

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters

Vol. 3 - - No. 50
OCTOBER 31, 1935

IN THIS ISSUE

	Page
Jolliffe Resigns as Chief Engineer of FCC.....	1003
FCC Regulations Governing Regionals May Be Changed..	1003
George Hogan.....	1003
Notes for the Sales Staff.....	1003
FCC Considers Italian Broadcast.....	1003
Recommends Renewal WOCL License.....	1003
Recommends against New Indiana Station.....	1003
KLS Change Recommended.....	1004
Denial Television Application.....	1004
Federal Trade Commission Action.....	1004
Security Act Registrations.....	1006
Broadcast Advertising in September.....	1006
Answer Filed in WDAS Case.....	1008
A. T. & T. Petitions for Reargument on Coaxial Cable....	1010
Federal Communications Commission Action.....	1012

NOTES FOR THE SALES STAFF

In spite of some decline in the national non-network field September broadcast advertising continued strong. All portions of the medium experienced an increase over the corresponding period of 1934. Total broadcast advertising was 23.9% over last September and 43.2% over the corresponding month of 1933. (See Highlights of the Month, page 1006.)

The marked increase in national non-network radio set advertising should be watched with interest. (See 12. *Radios*, page 1007.)

Local stations will find encouragement in the increase in business reported over August and in the marked increase in advertising over the corresponding months of 1933 and 1934. (See *Non-network Trends*, page 1007.)

Household equipment, clothing, automotive, accessory and food advertising are the fields continuing to show strength. (See detailed analyses of sponsor trends, page 1007.)

The very marked gain in local transcription and record advertising seems to indicate that the transcription libraries are being used by local sponsors. (See *Non-network Advertising by Type of Rendition*, page 1007.)

JOLLIFFE RESIGNS AS CHIEF ENGINEER OF FCC

Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, submitted his resignation to the Commission on October 30, 1935, to be effective November 12, 1935.

Dr. Jolliffe was appointed Chief Engineer of the Federal Radio Commission March 1, 1930. He was subsequently appointed Chief Engineer of the Federal Communications Commission when that body superseded the Federal Radio Commission.

It is understood that Dr. Jolliffe will accept a position with the Radio Corporation of America as Engineer in Charge of the Central Frequency Bureau of that Corporation; and that he will have charge of all national and international matters relating to the allocation of frequencies for the Radio Corporation of America and its subsidiaries including the National Broadcasting Company.

FCC REGULATIONS GOVERNING REGIONALS MAY BE CHANGED

A public hearing involving proposed changes in the regulations affecting regional frequencies is expected to be announced shortly by the Broadcast Division of the FCC. It is understood that a recommendation by the Engineering Division, made several months ago, will serve as the basis for the hearing.

The proposed modifications, according to information received from unofficial sources, would divide the forty regional frequencies into three groups: those stations operating on the frequencies 590, 610, 620, 900, 920, 940 and 950 kilocycles would be permitted to increase their nighttime power to 5 kilowatts; the second group of stations operating on the frequencies 1010, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1320, 1330, 1340, 1350, 1360, 1380 and 1390 kilocycles would be permitted to operate with power not to exceed 1 kilowatt nighttime and not to exceed 5 kilowatts daytime and would be protected to their 1 millivolt line at night and to their one-half millivolt line daytime; a third group of stations operating on the frequencies 550, 560, 570, 580, 600, 630, 780, 880, 890, 930, 1120, 1400, 1410, 1430, 1440 and 1450 kilocycles, would be permitted to operate with nighttime power ranging from 250 watts to 1 kilowatt and with day power not exceeding 5 kilowatts and would be protected to their 4 millivolt line.

GEORGE HOGAN

Howard W. Davis, General Manager of radio station KMAC, San Antonio, Texas, will appreciate information as to the whereabouts of George Hogan, an announcer.

FCC CONSIDERS ITALIAN BROADCAST

The Commission en banc on October 23rd adopted the following resolution, proposed by Commissioner Payne:

"I move that the Commission obtain the facts as far as they relate to the American communications companies under regulation of this commission, as to the alleged cancellation of a broadcast to this country from Geneva by Delegate Baron Pompeo Aloisi, on October 10, 1935."

RECOMMENDS RENEWING WOCL LICENSE

Broadcasting Station WOCL, Jamestown, N. Y., applied to the Federal Communications Commission for renewal of its license which was designated for hearing by the Commission. The station operates on a frequency of 1210 kilocycles, 50 watts power and unlimited time.

Examiner Melvin H. Dalberg in Report No. I-122 recommends that the license be renewed. The Examiner found that the practices of the station do not constitute a violation of the provisions of the Communications Act or of the rules of the Commission. He found also that the station "is constructed and being operated in accordance with the Rules and Regulations of the Commission and of good engineering practice". It is also operating in the public service, the Examiner states.

RECOMMENDS AGAINST NEW INDIANA STATION

The Hammond-Calumet Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Hammond, Ind., to use 1480 kilocycles, 5,000 watts power and daytime hours of operation.

Examiner Ralph L. Walker in Report No. I-123 has recommended that the application be denied. Among other things the

Examiner found that "the operation of a station as proposed with the equipment described in the application, would result in objectionable interference with at least one existing station." It is also pointed out by the Examiner that the proposed station would be well within the metropolitan area of Chicago which area receives adequate radio service now.

KLS CHANGE RECOMMENDED

Broadcasting Station KLS, Oakland, Cal., applied to the Federal Communications Commission to change its frequency from 1140 to 1280 kilocycles, and to change its hours of operation from daytime to unlimited. The station operates with 250 watts power.

Examiner John P. Bramhall in Report No. I-124 has recommended that the application be granted. He found that there is need in the area for additional nighttime service, and that the interest of no other station would be adversely affected by the granting of the application. The Examiner states further that "there are no applications pending at this time which involve the increase of either state or zone quotas." Also he found that the granting of the application would be in the public interest.

SUGGESTS DENIAL OF TELEVISION APPLICATION

The National Television Corporation applied to the Federal Communications Commission for a construction permit to erect an experimental visual broadcast station in New York City.

Examiner R. H. Hyde in Report No. I-125 has recommended that the application be denied. The Examiner states that "it does not appear from the evidence presented in this proceeding that the applicant's proposed use of the frequency assignment of 2000-2100 kilocycles would contribute substantially toward the progress of the radio art. * * * In this connection it appears that other frequency assignments allocated for experimental visual broadcasting, allowing substantially greater frequency spread, are better suited to the service."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

No. 2575. Unfair competition through misrepresentation of the efficiency of electric light bulbs is alleged in a complaint against **Lightmore Appliance Corporation of New York City**, a manufacturer of incandescent lamps, and **Solar-Ray Lamp Co., Inc., of New York City**, a distributor.

According to the complaint, figures printed by the respondents on the bulbs sold by them, representing the numbers of watts, were either greatly in excess of or less than the actual watt measurement of the lamps, and the respondents knew, or with ordinary care should have known, that their lamps were falsely branded.

No. 2576. A complaint has been issued against **Pennsylvania Whiskey Distributing Corporation, of Brooklyn, N. Y.**, alleging representation of the company as a distiller by abbreviation of the word "Distributing" to "Dist." in its corporate name, and in other ways, when in fact it is not a distiller.

The complaint also charges the respondent with falsely representing its own warehouse receipts and contracts for bonded liquor as official United States Internal Revenue bonded warehouse receipts.

No. 2587. Alleging a conspiracy to fix prices of lobsters obtained from Canadian and American waters and shipped throughout the United States, a complaint has been issued against the **Associated Lobster Dealers of Massachusetts** and several of its officers and members.

A combination resulting in the suppression of competition in the capture, purchase, sale and distribution of Canadian and domestic lobsters, by means of this unincorporated association and agreements between its officers and members, is alleged in the complaint. Charging the association and its members with conspiring together to standardize and fix from day to day the price at which the Canadian supply of lobsters is bought from the fishermen in the Boston market, and to arbitrarily divide this supply among the wholesaler respondents in accordance with agreements made, the complaint points out that lobsters derived from Canadian waters off the coast of New Brunswick and Nova Scotia constitute approximately 80 per cent of the entire lobster supply of the United States.

No. 2591 and 2592. Two companies selling garments have been served with complaints alleging unfair methods of competition.

Arco Shirt Corporation, New York, is charged with advertising itself a manufacturer when, the complaint alleges, it operates no factory; and **Harford Frocks, Inc., of Cincinnati**, is alleged to have misrepresented the conditions of employment and remunerations of agents who sell its goods.

