requested in this matter.

FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Petition

No. 2081. The United States Circuit Court of Appeals of the Eighth Circuit, on joint motion of the Federal Trade Commission and the George H. Lee Co., Omaha, Nebr., has dismissed a petition filed by the Commission for enforcement of its order to cease and desist against the Lee company involving alleged misrepresentation of poultry disease remedies. Dismissal was requested because the company, since the Commission's order was issued, "has made substantial changes in the constituent ingredients of the certain remedial preparation referred to" in the order.

Dismissal of Complaint

No. 2272. Amusement Novelty Supply Company, Elmira, N. Y. Complaint has been dismissed insofar as the respondent company has ceased using lottery methods in the sale of merchandise as charged by the Commission.

Cease and Desist Orders

Cease and desist orders have been issued against the following companies by the Commission:

No. 2227. Evans Fur Co., and Kent Fur Co., Chicago. The respondents are prohibited from using newspaper and radio advertising which unfairly represents their business. Among representations to be discontinued are assertions that popular motion picture actresses are garbed in fur garments made or sold by the respondents, that the companies manufacture the garments which they sell, and that purchasers buying from the respondents save middlemen's profits.

No. 2250. Jules V. Riviere Perfumes, Inc., New York. The respondent is prohibited from using the words "Paris," "France" of the name "Jules V. Riviere" as a signature on labels or packages containing domestic perfume, nor are they to be used in printed advertising or by radio broadcast so as to imply that they were made in Paris. The respondent consented to the issuance of the order.

No. 2295. Edward M. Kahn Corporation, New York City. To cease and desist in the advertisement and sale of narrow ribbon and other forms of fabric from the use of the terms "Taffeta," "Silk" and "Pure Dye" unless the fibre used is derived entirely from silk. The respondent consented to the issuance of the order.

Complaints

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

No. 2363. Edwin Cigar Company, Inc., and James B. Hall, Jr., Inc., New York. Alleged that former company sold lower quality cigars, made specifically for the purpose, as "Factory Seconds," etc.,

when this was not the case. The Hall Company is alleged to have advertised Philippine cigars at a low price because they were in some cases "wormy" thus disparaging this product. American Sumatra leaf also was disparaged, while products only partially filled with Havana was advertised as "Finest Havana Filler." Hearing May 17.

No. 2364. John Alden Co., Chicago, Ill., a magazine subscription agency, and the Vickery & Hill Publishing Co., Augusta, Me., publishers of "Good Stories" magazine. Respondents are alleged to have promoted the sale of the magazine by advertising that persons solving a puzzle would be entitled to receive \$1500 cash or choice of an automobile, when, in fact, the respondents made these representations to secure solicitors for the magazine, which fact was not mentioned in the advertisements and not known to the contestants until they had solved the puzzle. Hearing May 17.

No. 2365. Armstrong Rubber Co., West Haven, Conn. Alleged to have made representations tending to deceive the public into believing that the company's prices to the consumer were direct factory one-profit prices, when in fact, distributors received the goods at prices shown on a "confidential distributors' net cost" list, but retailed them at higher prices described as "factory prices." Hearing May 24.

No. 2366. Yardley & Co., Ltd., New York City. The respondents are alleged to have hindered competition unduly by maintenance of the resale price of their products through the furnishing of full and minimum retail prices to customers, the announcement that it will thereafter sell only to those who adhere to these prices, seeking the cooperation of customers in reporting names of other customers who sell below the suggested minimum, and listing customers to whom goods are not to be sold because they have not observed the company's prices. Hearing May 24.

No. 2367. Charles E. Morris, New York City. The respondent is alleged to have advertised the prices of his fur coats and garments as strictly wholesale and that he is a "reliable wholesale fur house" when his prices were substantially above wholesale and he was not conducting a wholesale business. Hearing May 24.

No. 2368. Victor Soap Co., Dayton, Ohio. Charged with misrepresentation by having advertised for dealers or purchasers under the pretense of seeking agents. It is stated that the company asserted it furnished everything needed, guaranteed success and that agents were making from \$50 to \$60 per week easily. These representations were alleged not to be true. Hearing May 24.

No. 2369. Universal Parts Mfg. Corporation, Chicago. Unfair competition is alleged by the fact that the abbreviation "Mfg." in the trade name tends to deceive buyers into believing that the company is a manufacturer when it is not.

Nos. 2370, 2371, 2372. Interstate Distillers, Inc., Acme Distillers, Inc., Baltimore, and Morgan Distilling Corporation, Jersey City. Respondents are charged with unfairly using the term "Distillers" to describe a business consisting only of rectifying, blending and bottling of liquors. Hearing Friday, May 31.

No. 2373. Robert R. Dunn, Jr., and Tom Keck, San Francisco, trading as the Oikelp Co. Respondents are charged with unfair representation of their medicine, in that their claims grossly exceed the uses which may beneficially or safely be made of it and that its representations have a tendency to mislead buyers into believing that the "Iokelp Tablets" are a remedy and preventative for the diseases mentioned. Iokelp was advertised as capable of preventing and correcting simple goitre where other treatments have failed. Hearing, Friday, May 31.

Nos. 2374, 2375, 2376. Sherwood Distilling & Distributing Co., Baltimore, Old Gold Distillers, Chicago, Majestic Distilling Co., Baltimore. The respondents are charged with the use of the word "Distillers" to designate a business consisting only of purchasing, rectifying, blending and bottling liquors, thus unfairly competing with bona fide distillers. Hearing, Friday, May 31.

No. 2377. LeGay, Inc., Chicago. The respondent is charged with advertising that its product, "LeGay Hair Remover," is harmless, banishes facial hair shadows and removes unsightly hair without roughening the skin when this is not the case. Hearing, Friday, May 31.

No. 2378. Marcus A. Weinberg and Belle Weinberg, trading as Cronin China Co. Publicity Department, Chicago, and Leigh China Co., Publicity Department, Sebring, Ohio. Respondents are charged with using a plan for selling merchandise having the tendency of deceiving buyers into believing that they were dealing with the aforementioned companies when in fact they were dealing with the respondents. They are also charged with representing chinaware and earthenware products used to redeem premium certificates as being of the highest grade when they were in fact "run of the kiln" or "seconds." Hearing, Friday, May 31.

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 questions:

No. 0844. Paramount Products, Inc., Des Moines, Iowa. It will not advertise inferentially or otherwise that some answer to a contact advertisement will win an ultimate grand prize and to cease representing that prize money will be given away unless the terms and conditions shall be clearly set forth in immediate connection with the offer.

No. 0845. E. C. Powers Co., Dorchester Center, Mass. To abandon representations that its preparation has been a real boon to those afflicted with hay fever, that it will prevent oncoming attacks of asthma, etc.

No. 0846. J. Goodman, Inc., New York City. To cease advertising that its product, "Alpflora System Purifying Tea," will "upbuild" body organs, increase one's strength and purify or cleanse body juices.

No. 1351. Keystone Company, Inc., New York City. To cease labeling its products as "Sheffield Reproduction" so as to imply erroneously that they were made in accordance with the process used in manufacturing Sheffield silverware or plate.

No. 1352. Atlantic and Pacific Tailoring Co., Inc., New York City. To cease using the word "tailoring" or "tailors" as part of its corporate name and to stop advertising that its suits are made to measure for the individual customer out of cloth corresponding to that shown by the salesman, when this is not the case, and to cease using the word "factory" to imply erroneously that it owns or operates a factory.

No. 1353. Brite Specialty Co., New York. To cease advertising that products were made in England, when they were made in this country, and to cease using the expression "Genuine English Leather Watch Strap" to describe products not made in England.

No. 1354. A. Hondroulis & Co., Inc., Baltimore, Md. To cease use of phrases such as "Italian product," etc., to describe products not wholly composed of oil imported from Italy.

No. 1355. The Kotel Co., Detroit. To desist from representing that its product, a waterproof coating for airplane propellers, has the Federal Government's approval.

No. 1356. John H. Swisher & Son, Jacksonville, Fla. To cease using words "hand made" so as to imply that their cigars are thus made.

No. 1357. Harris & Co., Indianapolis. Same stipulation.

No. 1358. Central Iron & Steel Co., Harrisburg, Pa. To cease designating its products as "open steel flooring" or "grating" when they do not come within the accepted trade meaning of the terms.

No. 1359. Phillips Packing Co., Cambridge, Md. To cease representing that its crops are inspected by airplane and not to make allegations tending to lead buyers into believing that such inspection would be practicable and that it would result in improving the quality of the company's canned vegetables and soups.

No. 1360. Jacobs, Holtzinger & Co., Windsor, Pa. To discontinue designating cigars as "Havana" when they do not contain Cuban tobacco.

No. 1361. James B. McComb, New York City. The respondent will discontinue advertising that his products, a rug cleaner and shampoo sold under the names "Hotelo" and "DeNovo," have the background of authority of Government chemists, because they are made by a patented formula, will cease asserting that the products are "O.K'd by Uncle Sam" or that the formula is protected by Government inspection.

No. 1362. Shulick-Taylor Co., Wheeling, W. Va. Will discontinue the use of the term "Wheeling" and "stogie" on cigars made elsewhere in such a way as to deceive buyers into believing these products to be of a grade and type commonly associated with the aforementioned terms. The company also will discontinue using the terms "hand-made" and "Perfectos Habana" except in the accepted trade meaning.

No. 1364. Gabriel's Laboratories, Tell City, Ind. The respondents will discontinue advertising their product, "Gabriel's Mange Formula," by the use of the words "Kills Mange Overnight," and similar terms, when all forms of dog mange cannot be cured by the product.

No. 1365. Par-Tex Hosiery Co., Dallas, Texas. The respondent will cease to represent that its products are guaranteed against wear or for a stated period and that hosiery in which a run is found within one year will be replaced free of charge, when this is not the case.

No. 1366. Nellie C. O'Brien, Milwaukee. The respondent will discontinue using the phrase "Is Not a Dye" in connection with her product, "O. B. Hair Stain," when this is not the case.

No. 0847. Sendol Company, Sedalia, Mo. The company will no longer advertise that acetanilid, in ordinary medicinal quantities, may weaken the heart to a greater extent than aspirin or that it is habit forming. It will not advertise that its product, containing aspirin and digitalis, is a scientific formula, safe for anyone to use, does not weaken the heart or is a competent treatment for aches and pains.

NAB FINANCIAL STATEMENT 1934

Below is published the financial statement of the NAB for the fiscal year 1934 as prepared by Spicer and Rees, certified public accountants, after an audit of the books of the Association. Since funds collected in connection with the copyright campaign are kept by the Treasurer in Philadelphia, that account will be audited separately and therefore is not included in this report. The NAB statement follows:

NATIONAL ASSOCIATION OF BROADCASTERS, INC.

BALANCE SHEET

As of December 31, 1934

ASSETS

Cash	\$ 6.09
Petty Cash Fund	100.00
Treasury Bond 3-3/8's-43-47 #E-00086675	993.30
Assessments Receivable	
Estimated To Produce	
Receiver of District National Bank	762.85
Office Equipment	
Cost	3,009.79
	<u>\$4,962.03</u>

LIABILITIES

Accounts Payable	\$	
Notes Payable		
Accrued Expenses		
Deferred Credits:		
Assessments billed, not realized (See comment)		
Prepaid Assessments		
Managing Director as Trustee:		
Surplus—December 31, 1933 ..	\$9,456.76	
Deficit from Operations Exhibit "B"	4,866.48	\$4,590.28
Add:		
Office Expense—Equipment purchased	346.75	
Profit on sale of U. S. Treasury Bond	25.00	4,962.03
		<u>\$4,962.03</u>

STATEMENT OF INCOME AND EXPENDITURES

For the Period January 1 to December 31, 1934

Income:

Assessments applicable to the period due and collected	\$56,586.22
Miscellaneous Income and Refunds	7,179.14
Total	\$63,765.36

Expenditures:

1. Salaries	Schedule I	\$20,585.91
2. Office Expense	Schedule II	6,756.22
3. Travel Expense		1,545.95
4. General Expense	Schedule II	680.79
5. Other Expenditures	Schedule III	39,062.97
Total Expenditures		\$68,631.84
Surplus from Operations-deficit		\$ 4,866.48

STATEMENT OF MISCELLANEOUS INCOME AND REFUNDS

Year ended December 31, 1934

Miscellaneous Income:

Sale of Hettinger Book	\$1,279.75	
Assessment of prior years	8.75	
Sale of Binders	29.45	
Sale of Insignia	2.00	
Interest on U. S. Treasury Bond	46.25	
Personal Telephone Charges	68.90	
Sale of L. C. Smith Typewriter	22.50	\$1,457.60

Refunds:

Annual Convention	1,258.16	
Code Authority for the Radio Broadcasting Industry:		
Reimbursements	\$150.00	
Telephone Charges	424.55	
Rent	918.50	1,493.05
Copyright Defense Fund	200.95	
Debate Material	1,000.00	
General Hearings	1,764.38	
Radio Foundation	5.00	5,721.54
Total Miscellaneous Income and Refunds		<u>\$7,179.14</u>

SALARIES EXPENSE

Year ended December 31, 1934

Executive:	\$15,506.58
Clerical Employees:	4,853.33
Temporary Employees Not Employed December 31, 1934	226.00
	<u>\$20,585.91</u>

STATEMENT OF OFFICE AND GENERAL EXPENSES

Year ended December 31, 1934

Office Expenses:

Rent	\$1,916.00
Office Equipment purchased	346.75
Telephone	725.28
Telegraph	1,497.04
Postage	693.29
Stationery and Supplies	515.58
Printing	434.28
Subscription and Publications	528.00
Publicity	100.00
Totals	<u>\$6,756.22</u>