No. 2593. Prize contests conducted by unfair competitive methods are alleged in a complaint issued against the **Health-O Quality Products Co., Cincinnati**, distributor of toilet preparations, cosmetics and flavoring extracts.

The complaint alleges that the respondent, in its advertising, has falsely created the impression that a certain final or grand prize would be given the person sending in the best answer to a propounded question and that there was nothing else for a contestant to do other than send in the best answer. Other misleading representations are also alleged.

No. 2594. Alleging unfair competition in the sale of a cleaning fluid, a complaint has been issued against **Afta Solvents Corporation of New York City**.

The complaint charges that the respondent falsely represented that "Afta Spot Remover" would remove foreign matter from fabrics; that such removal would leave no "ring" and would not injure the material or its color. These representations are alleged to be untrue and to have the effect of unfairly diverting trade from competitors to the respondents.

No. 2595. Threats and intimidations made in bad faith, with the effect of substantially injuring or embarrassing competitors, are alleged in a complaint issued against **Henry S. Blumenthal of Jackson Heights, Queens, N. Y.**, and the **Ribbonew Corporation of America**, manufacturer and distributor of a device for rejuvenating worn-out typewriter ribbons.

The complaint says the respondents, especially Blumenthal, issued letters threatening patent infringement suits or other litigation against purchasers or users of competitors' products, claiming these products to be infringements on the respondents' products, and warning purchasers of the respondents' intention to institute suits against them. According to the complaint, these warnings were not made in good faith, nor on probable or reasonable cause, but with the intention and effect of causing trade to be unfairly diverted from competitors.

No. 2596. Misrepresentation in the sale of incandescent lamps is alleged as an unfair method of competition in a complaint issued against **Grand Gaslight, Inc., of New York City**, a distributor of lamps for general lighting service.

Unfair representation that the respondent is a manufacturer and that purchasers of its products would obtain a direct-from-factory price and save a middleman's profit, is charged in the complaint.

No. 2597. A complaint has been issued against **Sanderson Adjustment Bureau, Inc., of Atlanta**, and **H. J. Sullivan**, its president and treasurer, operating as "**Creditors Protective Service**," charging unfair methods of competition in the sale of a collection system for the use of merchants, professional men and others in collecting unpaid accounts.

This bureau, according to the complaint, appropriated a system of form collection letters originally compiled by F. R. Sanderson, organizer of the bureau, and made use of Sanderson's portfolio of reference letters and testimonials, without his permission.

No. 2599. The **Diamond Match Company, of New York City and Baltimore**, has been served with a complaint charging unfair competition through misrepresentation of matches sold in interstate commerce.

Matches known as "Strike Anywhere Matches" were sold as "Safety First Diamond Matches," according to the complaint. This is alleged to have been unfair competition with manufacturers of "safety matches" which can be lighted only upon the friction surface of the box thereof, as well as unfair competition with other manufacturers of "strike anywhere matches" which can be lighted on any friction surface.

Stipulations

The Commission has announced the following cease and desist orders:

No. 0925. **Harry Burke, trading as Burksens, Chicago**, and selling a lubricating oil designated "Double Duty Durol", agrees to stop making representations such as: That the product is the only improvement in graphoid lubrication in three years; that it is the sensation product of thirty-five years' chemical engineering experience, or the lubrication sensation of the age, and that it steps miles ahead of competition. According to scientific advice received by the Commission, the product will not materially in-

crease the speed of a car and will do little if any more than other standard lubricants.

No. 0926. Ollie McMullin, trading as Tilden McMullin Company, Sedalia, Mo., and selling a treatment for coughs and colds, bronchial and similar ailments called "McMullin's Formula", agrees to stop representing this product as a competent remedy and from making other similar advertising assertions. Medical opinion furnished the Commission was that the preparation was "without therapeutic value in the conditions mentioned in the advertising."

No. 0927. Modern Appliances, Inc., Chicago, dealing in a device for opening cigarette packages, agrees to stop representing or holding out as an opportunity for prospective salesmen any amount in excess of what has actually been made by respondent's salespersons under normal conditions. In a stipulation, this company admits making the representations alleged and asserts it has definitely discontinued advertising the commodity and does not at present intend to resume such advertising.

No. 0928. Standard Homeopathic Company, Los Angeles, sells a treatment for constipation called "Tindini". The stipulation says the Commission, after an investigation, has reason to believe the company's advertising is exaggerated and misleading. A medical report to the Commission says the preparation contains psyllium seed to absorb moisture, but is not possessed of unusual properties and is not a cure or competent treatment for constipation.

No. 0929. National Ad-Gum Company, Cincinnati, selling a chewing gum with the dispenser's advertisement on the wrapper, agrees to cease making unmodified representations or claims of agents' earnings in excess of the average earnings of the company's active full-time salespersons.

No. 0930. Hollywood Motion Picture Self Training Course, La Crescenta, Calif., is said to have advertised in part as follows:

"Mr. Keepers, who is recognized as an authority on all matters pertaining to motion picture photography and projection, is the originator of self-training home study for the art and science of cinematography and sound projection. His experience in these lines of endeavor dates back to 1900, when he started with Thomas A. Edison, at Orange, N. J.; at the very birth of the motion picture in America."

The stipulation points out that in fact Keepers' experience does not date back to 1900 and that he did not start with Edison and that other representations made by Keepers were exaggerated and misleading. Keepers agreed to stop representing that he is a recognized authority on motion pictures; that his course is being studied all over the world; that many theatre owners or managers are interested in the course, and other representations.

No. 0931. Beebe Laboratories, Inc., St. Paul, vendor-advertiser of a compound for treating poultry infested with worms, agrees to stop representing that the compound is a competent treatment for this ailment, unless the representations are limited in certain respects indicated in the stipulation.

No. 0932. Ella Jewell, Inc., of Akron, Ohio, vendor-advertiser of a mechanical device for the treatment of foot troubles designated "Toe Tie," agrees to stop representing that it is a "miracle" invention; that it will end the misery of tired aching feet, and other representations. Medical advice received by the Commission was to the effect that the respondent's article would be of doubtful value for deformity of toes and would afford no support to the arch of the foot, the point at which most mechanical devices are aimed for relief of aching feet.

No. 0933. Premier Coil Cleaner Manufacturing Company, of Chicago, selling a machine for cleaning beer coils, agrees to cease making unmodified representations of earnings or profits in excess of the average full-time earnings of customer-salesmen under normal conditions. The company agrees to stop using the word "manufacturing" in its corporate name, until such time as it manufactures the product offered for sale.

No. 0934. Dr. A. W. Daggett, S. M. Sweeney, and E. C. Groves, of Pasadena, Calif., operating as The Smad Company, sell an ointment for treating athlete's foot and other foot afflictions. The respondent agrees to stop certain representations in advertising, including the assertion that use of Smad for athlete's foot permanently destroys the fungus growth, or insures against a recurrence of the trouble. According to medical information received by the Commission, no remedy is a sure cure for fungus infections of the feet, and the respondent's preparation was tested and given a ten days' trial without effect upon the disease mentioned.

No. 0935. John C. Coles, of Chicago, trading as Business Ownership Institute and selling a correspondence course in and

an outfit for the cleaning and pressing of clothes, agrees to stop representing that the respondent grants exclusive territorial rights to subscribe for the home study course; that the respondent will show how to get a cleaning and pressing outfit for a limited time, unless and until the time limit is actually set, and other representations. After investigation it was found that many of the respondent's advertising representations were exaggerated and misleading.

No. 0936. Ralph C. Curtiss, of Chicago, trading as Illinois Manufacturing Laboratories and selling a product for adding power and efficiency to motor fuel called "Miracle Gas Compound," agrees to stop representing that this preparation used in any kind of gasoline makes a high-powered non-carbon-forming fuel; that two gallons of gasoline treated with the product will give the mileage of three gallons, and other representations. The respondent also agrees not to make unmodified assertions regarding the earnings of sales agents.

No. 0937. C. H. Hadlock, of Chicago, operating as Haldon Products Company, engaged in selling carded merchandise, agrees to stop representing that certain quilled toothpicks offered for sale are antiseptic, and that merchandise of a value of \$1.20 or other denominations is sold for eighteen cents, or other greatly reduced prices.