General Expenses:

Miscellaneous	\$ 395.79
Statutory Agent in State of Delaware	50.00
Compensation Insurance	29.88
Premiums on Bond	50.00
Taxes	155.12
Totals	<u>\$ 680.79</u>

STATEMENT OF OTHER EXPENDITURES

Year ended December 31, 1934

Board of Directors' Meetings	\$ 2,360.10
Business Index	2,682.30
Convention Expense	1,498.97
Commercial Meetings	233.61
Cost Accounting Committee	569.02
Convention-Lisbon	1,202.75
Code Authority for the Radio Broadcasting Industry	9,119.33
Debate Hand Book	2,895.38
General Hearings	9,273.17
Hettinger Hand Book	2,141.69
Legal Fees	1,894.30
Legislative Service	593.75
National Association of Broadcaster reports:	
Copyrighting	\$ 114.00
Postage	849.33
Printing	3,295.57
Refunds	339.70
	<u>\$39,062.97</u>

CASH ON HAND

December 31, 1934

Balance December 31, 1933	\$ 122.57
Add:	
Sale of U. S. Treasury Bond 3's-51-55-#20833-C	4,750.00
	<u>\$4,872.57</u>

Deduct:

Deficit from Operation—as shown in Exhibit "B"	4,866.48
Total as shown in Balance Sheet	<u>\$ 6.09</u>

Reconciliation of Bank Account:

Balance per Riggs National Bank Statement	\$2,064.52
Less Outstanding checks:	

# 982	\$130.60
997	25.00
998	25.00
999	500.00
1000	2.00
1001	416.67
1002	312.50
1003	225.00
1004	100.00
1005	50.00
1006	55.00
1008	216.66
	<u>2,058.43</u>

Balance December 31, 1934	<u>\$ 6.09</u>
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FURNITURE AND FIXTURES

Year ended December 31, 1934

As shown on Auditor's Report December 31, 1933	\$2,753.04
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Purchases During 1934:

1—#201 Statutory Bronze Silverglo Lamp....	\$ 9.90
1—Radiator Cabinet and 2 Shields.....	22.75
1—#445 Green Steel Case File.....	30.00
1—Desk	} 70.00
2—Chairs	
1—Glass top for desk	
1—Plate Top Glass 66 x 34.....	17.70
1—L. C. Smith Typewriter— 8.12-1130520	115.00
1—#201 Statutory Bronze Silverglo Lamp....	9.90
1—#100 C. Polar Desk Pad.....	5.00
1—#445 Green Steel Case File.....	28.00
1—# 20 Walnut Steel Case Waste Basket.....	2.50
1—Rug	36.00
	<u>346.75</u>
	<u>\$3,099.79</u>

ENGINEERING COMMITTEE MEETS

The NAB Engineering Committee met jointly with the IRE Broadcast Committee and the RMA Engineering Committee at the Hotel New Yorker, New York City, Wednesday, May 1.

The meeting was attended by the following members of the NAB committee: J. A. Chambers, Chairman; E. K. Cohan, H. A. Chinn, J. H. DeWitt, John E. Fetzer, Edward L. Gove, C. W. Horn, John V. L. Hogan, and J. C. McNary. The RMA and IRE committees were well represented, and the meeting was attended also by Mr. A. D. Ring, FCC Assistant Chief Engineer.

Among the subjects discussed were the high fidelity standards proposed for broadcasting stations by the FCC Engineering Department (NAB REPORTS, Vol. 3, No. 5, January 25, 1935). Opinions presented by various engineers on the proposed permissible values of audio distortion, frequency range, volume range, and noise level indicated the desirability of only minor modifications and clarifications of the proposed standards. As has been previously stated, the proposed standards will apply only to stations qualifying as high-fidelity stations.

The proposal that audio-frequency characteristics of radio transmitters be altered to emphasize transmission of the higher frequencies, with complementary alteration of high-frequency response of broadcast receivers in order to reduce the intensity of reproduced noise, received unfavorable discussion because of the

obvious disturbance to the existing allocation scheme. It was pointed out that such operation would augment adjacent-channel interference.

The proposal made by Mr. L. F. Curtis, of the American Bosch Co., relative to compensation of frequency characteristics of studio equipment to provide various characteristics to be used with different classes of program material received considerable discussion. The suggestion of Mr. Curtis was based on figures made public some time ago by Dr. Harvey Fletcher, of Bell Telephone Laboratories, indicating that a flat frequency response is not desirable when the program material is reproduced at a relatively low intensity.

FCC REGULATES ATTORNEYS

The Federal Communications Commission en banc today adopted the following rule:

No one serving in the Federal Communications Commission on or after July 1, 1935, shall be permitted to practice, appear, or act as an attorney or agent in any case, claim, contest or other proceeding before the Commission or before any division or agency thereof, until two years shall have elapsed after the separation of the said person from the said service.

MODULATION MONITORS DEMONSTRATED

As an outgrowth of the conference called by Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, held in the Commission's offices April 12, a demonstration of various modulation monitoring devices was held at Bell Telephone Laboratories, New York City, April 29 and 30.

The modulation monitors and volume indicators demonstrated included the conventional Western Electric volume indicators, used by the A. T. & T. Long Lines Department and by many broadcasting stations; a Western Electric 700-A volume indicator; volume indicators indicating peak amplitudes rather than rms amplitudes furnished by Bell Laboratories and by NBC; General Radio modulation monitor; RCA cathode ray oscilloscope; and several combinations of Weston indicating meters.

The demonstration brought considerable discussion by telephone company engineers and by engineers representing broadcasting stations and apparatus manufacturers.

After clarifying the test procedure, the test indicated that a volume indicator or modulation monitor showing peak amplitudes to be more desirable than the conventional type which indicates rms amplitudes.

Another meeting of interested parties will be called within the near future, at which time it is planned to reach a final decision regarding specifications for a modulation monitor.

FCC APPOINTS GOVERNOR GARDNER

Chairman Anning S. Prall, of the Federal Communications Commission, made the following statement today coincident with the appointment of former Governor O. Max Gardner, of North Carolina, as special counsel of the FCC in charge of the legal functions of its Telephone Division:

"In behalf of the Federal Communications Commission I am pleased to announce the appointment of O. Max Gardner, former governor of North Carolina, and a distinguished attorney, as chief of the legal staff of the Commission which will investigate the telephone industry in compliance with the resolution enacted by Congress ordering such an inquiry.

"Former Governor Gardner, who has been practicing law in Washington and in North Carolina since his retirement from the post of chief executive of his native state, comes to the Commission at great personal sacrifice. It was only after we had entreated him to accept the post that he finally was persuaded to return to public life for the duration of the telephone investigation. His salary will be \$10,000 per annum.