No. 0938. Spokane Chemical Company, of Spokane, Wash., dealer in a saline product called "Solcano," offered as a treatment for rheumatism, arthritis, and other troubles, agrees to stop advertising it, among other things, as a competent remedy or that it will "safeguard complexions" or that it is "mineralized sunshine." Medical opinion received by the Commission points out that the preparation is but a saline laxative the value of which is limited to the relief of occasional constipation, and that the therapeutic claims made for it are unwarranted.

No. 0939. Willard Tablet Company, Inc., Chicago, selling a treatment for ulcers of the stomach and other diseases, advertised over a Kansas radio station and through other media. According to the stipulation, the treatment was advertised as "intended to correct the cause of your trouble and improve your health." However, from investigation made, the Commission has reason to believe the respondent's advertising to be exaggerated and misleading. The company agreed to stop asserting that Willard Treatment is a treatment for ulcers of the stomach, unless the representations are limited to conditions caused by hyperacidity. Other assertions of like import will be discontinued.

No. 0940. The U. S. School of Music, New York, selling a course of home study in music lessons advertised that it had taught 700,000 people to play—"more than any other school on earth." From an investigation it was found there was no proof that the respondent had taught that many persons to play music and that other assertions made in the company's advertising were also incorrect and misleading. The respondent agrees to stop the unfair advertising specified.

No. 0941. Republic Paint & Varnish Works, Chicago, agrees to cease representing that its "Uni-Spar Phenolite Varnish" possesses elasticity or resiliency so amazing that dried film can be crumpled in the hand without a wrinkle, or smoothed out again without a crack, and that the product is the most durable indestructible finish that can be applied, and impervious to spilled perfume, alcohol, or liquor.

No. 0942. Woodbury College, Inc., Los Angeles, conducting a correspondence course in costume designing, agrees to stop unfair representations as to the price of its course; agrees, in advertising its costume designing department, to cease asserting that the college has celebrated its fiftieth anniversary or any anniversary exceeding the actual age of the costume designing department, and other representations such as that noted movie stars or other prominent persons will be counsellors and advisers of students, until such time as this is true. The school also agrees to stop making unmodified representations of earnings in excess of what its active students or graduates achieve under normal conditions.

No. 2217. Unfair representation in the sale of shoes is prohibited in an order to cease and desist issued against Morris Shoe Company, Inc., New York City.

The order directs the shoe company to stop using the word "Doctor" or the abbreviation "Dr." in a trade name or designation for shoes, or in any other way which may tend to mislead buyers into believing that the shoes are made in accordance with the design or under the supervision of a doctor, when this is not true.

No. 2491. Unfair competition through imitation of the packages, labels, brand names or advertising of a competitor, is prohibited in an order to cease and desist issued against Vincent Maggiore, of Canton, Ohio, trading as Amo-Line Company.

Maggiore is directed to cease imitating the packages, labels and brand names of the Climalene Co. of Canton, and from use, in

connection with the sale and advertising of a cleanser and water softener, of the name "Amo-Line."

No. 2501. Misrepresentation of the size and facilities of a business is prohibited as an unfair method of competition in an order against **K & E DeLuxe Padded Van Co., Inc.**, and **United Van Service**, both of **Jersey City, N. J.**

Among representations banned by the Commission in its order is the advertisement that either company owns or possesses 1,250, 1,200 or 1,000 vans, trucks or motor carriers, or any number of vehicles in excess of the actual number owned.

Complaints Dismissed

Nos. 2511 and 2441. The Commission has dismissed complaints against two liquor distributing companies, alleging unfair competition through representation of distributors as distillers.

Complaint against **Distillers' Distributing Company**, a wholesaler, of **Denver, Colo.**, was dismissed following receipt of certified information that the company had changed its corporate name to "Reuler-Lewin, Inc.," completely discontinuing use of its former name, Distillers' Distributing Company. The Commission deemed that further proceeding against the company was not necessary in the public interest.

In the case of **Imperial Distilling Corporation**, a liquor dealer, of **Hoboken, N. J.**, the Commission learned that the respondent had sold its equipment, surrendered its revenue stamps, allowed its rectifier's permits to expire, and discontinued all operations in which it was engaged at the time the Commission's complaint was issued.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Security & Exchange Commission under the Securities Act:

Avon Gold Mines, Ltd., Montreal, Canada. (2-1705, Form A-1)
Miller Wholesale Drug Company, Cleveland, Ohio. (2-1706, Form A-2)
Eaton & Howard Management Fund, Boston, Mass. (2-1707, Form A-1)
Investors Fund of America, Inc., Jersey City, N. J. (2-1708, Form A-1)
Airway Cargo Express, Inc., Wilmington, Del. (2-1709, Form A-1)
Cape & Vineyard Electric Co., Falmouth, Mass. (2-1710, Form A-2)
Livingston Mining Company, Boulder, Colo. (2-1711, Form A-1)
Cimarron Petroleum Trust, Tulsa, Okla. (2-1712, Form A-1)
Automobile Finance Company, Pittsburgh, Pa. (2-1713, Form A-1)
Distilled Liquors Corporation, New York City. (2-1714, Form A-1)

BROADCAST ADVERTISING IN SEPTEMBER

Highlights of the Month

September broadcast advertising showed conflicting trends. Total volume amounted to \$5,669,856 and remained at approximately the same level as during the preceding month. National network volume showed the principal increase, while national non-network advertising declined materially as against August.

All forms of broadcast advertising remained above the September 1934 level. Total broadcast advertising was 23.9% greater than during the corresponding month of the preceding year and 43.2% more than in September 1933.

Total non-network advertising declined 13.9% as against August. This was due principally to decreased clear channel and regional station business. Principal declines occurred in the basic national network territory embracing the eastern and north-central parts of the country.

Local station volume rose 25.9% as compared with August and was 56.0% greater than during September of last year. Advertising over this class of station was double the September 1933 volume.

In the non-network field, the heaviest declines as compared with August occurred in electrical transcription and live talent business. These types of advertising, however, remained materially above the 1934 level.

The marked gain in local transcription and record vol-

ume, as compared with the preceding month and as against September 1934, is especially to be noted.

Gains in national network advertising were fairly general. Clothing, gasoline and accessory advertising showed the principal increases in the regional network field. Increased radio set advertising constituted the principal bright spot in the national non-network field. Local business was spotty, with clothing and department store advertising showing the principal increases.

Comparison with September 1934 indicates food, accessory and tobacco advertising to have experienced the greatest gains in the national network field. Automotive, food, tobacco and radio set advertising have made the strongest showing in the national non-network field. Local broadcast advertising trends continued to be the same as those shown during the past few months.

Total Broadcast Advertising

Broadcast advertising over stations and networks during September is found in Table I:

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1935 Gross Time Sales		
	August	September	Cumulative Jan.-Sept.
National networks	\$2,939,097	\$3,337,018	\$35,571,567
Regional networks	82,993	81,108	722,102
National non-network	1,347,440	963,430	12,198,988
Local	1,267,960	1,288,300	13,738,665
Total	\$5,637,490	\$5,669,856	\$62,231,322

Total broadcast advertising increased 0.6% as against August. National network volume rose 13.5% and local advertising 1.6%. National non-network volume declined 28.5% and regional network business 2.3%.

Comparison with 1933 and 1934

Total broadcast advertising was 23.9% greater than during the corresponding month of last year. Gains were as follows: national networks 40.0%, national non-network advertising 23.2%, and local broadcast advertising 9.6%.

Compared with September 1933, total broadcast advertising experienced a gain of 43.2%. National network volume rose 58.7%, regional network business 29.8%, national non-network volume 47.2%, and local broadcast advertising 9.5%.

Comparison with Other Media

Advertising volume in major media is presented in Table II:

TABLE II
ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1935 Gross Time and Space Sales		
	August	September	Cumulative Jan.-Sept.
Radio broadcasting	\$5,637,490	\$5,669,856	\$62,231,322
National Magazines ¹	7,387,939	9,248,763	92,668,575
National farm papers	305,231	486,552	4,105,308
Newspapers ²	37,385,000	41,998,000	370,928,000
Total	\$50,706,660	\$57,403,171	\$529,933,205

¹ Publishers' Information Bureau.

² Estimated.

The usual seasonal trends occurred in all media. National magazine volume increased 25.2% as compared with the preceding month. National farm paper advertising rose 59.4% and newspaper volume increased 12.3%.

Radio still continues to make the strongest showing as compared with the preceding year. Newspaper lineage increased 5.2% as compared with last September, while national farm paper advertising rose 12.6%. Magazine volume declined 3.1%.

In the newspaper field retail advertising rose 6.9% and general advertising 3.3%. Department store advertising increased 6.3%.