"The Commission considers itself fortunate in procuring a man of Governor Gardner's attainments for this important work. It will be his responsibility to direct all legal operations incident to this investigation, which will invade the entire scope and activity of the American Telephone and Telegraph Co., as well as independent companies in the telephone field. For this investigation Congress has appropriated \$750,000.

"The Telephone Division, with which former Governor Gardner will act, consists of Commissioner Paul A. Walker, Chairman, Colonel Tbad H. Brown, Vice-Chairman, and myself."

POSTAL RULE RESCINDED

Order 6338, amending Paragraph 6, section 585, Postal Laws and Regulations (NAB REPORTS, Vol. 3, No. 16), providing for delivery of unaddressed mail, has been withdrawn.

FCC APPOINTS TELEPHONE ENGINEERS

The appointment of the following engineers to assist in the forthcoming telephone investigation was announced by the FCC, April 30: Manfred K. Toeppen, of Lansing, Michigan; George S. Macomber, of New York City; William H. Schlasman, of Reading, Pennsylvania; Harold G. Tufty, of Evanston, Illinois; Barry T. Benson, of Sherman, Texas; and George B. Donohue, of Milwaukee, Wisconsin.

COMMISSIONER WALKER NAMES SECRETARY

Mr. Walter B. Emery, of Norman, Oklahoma, Director of Forensics at the University of Oklahoma since 1929, has secured a leave of absence for the summer from his duties at the University of Oklahoma, to assume the duties of Secretary to Commissioner Paul A. Walker, Chairman of the Telephone Division. He will take over the work of Mr. John J. Hassler, who was recently appointed as Executive Assistant to the Assistant Engineer in charge of Telephones.

Mr. Emery was born at Howe, Oklahoma, in 1907. He is a graduate of the Shawnee, Oklahoma, High School; of the Oklahoma Baptist University, A.B., 1929; of the School of Law of the University of Oklahoma, LL.B., 1934; and has done graduate work in government and political science. He has also completed a number of courses in Law and Economics dealing with public utilities. He has been a member of the Oklahoma State Bar since 1933.

Upon graduation from the Oklahoma Baptist University, he was employed as field representative for that school until he became Director of Debating at the University of Oklahoma, in the fall of 1929. Mr. Emery has been an outstanding student. He won a number of state and regional contests in debate and oratory and is a member of honor, scholastic and debating organizations. He is co-author of a manual of debate and parliamentary practice which is now used as a text in the University of Oklahoma.

Mr. Emery's duties at the University of Oklahoma have included the direction of Radio Station WNAD at the University. Mr. Emery is married and has one child.

RECOMMENDS LICENSE FOR WAAT

Broadcasting station WAAT, Jersey City, N. J., using a frequency of 940 kilocycles, 500 watts power and daytime until 6 p. m., applied to the Federal Communications Commission for a license renewal and license to cover the construction permit granted.

R. H. Hyde(e), in Report No. I-42, recommends that the application for a license following construction of a new transmitter already authorized be granted. The issue in this case was the determination of the character of the service of the station and to determine whether the continued operation would serve public interest.

NEW CALIFORNIA STATION RECOMMENDED

Richard Field Lewis filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Del Monte, Cal.

Ralph L. Walker(e), in Report No. I-41, recommends that the application be granted. It was for the use of 1210 kilocycles, 100 watts power and unlimited time. The Examiner found that the applicant was in all ways qualified to construct and operate such a station, that there is a substantial need for the service in the area to be covered and that the proposed station would not interfere with any existing facilities.

RECOMMENDS DENYING AS IN DEFAULT

Bailey Brothers filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at San Diego, Calif., to use 1420 kilocycles, 100 watts power and unlimited time on the air.

Ralph L. Walker(e), in Report I-43, has recommended that the application be denied as in cases of default. It appears from the

record that when the case was called for hearing the applicants did not appear. Also that the applicants had asked for a postponement of the date of hearing originally set which was not granted by the Commission.

RECOMMENDS AGAINST NEW STATION

The Journal Company, Milwaukee, Wis., filed an application with the Federal Communications Commission asking that it be granted a construction permit for a new regional broadcasting station to be operated on 1010 kilocycles, 1,000 watts power and unlimited time on the air.

R. H. Hyde(e), in Report No. I-46, recommends that the application be denied. The Examiner found that "no sufficient public need for the particular service proposed is shown to sustain an affirmative finding that the granting of a permit therefor would serve the public interest."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: Bondholders' Protective Committee for bonds of Wheeler Timber Company, Chicago, Ill. (2-1384, Form D-1). Arthur K. Ohmes et al., New York City. (2-1387, Form D-1). Insured Investors, Inc., Kansas City, Mo. (2-1388, Form C-1). Motors Securities Company, Inc., Shreveport, La. (2-1389, Form A-1). Penn Valley Crude Oil Corp., Wilmington, Del. (2-1390, Form A-1). Atlantic & Pacific Mining Company, Pony, Mont. (2-1391, Form A-1). Bonanza Consolidated Gold Mines, Inc., Detroit, Mich. (2-1392, Form A-1). Corporate Leaders Reserve Fund, Inc., New York City. (2-1393, Form A-1). Bondholders Committee Southern New England Ice Co., Buffalo, N. Y. (2-1394, Form D-1). Pacific American Fisheries, Inc., South Bellingham, Wash. (2-1395, Form A-2). Doris Ruby Mining Company, Buena Vista, Col. (2-1349, Form A-1).

RECOMMENDS AGAINST INCREASED POWER

Station WMBR, Jacksonville, Fla., filed an application with the Communications Commission asking that it be allowed to increase its power to 250 watts local sunset. At present it operates with 100 watts, unlimited time, on 1370 kilocycles.

Melvin H. Dalberg(e), in Report No. I-45, recommends that the application be denied. He found that the State of Florida is over quota on daytime assignments.

RECOMMENDS DENYING TEXAS CHANGES

Three applications were made to the Federal Communications Commission, each requesting the use of 940 kilocycles. Melvin H. Dalberg(e), in Report No. I-44, recommends that all of the applications be denied.

Station KMAC, San Antonio, Texas, now operating on 1370 kilocycles, 100 watts power, sharing time with KONO, asked for an experimental license to install a directional antenna and operate on 940 kilocycles; 500 watts unlimited time. Station KFYO, Lubbock, Texas, on 1310 kilocycles, 100 watts, 250 watts L. S., unlimited time, asked to install new equipment and operate on 940 kilocycles, 500 watts unlimited time. Station KGKL, San Angelo, Texas, on 1370 kilocycles, 100 watts, 250 watts L. S., unlimited time, requested permit to install new equipment and operate on 940 kilocycles, 1000 watts L. S., unlimited time. The Examiner states, among other things, that simultaneous operation of any or all of these stations on 940 kilocycles would be impossible because of inadequate mileage separation.

STEWART NEW VICE CHAIRMAN

While no official announcement has been made, Commissioner Stewart has been made vice-chairman of the Federal Communications Commission.

RECOMMENDS AGAINST CALIFORNIA STATIONS

A. Tornek and R. Lille filed an application with the Federal Communications Commission for a construction permit for a

new station to be erected at East Los Angeles, Calif., to use 820 kilocycles, 250 watts, and operating simultaneously with WHAS.

Also, Fred L. Packard and A. Rosenberg asked for a construction permit for a new station to be erected at Los Angeles, Calif., to use 1160 kilocycles, 250 watts daytime operation.

Ralph L. Walker(e), in Report No. I-47, recommends that both of the applications be denied. The Examiner found that "the operation of either of the proposed stations would result in objectionable interference with existing stations."

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

W8XCE—Westinghouse Electric and Manufacturing Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. to install new equipment and to operate on additional frequencies 31600, 35600, 38600, 41600, 55500, 60500, 86000-460000 kc., 150 watts. Also granted license covering same.

NEW—Westinghouse Electric and Manufacturing Co., Portable-Mobile, Chicopee Falls, Mass. (2 applications).—Granted C. P. (exp.-spec. exp.), frequencies same as above; power 50 watts. Also granted license covering same.

W6XB—Earl A. Nielson, Portable-Mobile (Phoenix, Ariz.).—Granted C. P. replacing old transmitter with new one and increase in power from 3 to 15 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted extension of special temporary experimental authorization to operate with an additional 250 watts night, for the period May 1, 1935, and ending not later than May 31, 1935.

WOL—American Broadcasting Co., Washington, D. C.—Granted C. P. to make changes in equipment.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted modification of C. P. approving proposed transmitter site; C. P. authorized to operate on 1210 kc., 100 watts, unlimited time.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of C. P. extending commencement date to 5-1-35 and completion date to 12-1-35.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Granted consent to voluntary assignment of license to Plains Radio Broadcasting Co.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted C. P. to move transmitter locally.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted modification of license to increase power from 250 watts night, 500 watts LS, to 500 watts day and night.

NEW—Hart & Nelson, High Point, N. C.—Granted C. P. for new station to operate on 1200 kc., 100 watts day. Daytime hours.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.

WJMS—WJMS, Inc., Ironwood, Mich.—Granted license to cover C. P. authorizing move of transmitter; 1420 kc., 100 watts, unlimited time.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted license to cover C. P. authorizing erection of a new station to operate on 1200 kc., 100 watts, unlimited time.

KGKY—Hilliard Co., Inc., Scottsbluff, Nebr.—Granted license to cover C. P. authorizing installation of new equipment and increase in power; 1500 kc., 100 watts night, 250 watts day, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. making changes in equipment; frequency 1410 kc., 500 watts day and night, sharing with WROK.

WJTL—Oglethorpe University, Inc., Atlanta, Ga.—Granted modification of license to move studio from Oglethorpe University, Georgia, to Volunteer Life Bldg., Atlanta, Ga.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted modification of C. P., amending it so as to request changes in equipment, approval of transmitter site, and extension of commencement date to 30 days after grant and completion date to 6 months thereafter.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of C. P., amending it so as to request changes in equipment; cancel request for change in day power from 5 KW to 2½ KW, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted amended modification of license authorizing change in power from 500 watts night and day to 500 watts night, 1 KW day; 1400 kc., unlimited time.

KJBS—Station KJBS, San Francisco, Calif.—Granted authority to use present antenna system in lieu of that authorized by C. P. until such time as more suitable location can be obtained and an efficient antenna system installed.

WKAR—Michigan State College, E. Lansing, Mich.—Granted C. P. to make changes in equipment.

W8XH—WBEN, Inc., Buffalo, N. Y.—Granted C. P. (exp.-gen. exp.) to install new transmitter and increase power from 50 to 100 watts.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted C. P. to install new transmitter and increase power to 1 KW day, 500 watts night, and change transmitter site.

KWSC—State College of Washington, Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power from 2 KW to 5 KW.

WCFL—Chicago Federation of Labor, York Township, Ill.—Granted modification of C. P. to extend completion date from 5-1-35 to 6-15-35.

KGW—Oregonian Publishing Co., N. Portland, Ore.—Granted license to cover C. P. authorizing increase in day power to 5 KW; frequency 620 kc., 1 KW night, unlimited time.

WFDL—Flint Broadcasting Co., Flint, Mich.—Granted license covering C. P. authorizing changes in equipment.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted license covering C. P. to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted authority to install automatic frequency control.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of C. P. as modified to extend commencement date to 5-1-35 and completion date to 12-1-35.

W8XCE—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted renewal of special experimental station license for period April 24, 1935, to July 24, 1935, in exact conformity with existing license.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a temporary basis for the period May 1 to November 1, 1935, subject to such action as the Commission may take on their pending applications for renewal:

WARD, WBBC, WBBR, WLTH, WVFW, all of Brooklyn, N. Y.; WDAG, Amarillo, Tex.; WHAZ, Troy, N. Y.; WFAB New York City.

The following stations were granted extensions of their present licenses for a period of one month, from May 1 to June 1, 1935, on a temporary basis subject to such action as may be taken on their pending applications for renewal:

KGDY, Huron, S. Dak.; WCBA, Allentown, Pa., and auxiliary; WRBX, Roanoke, Va.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted renewal of license for the period ending June 1, 1935.

KGCC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted renewal of license for the period ending July 1, 1935.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted renewal of license for the period ending August 1, 1935.

WDSU—WDSU, Inc., New Orleans, La.—Granted renewal of license for the period ending October 1, 1935.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted renewal of license for the period ending October 1, 1935, also granted same for auxiliary.

WHA—University of Wisconsin, Madison, Wis.—Granted renewal of license for the period ending October 1, 1935.

WKAR—Michigan State College, E. Lansing, Mich.—Granted renewal of license for the period ending August 1, 1935.

WLB—University of Minnesota, Minneapolis, Minn.—Present license extended on a temporary basis for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Present license extended on a temporary basis for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Present license extended on a temporary basis for a period of one month from May 1 to June 1, 1935, subject to such action as may be taken on application for renewal pending before the Commission.

WQAM—Miami Broadcasting Co., Miami, Fla.—Present license extended on a temporary basis from May 1 to June 1, 1935, subject to such action as may be taken on pending application for renewal. The Commission denied applicant's petition for renewal of license on a permanent basis.

W6XZ—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of special experimental station license for the period May 1, 1935, to May 1, 1936, in exact conformity with existing license.

W6XAH—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of visual broadcasting station license for experimental service, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing license.

W4XB—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Present relay broadcasting station license in the experimental service was extended for a period of 1 month from May 1 to June 1, 1935, upon a temporary basis only, subject to such action as may be taken on pending application for renewal.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Present relay broadcasting station license in the experimental service was extended for a period of 1 month from May 1 to June 1, 1935, upon a temporary basis only, subject to such action as may be taken on pending application for renewal.