Non-network Advertising

General non-network advertising declined 13.9% as compared with August and rose 15.0% as against September of the preceding year. The principal declines during the month were in the clear channel and regional groups and in the eastern and north-central areas.

Clear channel non-network volume decreased 28.5% and regional volume 10.6%. Clear channel non-network business was 4.4% ahead of last September and regional station advertising 11.6%.

Local station volume was 25.9% above August, showed a gain of 56.0% as compared with the corresponding month of 1934, and was nearly double the September 1933 volume.

Non-network advertising by power of station is found in Table III:

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1935 Gross Time Sales		
	August	September	Cumulative Jan.-Sept.
Over 1,000 watts.....	\$1,201,000	\$858,350	\$12,028,315
250-1,000 watts.....	1,061,900	949,680	10,262,495
100 watts.....	352,500	443,700	3,646,853
Total.....	\$2,615,400	\$2,251,730	\$25,937,663

Declines in non-network advertising were fairly general throughout the country. The South Atlantic-South Central Area, however, showed the greatest strength, decreasing but 3.1% as compared with August. New England-Middle Atlantic volume was approximately one-third below September of last year, while North Central and Far Western advertising increased by approximately three-eighths. Southern volume was practically double that of September 1934.

Non-network advertising by major geographical districts is found in Table IV:

TABLE IV
NON-NETWORK ADVERTISING BY
GEOGRAPHICAL DISTRICTS

Geographical District	1935 Gross Time Sales		
	August	September	Cumulative Jan.-Sept.
New England-Middle Atlantic Area.....	\$613,800	\$513,315	\$6,664,152
South Atlantic-South Central Area.....	342,280	331,530	4,003,098
North Central Area.....	1,103,520	913,340	9,919,307
Pacific and Mountain Area...	555,800	493,545	5,351,106
Total.....	\$2,615,400	\$2,251,730	\$25,937,663

Non-network Advertising by Type of Rendition

General declines were experienced in the national non-network field as compared with the preceding month. Transcription volume dropped 26.0%, live talent business 33.7%, and announcements 17.1%.

Transcription volume remained 38.5% greater than in September 1934, while live talent business showed an increase of 20.9%. Announcement volume declined 1.2% as against the same month of last year.

Local transcription volume increased 14.0% over August, while announcement business rose 8.6%. Live talent and record volume declined approximately 6.0%, respectively.

Local transcription business was 51.4% greater than during last September, while record volume gained 66.5%. Local announcement business was 25.0% ahead of the corresponding month of last year, while live talent business declined 9.8%.

Broadcast advertising by types of rendition is presented in Table V:

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1935 Gross Time Sales		Total		Cumulative Jan.-Sept.
	August	September	Local August	Local September	August	September	
Electrical transcriptions.....	\$474,600	\$350,980	\$103,800	\$118,300	\$578,400	\$469,280	\$5,438,678
Live talent programs.....	686,320	454,740	594,400	559,625	1,280,720	1,014,365	12,362,870
Records.....	6,540	8,495	59,710	56,375	66,250	64,870	621,951
Announcements.....	179,980	149,215	510,050	554,000	690,030	703,215	7,514,164
Total.....	\$1,347,440	\$963,430	\$1,267,960	\$1,288,300	\$2,615,400	\$2,251,730	\$25,937,663

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(September, 1935)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements.....	—	—	\$2,540	\$37,800	\$40,340
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$166,370	—	149,280	46,110	361,760
(2) Accessories, gas and oils.....	388,882	\$9,955	52,885	74,400	526,122
3. Clothing and apparel.....	38,789	7,490	25,980	197,870	270,129
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	392,246	5,023	127,900	37,075	562,244
(5) Toilet goods.....	730,837	440	37,710	17,500	786,487
6-8. Food products:					
(6) Foodstuffs.....	740,667	18,191	236,375	171,130	1,166,363
(7) Beverages.....	224,322	990	55,920	74,030	355,262
(8) Confections.....	42,145	200	6,900	5,635	54,880
9-10. Household goods:					
(9) Household equipment and furnishings.....	27,068	6,163	41,845	154,300	229,376
(10) Soap and kitchen supplies.....	149,822	3,432	48,410	2,100	203,764
11. Insurance and financial.....	40,274	580	12,275	45,360	98,489
12. Radios.....	67,330	—	24,850	12,950	105,130
13. Retail establishments.....	—	—	7,760	123,520	131,280
14. Tobacco products.....	183,980	22,188	26,600	4,920	237,688
15. Miscellaneous.....	144,286	6,456	106,200	283,600	540,542
Total.....	\$3,337,018	\$81,108	\$963,430	\$1,288,736	\$5,669,856

Sponsor Trends in September

National network advertising showed general gains. The greatest increase was in drug and pharmaceutical volume, which rose 54.2%. The only decline occurred in the soap and kitchen supply field, where volume dropped 2.2%.

In the regional network field, clothing and gasoline advertising showed the greatest gains as against the preceding month. Radio set advertising rose 130.1% in the national non-network field, while food, automotive, gasoline and accessory, and soap advertising declined materially.

Local broadcast advertising showed conflicting tendencies. The principal gains occurred in the clothing, gasoline, radio and department store fields.

Comparison with 1934

Principal gains in the national network field as compared to the corresponding month of 1934 were as follows: Gasoline and accessories 48.3%, drugs and pharmaceuticals 19.7%, food 55.7%, confectionery and tobacco, respectively, tripled.

Tobacco, household equipment, paint, and clothing advertising showed the principal gains in the regional network field. Food, beverage, automotive, and tobacco advertising continued to show the greatest strength in the national non-network field. Radio set advertising of this type increased from \$1,800 last September to \$24,850 during September of the current year.

Clothing, food, and house furnishings advertising continued to show the greatest strength in the local field.

Broadcast advertising by various types of sponsoring industries is found in Table VI, page 1007.

Details regarding trends in the various fields of sponsorship are found in the following summaries:

1a. **Amusements.** Volume down 28.2% compared to previous month. Amusement advertising remains 7.8% above last September's level.

1. **Automotive.** Compared to August, national network up 19.8%, national non-network down 22.3%, and local down 12.4%. National network 8.8% above last September, national non-network up 381.0%, and local up 10.0%.

2. **Gasoline and accessories.** National network volume 11.3% above preceding month, regional down 25.4%, national non-network down 39.4%, and local up 13.2%. Compared to September 1934, national network volume up 48.3%, regional network volume down 40.0%, national non-network down 53.3%, and local up 25.1%.

3. **Clothing.** National network volume nearly double August and regional more than double. National non-network up 16.2% and local 10.4%. Compared to last September, national network volume unchanged, regional up 84.3%, local up 50.7%, and national non-network 29.5%.

4. **Drugs and pharmaceuticals.** National network volume 54.2% above August, regional 37.2%, and local 14.0%. National non-network down 8.9%. Compared to corresponding month of 1934, national network up 19.7%, national non-network up 6.5%, and local down 40.1%.

5. **Toilet goods.** National network advertising 6.7% above August, local down 3.3%, and national non-network down 36.6%. National network volume 12.8% ahead of last September, national non-network 16.0% ahead, and local down 12.5%.

6. **Foodstuffs.** National network 4.2% greater than in August. Regional network advertising down 11.7%, national non-network down 30.5%, and local 9.9%. Compared to corresponding month of last year, gains as follows: National network 55.7%, regional network, 26.7%, national non-network 77.8%, and local 18.7%.

7. **Beverages.** National network volume 16.1% over August and regional network advertising 20.7% ahead. National non-network and local advertising down 17.0%. Compared to last year, national network volume 15.4% greater. National non-network volume up 86.6% and local down 10.8%.

8. **Confectionery.** National network 51.6% over preceding month. National non-network down 41.0% and local down 58.2%. National network advertising more than tripled last September. Local same. National non-network up 40.0%.

9. **Household equipment.** National network advertising 8.7% ahead of August. Regional network volume down 1.9%, national non-network 25.0%, and local 1.3%. Compared to September 1934, national network volume down 10.4%, national non-network unchanged, and local up 31.6%. Regional network volume increased from \$424 to \$6,163.

10. **Soaps and kitchen supplies.** General decline as follows: National networks 2.2%, national non-network 68.5%, and local 67.7%. Compared to same month of 1934, national network volume down 18.6%, national non-network up 21.7%, and local volume tripled.

11. **Insurance and financial.** National network volume 51.4% greater than in August and regional volume up 25.0%. National non-network down 54.0% and local volume unchanged. National network and national non-network volume unchanged from last September. Local up 24.7%.