SET FOR HEARING

NEW—Connecticut Broadcasting Co., Edward Mirante and Arthur Faske, New Britain, Conn.; Stockholders: Edward Mirante and Arthur Faske.—Application for C. P., 1370 kc., 100 watts, unlimited time.

NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex. (Site to be determined).—Application for C. P., 1210 kc., 100 watts, unlimited time.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Application for C. P. to make changes in equipment and increase day power from 100 watts to 250 watts. (Present assignment: 1210 kc., 100 watts, unlimited.)

NEW—Southern Oregon Pub. Co., Roseburg, Ore.—Application for C. P., 1500 kc., 100 watts, daytime.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Application for special experimental authorization to operate on 1240 kc. with 500 watts night and 1 KW day; move station locally to location subject to approval of Commission; also install new equipment. (Present assignment: 1500 kc., 100 watts; unlimited C. P. for 100 watts night, 250 watts day.)

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Application for C. P. amended so as to read: 1380 kc., 500 watts daytime.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for C. P. amended so as to read: Make changes in equipment, increase power from 100 watts night and day to 100 watts night, 250 watts day. (Present assignment: 1370 kc., 100 watts, shares KCRC.)

WWL—Loyola University, New Orleans, La.—Application for modification of license to change hours of operation from S.H. to unlimited. (Frequency 850 kc., 10 KW night and day; S.H.)

KGy—KGy, Inc., Olympia, Wash.—Application for modification of license to increase hours of operation to unlimited time except when KTW is operating. (Frequency 1210 kc., 100 watts, S.H.)

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Application for special experimental authorization to make changes in

equipment; change frequency to **1250 ke.**; increase power to 250 watts, 500 watts LS, S.H. (1 a. m. to 6 a. m.). (Present assignment: **1200 ke.**, 100 watts night, 250 watts day, hours unlimited.)

WFEA—New Hampshire Broadcasting Co., Merrimack, N. H.—Renewal of license. Granted temporary authorization to operate pending action taken on renewal.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license. Granted temporary license pending hearing.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Renewal of license. Granted temporary license pending hearing.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Application for C. P. to make changes in equipment; change frequency from **1420 ke.** to **1300 ke.**; increase power from 100 watts night, 250 watts day, to 500 watts night and day.

WEED—William Avera Wynne, Rocky Mount, N. C.—Application for C. P. to make change in equipment; increase power from 100 watts to 250 watts day and night; change hours from U-day, S-WEHC night, to unlimited; and change frequency from **1420 ke.** to **1350 ke.**

KHJ—Robert K. Herbst, Moorehead, Minn.—Application for C. P. amended so as to request site to be determined in Moorehead, instead of a location in Fargo, N. Dak.; **1310 ke.**, 100 watts, unlimited.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Application for C. P. to make changes in equipment; move transmitter locally in Chicago; change hours of operation from daytime SA, operate 5-6 a. m., CST, to unlimited. (Application amended to request 1 KW day power with directional antenna.)

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Application for C. P. to increase power from 500 watts to 5 KW daytime, and make changes in equipment.

NEW—North Side Broadcasting Corp., New Albany, Ind.—Application for C. P. for new station to operate on **1370 ke.**, 100 watts night, 250 watts day, unlimited time.

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Application for C. P. for new station to operate on **1210 ke.**, 100 watts day, daytime hours.

NEW—Miles J. Hansen, Fresno, Calif.—Application for C. P. for new station to operate on **1210 ke.**, 100 watts, unlimited time.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Application for C. P. to make changes in equipment and increase power from 500 watts to 1 KW.

KGCU—Mandan Radio Asso., Inc., Mandan, N. Dak.—Application for modification of license to change frequency from **1240 ke.** to **1230 ke.**, and S.H. to unlimited.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Application for modification of license to change hours of operation from sharing with KBBZ to unlimited.

KPJM—Scott and Sturm, Prescott, Ariz.—Renewal of license; **1500 ke.**, 100 watts, unlimited time.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Application for modification of license to increase power to 1 KW night and day.

ACTION ON EXAMINERS' REPORTS

KSLM—Ex. Rep. No. 1-26: Oregon Radio, Inc., Salem, Ore.—Application for modification of C. P. to change hours of operation from daytime to unlimited granted; station operates on **1370 ke.**, 100 watts. Examiner R. L. Walker sustained. Order effective May 7, 1935.

WBIG—Ex. Rep. No. 1-31: North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Oral argument granted for June 13, 1935.

NEW—Ex. Rep. No. 1-43: Bailey Bros., San Diego, Calif.—Denied as in cases of default application for C. P. for new station to operate on **1420 ke.**, 100 watts, unlimited time. Examiner Walker sustained.

APPLICATION DENIED

NEW—Amzi G. Barber, Montgomery, Ala.—C. P. for new station to operate on **1210 ke.**, 100 watts, unlimited time, heretofore set for hearing, was denied as in cases of default for failure to file appearance and statement of facts in accordance with Rule 28b.

APPLICATIONS DISMISSED

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

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license, **1430 ke.**, 1 KW, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., **1250 ke.**, 250 watts, 500 watts LS, unlimited time.

KMO—KMO, Inc., Tacoma, Wash.—Modification of license, **1330 ke.**, 500 watts, unlimited time.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, **630 ke.**, 500 watts, unlimited time.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license, **970 ke.**, 500 watts, 1 KW LS, unlimited time.

NEW—Clark Standiford, Chico, Calif.—C. P., **1210 ke.**, 100 watts, unlimited time.

WBAA—Purdue University, W. Lafayette, Ind.—Modification of license, **890 ke.**, 500 watts, 1 KW LS, specified hours.

WBNS—WBNS, Inc., Columbus, Ohio.—Modification of license, **1430 ke.**, 1 KW, unlimited time.

NEW—Twin Cities Broadcasters, A. R. Ebrite, E. R. Ristine, and J. D. Kolesar (Gen. Mgr.), Centralia, Wash.—C. P., **1200 ke.**, 100 watts, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license, **1240 ke.**, 1 KW, unlimited time.

MISCELLANEOUS

WQAM—Miami Broadcasting Co., Miami, Fla.—Application for authority to remove auxiliary transmitter, heretofore granted, was retired to closed files for want of prosecution.

NEW—Utah Broadcasting Co., Salt Lake City, Utah.—Granted petition to reopen proceedings for additional testimony in prosecution of application for C. P. for station to operate on **1500 ke.**, 100 watts.

KFBK—James McClatchy Co., Sacramento, Calif.—Oral argument to be heard June 13, 1935, before Broadcast Division on application for C. P. because of written request of L. B. Wilson, Inc., a respondent.

E. W. Patrick, Brookfield, Mo.—Application for C. P. for station to operate on **1310 ke.** withdrawn from docket because of an amendment asking use of frequency **1210 ke.** instead.