12. **Radios.** National network volume 56.6% above August, national non-network up 130.1%, and local up 67.1%. Compared to the corresponding month of last year, national network volume up 19.7%. National non-network advertising increased from \$1,800 to \$24,850. Local volume unchanged.

13. **Department and general stores.** National non-network volume down one-third as against August and local volume up 21.8%. National non-network volume five times last September and local up 4.0%.

14. **Tobacco products.** National network advertising unchanged from August, regional up 6.6%, national non-network down 47.1%, and local down 23.7%. Compared to September 1934, national network volume more than tripled, regional volume increased from nothing to \$22,188, national non-network advertising doubled, and local up materially.

15. **Miscellaneous.** National network volume up 73.1% as against August. Regional volume down 14.2%, and national non-network 23.2%. Local up 12.5%. National network volume nearly double last September, with material gains in other fields.

Retail Broadcast Advertising

Advertising by retail establishments increased 2.5% as against August. Retail volume was 31.7% ahead of September of last year and 42.2% greater than during the corresponding month of 1933. The greatest gains continued to center in the apparel and house-furnishings fields. Retail broadcast advertising during September is found in Table VII:

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1935 Gross Time Sales	
	Aug.	Sept.
Automobiles and accessories:		
Automobile agencies and used car dealers	\$49,980	\$47,770
Gasoline stations, garages, etc.....	45,860	31,615
Clothing and apparel shops.....	183,320	206,080
Drugs and toilet goods:		
Drug stores	17,090	17,700
Beauty parlors	7,270	7,320
Food products:		
Grocery stores, meat markets, etc.....	42,115	36,700
Restaurants and eating places.....	21,183	19,480
Beverage retailers	1,700	2,020
Confectionery stores	474	600
Household goods:		
Household equipment dealers.....	53,000	47,940
Furniture stores	88,810	80,600
Hardware stores	13,600	15,895
Radio retailers	9,310	8,610
Department and general stores.....	113,880	131,280
Tobacco shops	175	115
Miscellaneous	58,350	70,500
Total	\$706,217	\$724,225

ANSWER FILED IN WDAS CASE

Answer was filed Saturday (26th) in the case of Fred Waring vs. WDAS Broadcasting Station, Inc. (See NAB REPORTS, Pages 968, 995).

The text of the answer follows:

FRED WARING
vs.
WDAS BROADCASTING STATION, INC. } C. P. No. 4
June Term, 1935
No. 9053

Defendant's Answer

WDAS BROADCASTING STATION, INC., a corporation, the above-named defendant, saving and reserving unto itself all benefit

and advantage of exception to the manifold errors, uncertainties and other imperfections in the Plaintiff's Bill of Complaint contained, for answer thereto, or to so much and such part thereof as it is advised is material or necessary for it to answer,

Respectfully Showeth:

1. Denied. Defendant has no knowledge as to the averment that the plaintiff is substantially the sole and exclusive owner and conductor of the Orchestra known as "Waring's Pennsylvanians," and has no means of obtaining any information regarding the truthfulness of said averment and therefore demands proof thereof at the trial of this issue.

2. Denied. Defendant denies that the plaintiff is and has been for a long time past a unique and individual artist and performer in his field as an orchestra conductor and is an interpretative musical artist, but, on the contrary, avers that musical selections can be and have been interpreted, rendered, played and performed by other musicians and orchestras in the same or similar manner as interpreted, rendered, played and performed by the plaintiff, and that the plaintiff's performances and interpretations are not unique and individual in the sense that no one else can perform and interpret the same musical selections which the plaintiff performs and interprets. Defendant has no knowledge of the international reputation of the plaintiff, and has no means of ascertaining the truth thereof, and therefore demands proof thereof.

3. Denied. Defendant denies that the plaintiff's interpretive performances are entirely unique and individual to himself, for the reasons set forth in Paragraph 2 hereof; and denies that his performances are "generally so recognized by the public and that they are specifically recognized as his own personal and individual interpretations and are, therefore, unique," for the reasons set forth in Paragraph 2 hereof, and for the further reason that the general public, including musicians, is unable to recognize the plaintiff's orchestra performing, as distinguished from other orchestras, for the reason that other orchestras and musicians are able to give similar performances of the same musical selections.

4. Denied. Defendant avers that Waring's Pennsylvanians are not unlike any other orchestra or body of musicians, and is not unusual or different from any other group of musicians banded together or playing together under a name identifying the group or orchestra. That the musical performances of the said Waring's Pennsylvanians are not unlike the musical performances of other orchestras, nor is their performance of musical selections unusual in the sense that musical selections cannot be rendered or performed by other musicians and orchestras in the same or similar manner. That musical performances by Waring's Pennsylvanians cannot be recognized by the general public as the performances of any particular group of musicians or orchestra. Defendant has no knowledge of the international reputation of either the plaintiff or Waring's Pennsylvanians, and has no means of ascertaining the truth thereof, and therefore demands proof thereof.

5. Admitted.

6. Admitted.

7. Defendant admits that it did on July 2nd, 1935, play and give renditions of Victor phonograph records entitled, "I'm Young and Healthy" and "You're Getting to be a Habit with Me," which the plaintiff and his Orchestra rendered for the R. C. A. Victor Company, Inc., as an employee.

8. Defendant avers that said records contained the following: "This record is not licensed for radio broadcast," and further avers that the allegations contained in this Paragraph are wholly immaterial, for the reasons more fully set forth hereafter under "New Matter."

9. Defendant denies that plaintiff has a common-law right of property or any other right of property in and to his interpretation of the musical numbers specified in Paragraph 7, or in or to the said phonograph records, as more specifically hereinafter set forth under "New Matter."

10. Defendant admits that plaintiff has never expressly granted permission to the defendant to broadcast his records for commercial purposes and that it has never accounted to him for the use of said records, but avers that these allegations are wholly immaterial for the reasons more fully set forth hereafter under "New Matter."

11. Denied. Defendant denies that its use of the said records is a serious menace to the business, interests, rights, contractual engagements and income of the plaintiff and avers that it is immaterial whether the use by it for broadcasting purposes of the said records is a serious menace to the business, interests, rights, contractual engagements and income of the plaintiff, for reasons set forth hereafter under "New Matter."

12. Defendant denies that the use of the records to which plaintiff refers in his Bill of Complaint is illegal and that the defendant's continued use of said records will seriously injure the contractual rights and property rights of the plaintiff, and will cause other irreparable damage to the plaintiff's property rights. On the contrary, defendant avers that plaintiff does not have any contractual rights or property rights in the records to which he refers in the Bill of Complaint, and that he will not be damaged irreparably or otherwise by defendant's continued use of said records for broadcasting purposes in the operation of its business.

Defendant avers that if the prayer of the Plaintiff, as set forth in the Bill of Complaint, is granted, it will be denied its property rights and its right to the lawful use of its property.

New Matter

Further answering, the defendant avers on information and belief:

13. That the plaintiff performed for the making of the Victor phonograph records to which he refers in Paragraph 7 of his Bill of Complaint under a contract between the plaintiff and RCA Victor Company, Inc., by the terms of which the plaintiff, for himself and on behalf of each and all of the members of his orchestra, granted to RCA Victor Company, Inc., the right at any time and all times to manufacture, advertise and license or sell in all parts of the world records of the performances by plaintiff's orchestra of the selections of which said Victor records were made, including the right to produce and reproduce the recorded performances of the orchestra by any and all mechanical, electrical or other means of disseminating or transmitting the same, with the further right on the part of RCA Victor Company, Inc., to make use of plaintiff's name and photograph, and the name of his orchestra and photographs of the members of his orchestra, in connection with the manufacture, advertising and licensing or sale of such records in any and every way in connection with sound reproduction and transmission, granting to the RCA Victor Company, Inc., all rights and equities of the plaintiff and of his orchestra, and of each of its members in and to the matrices and records upon which the performances were reproduced.

14. That plaintiff at the time said records were made, or at any other time, was not the copyright proprietor of "I'm Young and Healthy" and "You're Getting to be a Habit with Me," but that said copyright proprietor thereof was M. Witmark & Sons, the publisher of said selections.

15. That the plaintiff did not have a license from the owner of said copyrights to reproduce, perform or arrange the said musical selections at any time mentioned in the Bill of Complaint.