WDAY—WDAY, Inc., Fargo, N. Dak.—Denied right to intervene at hearing of application of Robert K. Herbst for new station at Moorhead, Minn., to operate on **1310 ke.**, 100 watts.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Dismissed from docket application to assign license from Otis Perry Eure to Geo. T. Bishop, as proposed contract has been abrogated.

WTCN—Minn. Broadcasting Co., Minneapolis, Minn.—Permitted to operate for 30 days under the program tests during adjustment of engineering troubles.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted renewal of license.

WDRC—WDRC, Inc., Hartford, Conn.—Granted renewal of license.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Granted renewal of license for period ending 3 a. m., EST, August 1, 1935.

WJJD—WJJD, Inc., Chicago, Ill.—Denied petition requesting that Commission grant C. P. to move to Des Plaines, Ill.

The Commission today granted stations WJAG, KTHS, WBAL, KRLD, WTIC and KWJJ extensions of special experimental authorizations in exact accordance with present authorizations, for a period ending in no event later than 3 a. m., EST, August 1, 1935.

The Commission directed that Station WESG change its frequency from **850 ke.** and be granted special experimental authorization to operate on **1000 ke.** until sunset at Des Moines, Iowa, for the period ending August 1, 1935. Station WESG is allowed until May 15, 1935, to make this change and operate on **850 ke.** until that time.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Application to move transmitter locally, heretofore granted, was retired to closed files for want of prosecution.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Denied special temporary authorization to operate with power of 250 watts from local sunset (6:45 p. m., CST) May 3 to 6 a. m., CST, May 4, 1935, in order to broadcast station's first anniversary celebration.

WBNX—Standard Cahill Co., New York City.—Set for hearing application for modification of license to increase night power from 250 to 500 watts.

WILL—University of Illinois, Urbana, Ill.—Suspended grant to change frequency from 890 kc. to 580 kc., daytime, 1 KW, and designated for hearing application to make changes because of the protest of WIBW, Topeka, Kans.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Set for hearing application for renewal and granted temporary license.

WCBS—WCBS, Inc., Springfield, Ill.—Suspended grant to change frequency from 1210 kc. to 1420 kc., and hours of operation from sharing with WTAX to specified hours, and set for hearing application for changes because of protests of stations WHFC, WEHS, and WKBI.

WELL—Enquirer-News Co., Battle Creek, Mich.—Suspended grant and set for hearing application to make changes in equipment, to increase power to 100 watts, and to move studio and transmitter locally, because of protest of WMBC, Detroit, Mich.

NEW—J. H. Hallock, Portland, Ore.—Denied request for continuance of hearing scheduled for May 20, on application for C. P. for new radio station at Vancouver, Wash., to operate on 1500 kc., 100 watts.

WBOW—Banks of Wahash, Inc., Terre Haute, Ind.—Suspended grant and set for hearing application to make changes in equipment and to increase power from 100 watts day and night to 100 watts night, 250 watts day, because of protest of WLBC, Muncie, Ind.

APPLICATIONS RECEIVED

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for 550 new station on 550 kc., 250 watts, unlimited time.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Voluntary 570 assignment of license to WNAX Broadcasting Co.

KLPM—John B. Cooley, Minot, N. Dak. (filed under name of 600 Northwest Radio Service, Inc.)—Modification of license to change frequency from 1240 kc. to 600 kc., time from S.H. to unlimited, call letters from KLPM to KFEU.

WREC—WREC, Inc., Memphis, Tenn.—Modification of special 600 experimental authorization to install directional antenna, for period ending 9-1-35.

WMT—Waterloo Broadcasting Co., Des Moines, Iowa.—Modification of special experimental authorization to install directional antenna for period ending 9-1-35.

WMAQ—National Broadcasting Co., Bloomington, Ill.—Modification of C. P. for extension of time, approval of antenna, and approval of exact location.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Voluntary assignment of license from Scroggin & Co. Bank to KFEQ, Inc.

NEW—George B. Storer, Detroit, Mich.—Construction permit for 680 new broadcasting station to be operated on 680 kc., 1 KW, daytime.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction 750 permit to install new equipment, increase power from 10 to 50 KW day and night.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction 760 permit to install new equipment, increase day power from 1 KW to 5 KW, change frequency from 920 kc. to 760 kc., and move transmitter from West Waterway, Harbor Island, to 26th Ave. S. W. and Florida St., West Waterway, Seattle, Wash.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of 780 license to change frequency from 1440 kc. to 780 kc., requesting frequency used by KGH.

WESG—Cornell University, Ithaca, N. Y.—Special experimental 850 authority to operate on 850 kc. from daylight to sunset, New Orleans, La.

WBAA—Purdue University, West Lafayette, Ind.—Modification of 890 license to change specified hours.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction 900 permit to make minor changes in equipment, move transmitter and studio from 600 State St. to 510 Main St., Quincy, Ill.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—900 Construction permit to make changes in equipment and increase power from 500 watts to 1 KW, 5 KW day.

KHSL—William Schield, Sydney R. Lewis, Harold Smithson, 950 Trustees, Golden Empire Broadcasting Co., Ltd., Chico, Calif.—License to cover construction permit (B5-P-281) as modified, for a new station.

NEW—International Ladies Garment Workers Union, to be determined, New York.—Construction permit for authority to erect a new broadcast station to be operated on 970 kc., 1 KW power, unlimited time.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction 970 permit to change frequency from 1300 kc. to 970 kc., install new equipment, increase power from 1 to 5 KW, move studio locally. Amended: Change requested power from 5 KW to 1 KW night, 5 KW day.

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special 1040 authorization to operate simultaneously with WTIC for period ending 8-1-35.

WTIC—The Travelers Broadcasting Corp., Hartford, Conn.—Extension of special experimental authorization to change frequency from 1060 kc. to 1040 kc., and change from S-WBAL to simultaneous operation with KRLD (unlimited) for period 5-1-35 to 8-1-35.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—1060 Extension of special authorization to operate on 1060 kc. simultaneously with WBAL from 6 a. m. to sunset daily, suspend until 8 p. m., and unlimited from then to midnight, for period ending 8-1-35.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate simultaneously with KTHS on 1060 kc., 10 KW, from 6 a. m. to sunset at Hot Springs, Ark., to operate on 1060 kc., 10 KW, from sunset to 9 a. m., EST, and to synchronize with WJZ on 760 kc., 2½ KW, after 9 p. m.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—License to 1120 cover construction permit (B5-P-153) to move transmitter and install new equipment.

NEW—Pauline Holden, Porterville, Calif.—Construction permit for 1160 new station to be operated on 1160 kc., 100 watts, daytime.

NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—C. P. for 1200 new station, 1200 kc., 100 watts, unlimited time, amended to give names of partners.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Modification of license to change hours of operation from share WKJC to unlimited. (Requests facilities of WKJC when they move to Easton, Pa.)

NEW—Thames Broadcasting Corp., New London, Conn.—Construction 1200 permit to erect a new station to be operated on 1200 kc., 100 watts, unlimited time.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak. 1210 —Construction permit to increase power from 100 watts to 100-250 watts day. Amended: Install new equipment.

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction 1210 permit for new station to be operated on 1210 kc., 100 watts power, daytime.

NEW—Fred S. Rogers, Glens Falls, N. Y.—Construction permit 1210 for new station to be operated on 1210 kc., 100 watts power, unlimited time (consideration under 307 (b)).

WPAX—H. Wimpy, Thomasville, Ga.—Construction permit to 1210 make changes in equipment, increase power from 100 watts day to 250 watts day. Amended: Transmitter site and antenna to be determined.

NEW—Farmers & Bankers Life Ins. Co., Wichita, Kans.—Construction 1210 permit for new station on 1210 kc., 100 watts, unlimited time. Amended: Hours of operation.

NEW—Clark Standiford, Marysville, Calif.—Construction permit 1210 to erect a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change frequency to 1210 kc. and make changes in equipment.

NEW—Clark Standiford, San Diego, Calif.—Construction permit 1210 to erect a new station to be operated on 1210 kc., 100 watts, daytime.

KGY—KGY, Inc., Olympia, Wash.—Extension of special experimental 1210 authorization to operate additional specified hours. Amended to change hours of operation to unlimited except when KTW is operating.

NEW—Clark Standiford, Fresno, Calif.—Construction permit to 1210 erect a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change frequency to 1210 kc. and make changes in antenna.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—1230 License to cover construction permit (B5-P-74) to make changes in equipment and move transmitter and studio.

KIPM—John B. Cooley, Minot, N. Dak.—Voluntary assignment of license to Northwest Radio Service, Inc.

WCAL—St. Olaf College, Northfield, Minn.—C. P. to install new 1250 equipment and increase day power to 5 KW.

WOL—American Broadcasting Co., Washington, D. C.—Construction 1310 permit to make changes in equipment.

NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit for 1310 new station to be operated on 1310 kc., 100 watts power,

- unlimited time. Amended to determine antenna later. Transmitter site to be determined.
- NEW—A. Staneart Graham, E. V. Baxter, Norman Baxter, d/b as
1310 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited. Amended: Omit Lester E. Cox as a partner and substitute Norman Baxter.
- NEW—Review Publishing Co. (Pearl B. Robinson, Owner),
1310 Moscow, Idaho.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited time.
- KFPM—Dave Ablowich, d/b as The New Furniture Co., Greenville, Tex.—Voluntary assignment of license to the Voice of Greenville.
- NEW—Century Broadcasting Co., Inc., Richmond, Va.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended to change frequency to **1370 kc.** and hours of operation to daytime.
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—
1310 Modification of construction permit (B3-P-376) for approval of transmitter site and move studio to same site from Floridan Hotel, corner Monroe and Call Sts., to Thomasville Highway, .42 miles north of city limits at new county road, Tallahassee, Fla., and make changes in equipment (antenna) and extend commencement and completion dates.
- WCMI—Ashland Broadcasting Co., Ashland, Ky.—License to cover
1310 construction permit (B2-P-288) for new station on **1310 kc.**, 100 watts, unlimited.
- WORK—York Broadcasting Co., York, Pa.—Modification of license
1320 to change frequency from **1000 kc.** to **1320 kc.**, operating power from 1 KW to 1 KW day, non-directional, 1 KW night, directional; hours of operation from daytime to unlimited.
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to
1320 cover construction permit (B4-P-322) to move transmitter and make equipment changes.
- NEW—Caller-Times Publishing Co., Corpus Christi, Tex.—Construction permit to erect a new broadcast station to be operated on **1330 kc.**, 1 KW power, unlimited time.
- NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended re transmitter site.
- NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—
1370 Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Equipment, antenna.
- WPAY—Vee Bee Corp., Portsmouth, Ohio.—License to cover C. P.
1370 to install new equipment and move station from Mount Orab to Portsmouth, Ohio.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—License to
1370 cover C. P. for new station.
- WJTL—Oglethorpe University, Atlanta, Ga.—Modification of
1370 license to move studios locally.
- NEW—George E. Heiges, Sharon, Pa.—Construction permit for a
1370 new broadcast station on **1370 kc.**, 250 watts day, 100 watts night power, unlimited time.
- NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Transmitter site and antenna to be determined.
- NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended to change frequency to **1420 kc.**, power to 100 watts, and hours of operation to daytime.
- NEW—Golden Empire Broadcasting Co., Redding, Calif.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited.
- WMFE—William J. Sanders, New Britain, Conn.—Modification
1380 of construction permit as modified to make equipment changes and designate transmitter site and extend commencement and completion date. Amended: Studio site, 300 Main St., New Britain, Conn.
- WMFE—William J. Sanders, New Britain, Conn.—Modification of
1380 construction permit (B1-P-81) as modified to extend completion date from 5-16-35 to 6-16-35.
- KOH—The Bee, Inc., Reno, Nev.—Modification of license to increase daytime operating power from 500 watts to 1 KW.
- NEW—Robert Louis Sanders, Palm Beach, Fla.—Construction permit for new station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Transmitter site to be determined.
- NEW—Roberts MacNab Hotel Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Manager, Jamestown, N. Dak.—Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Minor equipment changes, change transmitter site from 418 Front St., Jamestown, N. Dak., to site to be determined.
- NEW—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Voluntary assignment of license to Olean Broadcasting Co., Inc.
- WLEU—Leo J. Omelian, Erie, Pa.—License to cover construction
1420 permit (B2-P-533) for new station to be operated on **1420 kc.**, 100-250 watts day, unlimited time.
- KWBG—W. B. Greenwald, Hutchinson, Kans.—Modification of
1420 construction permit (B4-P-323) as modified to change the make of transmitter.
- KXYZ—Harris County Broadcast Co., Houston, Tex.—License to
1440 cover construction permit (B3-P-282) to make changes in equipment, increase power from 500 watts to 1 KW.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.
- NEW—Clark Standiford, San Jose, Calif.—Construction permit to erect a new station to be operated on **1150 kc.**, 100 watts, unlimited time. Amended to change frequency to **1500 kc.** and hours of operation to daytime.
- WNBF—Howitt Wood Radio Co., Inc., Binghamton, N. Y.—License
1500 to cover construction permit (B1-P-533) to make changes in equipment and increase power.
- KAST—Abraham Shapiro, Astoria, Ore.—Modification of construction permit (B5-P-3126) to change frequency from **1370 kc.** to **1500 kc.**, time from daytime to unlimited, and power from 100 watts daytime to 100 watts day and night.
- KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean, L. M. Sepaugh), Lake Charles, Fla.—License to cover construction permit (B3-P-63) as modified for new station on **1500 kc.**, 100 watts, unlimited time.
- NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Construction permit for new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: Change type of transmitter, and transmitter and studio site to be determined, Yreka, Calif.