16. That said M. Witmark & Sons granted to RCA Victor Company, Inc., the right, license, privilege and authority to use the musical compositions, "I'm Young and Healthy" and "You're Getting to be a Habit with Me," and the words and music of both of said compositions in the recording and manufacturing of said phonograph records.

17. That prior to the time that said records were made, M. Witmark & Sons, the copyright owners of the compositions entitled, "I'm Young and Healthy" and "You're Getting to be a Habit with Me", and Al Dubin and Harry Warren, the authors of the words and music of said songs, had granted to the American Society of Composers, Authors and Publishers the performing rights of said musical compositions and all of the words and music thereof, and the right to license others publicly to perform said musical selections.

18. That at the time said records were made and at the time the performances complained of were given, the defendant was the holder of a valid license from the "American Society of Composers, Authors and Publishers" to publicly perform said songs together with the words and music thereof.

19. That for plaintiff's services in playing the musical selections "I'm Young and Healthy" and "You're Getting to be a Habit with Me" for the RCA Victor Company, Inc., he received a monetary consideration of Two Hundred Fifty Dollars (\$250.) per selection, which was paid to him by check of the National Broadcasting Company, Inc., and on which was written, "In full settlement for services." Said check was duly accepted and deposited by the plaintiff, without objections.

20. That after playing said selections for RCA Victor Company, Inc., to enable it to make phonograph records thereof, the plaintiff had no rights of any kind in said records and RCA Victor Company, Inc., was not bound to plaintiff by contract or otherwise, to limit in any way the use which purchasers of said records might make thereof.

21. That defendant purchased the phonograph records to which plaintiff refers in his Bill of Complaint from a dealer in such records, namely, Weymann & Company, Philadelphia, Pa., which had an unlimited, unqualified right to dispose of the same to the public without any contractual or other obligation to limit the use which the purchaser might make of the records thus purchased.

22. That prior to the purchase by the defendant of the said phonograph records, thousands of the said records were sold throughout the United States, including the vicinity of Philadelphia.

23. That at the time the plaintiff performed said musical numbers for said records, plaintiff knew that said phonograph records would be so sold to the public and that they would be used for broadcast purposes.

24. That prior to the playing of said records, defendant announced that the numbers about to be played were mechanical reproductions of plaintiff's rendition of said selections.

25. That plaintiff is and at all times has been fully aware of the facts hereinbefore set forth under "New Matter" and has, therefore, no basis whatever for instituting this action against the defendant.

Wherefore defendant prays your Honorable Court to dismiss the Bill of Complaint and to award to the defendant its costs and damages for being compelled to defend against this action.

WDAS BROADCASTING STATION, INC.

By W. MAURICE STEPPACHER.

COMMONWEALTH OF PENNSYLVANIA,

City and County of Philadelphia, ss:

W. Maurice Steppacher, being duly sworn according to law, doth depose and say that he is Secretary and Treasurer of WDAS Broadcasting Station, Inc., the defendant named in the foregoing Answer, and that the facts set forth in the foregoing Answer and New Matter are true and correct, to the best of his knowledge, information and belief.

W. MAURICE STEPPACHER.

Sworn to and subscribed before me this 26th day of October, 1935.

EDNA F. SCHWARTZ,
Notary Public.

My Commission expires March 2, 1937.
(Seal.)

A. T. & T. PETITIONS FOR REARGUMENT IN MATTER CONCERNING INSTALLATION OF COAXIAL CABLE

The American Telephone and Telegraph Company and the New York Telephone Company has filed with the FCC (29) a petition to reopen for the purpose of hearing reargument by counsel for petitioners and of reconsidering the order of the Commission heretofore entered in the case involving the installation of an experimental Coaxial Cable between New York City and Philadelphia.

The text of the petition follows:

Before the

FEDERAL COMMUNICATIONS COMMISSION

In the Matter of the Petition of the AMERICAN TELEPHONE AND TELEGRAPH COMPANY and the NEW YORK TELEPHONE COMPANY in connection with the Installation of Experimental Coaxial Cable between New York, New York, and Philadelphia, Pennsylvania

PETITION FOR REARGUMENT

Docket No. 3065

Come now the American Telephone and Telegraph Company and New York Telephone Company, the petitioners herein, and respectfully petition the Commission to reopen said cause for the purpose of hearing reargument by counsel for petitioners, and of reconsidering the order of the Commission heretofore entered herein in the respects hereinafter set forth; and in support of said petition respectfully show:

1. Petitioners filed their petition with the Commission on May 14, 1935, and after hearing thereon was duly held on July 15, 1935, the Commission on July 24, 1935, made and entered its final decision entitled "Findings and Order," and thereafter, on August 14, 1935, its "Report and Order," incorporating therein said "Findings and Order."

2. In said petition and through counsel at the hearing petitioners suggested to the Commission that it had no jurisdiction

over the subject matter thereof and prayed a finding of the Commission to that effect and that the petition be dismissed upon that ground. Petitioners respectfully state that it appears from their said petition, from all the evidence taken and proceedings had before the Commission, from the said "Findings and Order" of July 24, 1935, and the said "Report and Order" of August 14, 1935, that the proposed coaxial cable project is purely experimental, and the Commission therefore has no authority over or with respect to said project and no jurisdiction to entertain the said petition, either under the second proviso of Section 214 (a) of the Communications Act, or any other of the provisions of said section, or under any provision of said Act. Petitioners respectfully aver that they are advised that it thereupon became and was the duty of the Commission to dismiss said petition for want of jurisdiction and proceed no further in said cause and that it was error for the Commission to take and retain jurisdiction for consideration of the merits thereof, and to make and enter said "Findings and Order" and said "Report and Order."

Petitioners hereby renew their said plea to the jurisdiction of the Commission. If, nevertheless, after reargument and reconsideration thereof, the Commission shall be of the opinion that said plea to the jurisdiction is without merit in law and shall overrule the same, then the petitioners, praying an exception to said ruling, respectfully assign error to the following provisions of the Commission's said "Findings and Order" and said "Report and Order," in the respects and upon the grounds herein stated.

3. In the third paragraph of said "Findings" (which by the terms of the order, as construed by petitioners, have the force and effect of conditions) the Commission imposed the following conditions to be binding upon petitioners in the prosecution of said project:

"During the experimental state of the coaxial cable under consideration parties interested in the transmission of television images should have access to and the use of the said cable for the use of experiments for themselves provided the petitioners and such other parties may agree upon terms and conditions whereby such access and use may be accorded by the petitioners and had by the other parties; and in case the petitioners and other parties can not agree upon such terms and conditions, such other parties may apply to the Commission for rules and regulations whereby they may have access to and the use of said coaxial cable for their proper purposes and uses";

"Under these circumstances the coaxial cable in its demonstration period can not be used by the petitioners for the development of the right to television patents, to the exclusion of other parties having access to the coaxial cable through agreement with the petitioners or by order of the Commission, and under the circumstances proposed herein the Commission is of the opinion that the petitioners can not monopolize the experimental advantages, features and uses of the coaxial cable to the disadvantage, exclusion and detriment of other parties";

Petitioners complain of the said conditions, in that they are in excess of the authority of the Commission. It has, however, been the intention of petitioners, as appears from the testimony of Dr. Frank B. Jewett at the hearing, to allow other responsible parties who have suitable apparatus for sending and receiving television images to have reasonable access to the cable for television experiments and the development of television inventions by them, to be accorded to them by petitioners upon fair and reasonable terms. In these circumstances, and in deference to the expressed view of the Commission that it should have authority to make rules and regulations governing such access and use, as set forth in the above Findings, petitioners will offer no objection to the reasonable exercise of such authority by the Commission with due regard to petitioners' experimental use of the cable in other fields of communication as well as in the field of television, provided, however, that said conditions are restated and clarified to the following effect:

(a) The words "the coaxial cable in its demonstration period can not be used by petitioners for the development of the right to television patents, to the exclusion of other parties having access to the coaxial cable" are believed to be ambiguous, and it is respectfully submitted that such words might be construed to mean that petitioners could not acquire any exclusive rights to their own inventions such as would ordinarily flow from the grant of a patent. It is to be made clear that petitioners' right to take out patents upon their own inventions is not denied or impaired.

(b) The said findings further state that "parties interested in the transmission of television images should have access to and the use of the said cable for the use of experiments for themselves." In order to avoid any misunderstanding as to the

meaning, scope and effect of these words, it is to be made clear that "access" is only for the purpose of enabling such parties to connect appropriate television sending or receiving apparatus to the terminal apparatus of the cable so as to be able to use the cable for experiments in the sending or receiving of television images by means of their own apparatus. In short, petitioners have no objection to making the cable, with which petitioners themselves would experiment, available to the use of other parties for the purpose of connecting their sending or receiving television apparatus to the terminals of petitioners' cable and of experimentally testing said apparatus, such access to be thus limited.

4. The last paragraph of the Commission's Findings provides that:

"* * * and the Commission hereby asserts its right to make any other and further order, whether supplemental to or derogatory of the order now being issued, and the Commission hereby serves notice that it reserves the right to revoke the order about to be issued, either in whole or in part, after hearing upon 10 days' notice to the petitioners."

The Order of the Commission authorizes petitioners to install the coaxial cable "pursuant to the Findings above made," and further provides that it is "subject to amendment or annulment as above stated," and that "the present order and the privileges granted thereby may be declared null and void by the Commission after a hearing before it."

Petitioners are required by the express provisions of the Order, before they are permitted to avail themselves of the authority therein granted, to file with the Commission their acceptance of the Order.

Plaintiffs complain of said provisions and respectfully aver that they are in excess of the power of the Commission, in that they constitute an assertion of authority in the Commission to impose other terms and conditions, the nature of which cannot now be foreseen by petitioners, to halt the project at any stage and without regard to the expense theretofore incurred or commitments made by petitioners, and would in terms bind petitioners to the blind acceptance thereof in advance. Said provision should be either stricken from the Findings and Order or amended so as to protect the property rights of the petitioners.

5. The first paragraph of the Commission's findings (which are made conditions of the order) provides:

"The petitioners will, before attempting to use" the coaxial cable "in public service, apply for permission to do so and later abide by such order as the Commission may make after a full and complete hearing held pursuant to notice";

Said condition in terms requires petitioners to agree to abide by an order, without limitation, which the Commission may hereafter see fit to make, after due notice and hearing, in connection with any placing in public service of the said coaxial cable facilities; petitioners thus being required to enter into a present commitment to accept and abide by any order to be made in the future in a proceeding not yet instituted, the terms of which are as yet unknown.

Petitioners submit that if said condition is to be construed as simply requiring petitioners to accept any lawful order or requirement made and entered by the Commission pursuant to an application filed by petitioners at any later date, it is surplusage and meaningless. If, however, the condition is taken according to its plain words and is deemed to vest in the Commission any power in excess of that referred to above, it is unlawful. In either case the condition should be amended by eliminating therefrom the provision that petitioners will "later abide by such order as the Commission may make."

6. The order of the Commission imposes the following condition:

"A report" shall "be filed by the petitioners on the fifteenth day of each month furnishing in detail information relative to all the activities in connection with the cable during the preceding month."

Said condition is couched in such broad language as may be construed to require petitioners to publish information which is properly confidential concerning their research activities in connection with developments and ideas still in the laboratory or experimental stage, the premature disclosure of which would make such information available to others whose use of it would deprive petitioners of the fruits of their own research. Said provision should be clarified so as to remove the possibility of such a construction and preserve the legitimate rights and interests of petitioners in this respect.

7. One of the findings of the Commission, stated in the first paragraph of Findings, is "that the petitioners propose to carry on the experiment at their own expense and without cost to the

public," and petitioners are required by the order of the Commission to assent thereto.

Petitioners respectfully state that they are in doubt as to the meaning and intent of said finding. In this connection petitioners refer to the averments of the original petition herein (particularly pages 4-6 thereof) and to the statement of counsel for the petitioners at the hearing in answer to the question of Commissioner Walker bearing on this point (see page 16 of the stenographer's official report of proceedings). It there appears in substance that petitioners do not propose to capitalize any part of the cost of the project during the experimental period and until petitioners are authorized by the Commission to use the cable in permanent commercial service; that in the interim certain costs initially estimated at approximately \$360,000 are to be carried in suspense accounts until the final proper distribution thereof in the accounts is determined; that certain other costs estimated to amount to about \$220,000 are to be currently charged to development expense; that these are very rough estimates; and that it is not possible to state definitely the proportions of the total expenditures which should be charged ultimately to development expense and to capital accounts.

The entire cost of the project from first to last will, of course, be borne by petitioners and be properly apportioned between them. It is the understanding of petitioners that such cost should ultimately appear in the expense accounts and the capital accounts, except that if it should ultimately turn out that no part thereof is to be capitalized the entire amount should go to expense.

If the above finding of the Commission is not intended to be in conflict with the understanding of petitioners as stated, then they have no objection to it. Otherwise it should either be stricken out or corrected and clarified.

8. The order of the Commission imposes the following conditions:

The order "shall not become effective for any purpose whatsoever until the petitioners file herein their acceptance of the order and their assurance that they will do nothing under the order contrary to the terms and conditions thereof without first submitting their proposal to the Commission and receiving the express sanction thereof";

Petitioners respectfully object to this provision. If and in so far as the order is within the lawful authority of the Commission, petitioners are bound to comply with it, and their acceptance and assurance can add nothing to the obligations and sanctions it imposes. If and in so far as the order exceeds the Commission's lawful powers, petitioners ought not and cannot lawfully be required to submit to it.

9. Petitioners respectfully submit that unless the said conditions hereinbefore referred to in Sections 3, 4, 5, 6, 7 and 8 hereof are clarified, amended, or vacated, so as to remove the objections hereinbefore referred to, they and each of them are unlawful and void. They and each of them exceed the lawful power and authority of the Commission, constitute an attempt on the part of the Commission to usurp the right of petitioners to manage their property and business, and said conditions, if enforced, will deny to petitioners due process of law and will result in a taking of their property in contravention of the Fifth Amendment of the Constitution of the United States.

Wherefore, Petitioners respectfully pray that the Commission reopen the said matter for reargument by counsel and consider the merits of said petition and the objections hereinabove raised to said order; that it dismiss the original petition for want of jurisdiction of the subject matter; or in the event it determine that it has such jurisdiction, it clarify, modify, or vacate the conditions of said order herein complained of, so as to remove petitioners' objections and correct the errors herein assigned.

Dated at New York, New York, October 28, 1935.

AMERICAN TELEPHONE AND TELEGRAPH
COMPANY,

By C. P. COOPER,

Vice President.

NEW YORK TELEPHONE COMPANY,

By H. C. CARPENTER,

Vice President.

ALAN J. McBEAN,
FRANK QUIGLEY,
EDWARD W. BEATTIE,

Attorneys for Petitioners.

C. M. BRACELEN,
S. WHITNEY LONDON,

Of Counsel.

STATE OF NEW YORK,
County of New York, ss:

C. P. Cooper, being duly sworn, deposes and says: That he is a Vice President of the American Telephone and Telegraph Company, one of the petitioners herein; that he has read the foregoing petition, and knows the contents thereof; that the same are true as stated, except as to matters and things, if any, stated on information and belief, and as to those matters and things, he believes them to be true.

C. P. COOPER.

Subscribed in my presence and sworn to before me by the Affiant, above named, this 28th day of October, 1935.

(Seal.)

CHARLES M. DEAL.

Notary Public, Kings Co., No. 363, Reg. No. 7148. Cert. Filed in N. Y. Co., No. 393, Reg. No. 7-D-225. Commission expires March 30, 1937.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, November 5, 1935

- NEW—Julius Brunton & Sons Co., Fresno, Calif.—C. P., 980 kc., 250 watts, daytime.
NEW—Harold H. Hanseth, Fresno, Calif.—C. P., 1410 kc., 1 KW, unlimited time.
KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license, 1410 kc., 250 watts, specified hours (6 a. m.-9 p. m.).
NEW—Miles J. Hansen, Fresno, Calif.—C. P., 1420 kc., 100 watts, unlimited time.
NEW—Clark Standiford, Visalia, Calif.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—W. H. Kindig, Hollywood, Calif.—C. P., 1300 kc., 1 KW, shares with KFAC (requests facilities of KFAC).
KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Renewal of license, 1300 kc., 1 KW, unlimited time.
NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—California Sales Contract Co., San Francisco, Calif.—C. P., 1280 kc., 500 watts, 1 KW LS, unlimited time.
NEW—Wm. B. Smullin, Sacramento, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.
NEW—Golden Empire Broadcasting Co., Redding, Calif.—C. P., 1200 kc., 100 watts, unlimited time.
NEW—Royal Miller, Sacramento, Calif.—C. P., 1210 kc., 100 watts, daytime.

Thursday, November 7, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-53:

- NEW—L. M. Kennett, Indianapolis, Ind.—C. P., 600 kc., 1 KW, daytime.

Examiner's Report No. I-61:

- NEW—J. L. Scroggin, St. Joseph, Mo.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—News Broadcasting Co., St. Joseph, Mo.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-44:

- KMAC—W. W. McAllister, San Antonio, Tex.—Special experimental authority, 940 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts, shares with KONO.
KFYO—T. E. Kirksey, tr/as Kirksey Brothers, Lubbock, Tex.—C. P., 940 kc., 500 watts, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.
KGKL—KGKL, Inc., San Angelo, Tex.—C. P., 940 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-77:

- NEW—H. K. Glass, M. C. Kirkland, Eustis, Fla.—C. P., 1310 kc., 100 watts, 6 a. m. to local sunset.
NEW—Lake Region Broadcasting Co., Lakeland, Fla.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—G. D. Coff, Tampa, Fla.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Robert Louis Sanders, Palm Beach, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Hazlewood, Inc., West Palm Beach, Fla.—C. P., 1200 kc., 100 watts, unlimited time.

Friday, November 8, 1935

KFH—The Radio Station KFH Co., Wichita, Kans.—C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1300 kc., 1 KW, unlimited time.

APPLICATIONS GRANTED

- WHEC—WHEC, Inc., Rochester, N. Y.—Granted C. P. to move transmitter locally and install new equipment.
WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted authority to determine licensed power by direct measurement of antenna input.
WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted modification of C. P. to move transmitter locally, extend commencement date to 30 days after grant and completion date to 6 months thereafter.
WSPD—The Toledo Broadcasting Co., Toledo, Ohio.—Granted authority to determine licensed power by direct measurement of antenna input.
WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted license to use old main transmitter for auxiliary purposes.
KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted renewal of license for the regular period.
WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted license to cover C. P. covering new station; 1310 kc., 100 watts, daytime.
KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted modification of license to change hours of operation from daytime to unlimited.
WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted extension of present license for period of 60 days.
NEW—Don Lee Broadcasting System, Portable-Mobile (San Francisco).—Granted C. P., frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
NEW—WCBF, Inc., Portable-Mobile (Waukegan, Ill.).—Granted C. P., (exp. gen. exp.) service, frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
NEW—Scranton Broadcasters, Inc., Portable (Scranton, Pa.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
NEW—RCA Manufacturing Co., Inc., Camden, N. J.—Granted license to cover C. P. for visual broadcasting service, frequencies 42000-56000, 60000-86000 kc., 30 KW.
KIEO—Airfan Radio Corp., Ltd., Portable (San Diego, Calif.).—Granted modification of license (temporary broadcast pickup) to add frequencies 1606, 2020, 2102, 2760 kc. and delete 3150 kc. Also granted renewal of license in accordance with modification.
KIFT—Julius Brunton & Sons Co., Mobile (San Francisco).—Granted modification of license (temporary broadcast pickup) to add frequencies 1622, 2060, 2790 kc. Also granted renewal of license for the period ending November 1, 1936.
WIEF—Miami Broadcasting Co., Miami, Fla. (Portable-Mobile).—Granted renewal of broadcast pickup station license in accordance with modification granted October 22, 1935.

SET FOR HEARING

- WOOD—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich.—Application for C. P. to move transmitter location to site to be determined, make changes in equipment, and increase operating power from 500 watts to 1 KW; install new antenna.
NEW—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—Application for C. P. for new station; 1090 kc., 250 watts, daytime.
WKRC—WKRC, Inc., Cincinnati, Ohio.—Application for modification of C. P. to extend commencement date from 4-29-35 to 7-29-35 and extend completion date from 7-29-35 to 10-29-35. Also modification of C. P. to make changes in equipment, increase day power to 5 KW, extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WSMB—WSMB, Inc., New Orleans, La.—Application for renewal of license, 1320 kc., 500 watts, unlimited time, 500 watts additional.

NEW—C. W. Snider, Wichita Falls, Tex.—C. P., already in hearing docket, amended to read: 1500 kc., 100 watts, daytime, transmitter site to be determined subject to approval of Commission.

KFRC—Voice of Longview, Longview, Tex.—Special experimental authority to operate on 1210 kc., 100 watts, unlimited time, facilities of KWEA.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Application for C. P. to move transmitter to site to be determined subject to approval of Commission; make changes in equipment and increase power from 500 watts to 1 KW.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy., St. Cloud, Minn.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau Claire, Wis.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time, site to be determined.

WCOP—Joseph M. Kirby, Boston, Mass.—Application for modification of license to change frequency from 1120 kc. to 1130 kc.; increase hours of operation from daytime to limited until LS at KSL, Salt Lake City.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Application for renewal of license, 1200 kc., 100 watts night, 250 watts day, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Application for renewal of license, frequency 1240 kc., 500 watts night, 1 KW day, unlimited time. S.A. power 1 KW night. (Place of hearing to be determined.)

KXL—KXL Broadcasters, Portland, Ore.—Application for renewal of license, 1420 kc., 100 watts, with an additional 150 watts from local sunrise to LS only. Shares time with KBPS-KXL 6/7 time and KBPS 1/7 time. (Place of hearing to be determined.)

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDYL, Salt Lake City; KFBB, Great Falls, Mont; KFIO, Spokane, Wash.; KOIN, Portland, Ore.; KGW, Portland, Ore.; KYA, San Francisco.

The following stations were granted renewal of licenses on a temporary basis only to conform to the Commission's action of October 1, 1935, with reference to these stations' applications for renewals, for the term November 1 to 15, 1935:

WBBR, Brooklyn, N. Y.; WFAB, New York City; WHAZ, Troy, N. Y.; WARD, Brooklyn; WVFW, Brooklyn; WBBC and auxiliary, Brooklyn; WLTH, Brooklyn.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license granted on a temporary basis only for the period Nov. 1 to Nov. 12, 1935, to conform to the Commission's action of Oct. 1, 1935, with reference to this station.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on pending application for renewal.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the application of this station for renewal of license and upon the petition of WSPD in opposition to the granting of renewal of license to this station.

KCRC—Enid Radiophone Co., Enid, Okla.—Present license extended to Dec. 1, 1935, pending action on application for renewal.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted renewal of license for the regular period.

WBNX—The Standard Cahill Co., Inc., New York City—Granted renewal of license for the regular period.

WORK—York Broadcasting Co., York, Pa.—Granted renewal of license for the regular period.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted renewal of license for the regular period.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted renewal of license for the regular period.

KILU—Ark. Radio & Equipt. Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIIV—Charles L. Jaren, Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIGA—National Battery Broadcasting Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

WKFB—The Evening News Association, aboard Aircraft NC-799-W—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Present license of broadcast pickup station in temporary service was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIEF-KIEG—Seattle Broadcasting Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIFF—Missouri Broadcasting Corp., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

KIIS—Harris Co. Broadcast Co., Portable—Present license of broadcast pickup station in temporary service, was extended for one month from Nov. 1 to Dec. 1, 1935, on a temporary basis only, subject to such action as may be taken upon the application for renewal pending before it.

W10XFH—National Broadcasting Co., Inc., Portable-Mobile (On Stratosphere Balloon)—Present license extended for a period of one month to Dec. 1, 1935, upon a temporary basis only, subject to such action as may be taken upon pending application for renewal.

ACTION ON EXAMINER'S REPORT

WSYR-WSYU—Ex. Rep. No. 1-112: Central New York Broadcasting Corp., Syracuse, N. Y.—Granted C. P. to install new equipment, move transmitter from Syracuse to Nedrow, New York, increase power from 250 watts to 1 KW, unlimited time; directional antenna. Order effective Dec. 17, 1935. Examiner R. L. Walker reversed.

MISCELLANEOUS

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Denied special authority to operate from 5 to 6 p. m., CST, during month of November, in order to broadcast special program.

KROC—Radio Sales Corp., Seattle, Wash.—Denied special authority to operate from local sunset to 5:30 p. m., PST, on Nov. 1, 7, 8, 14, 15, 21 and 22, 1935, in order to broadcast local high school football games.

WHFC—WHFC, Inc., Cicero, Ill.—Redesignated for hearing application for C. P. to authorize installation of new equipment and a vertical radiator and to increase day power to 250 watts.

WEHS—WEHS, Inc., Cicero, Ill.—Designated for hearing in connection with WHFC case, application to increase day power to 250 watts and to change antenna.

WKBI—WKBI, Inc., Cicero, Ill.—Designated for hearing in connection with WHFC case, application to increase day power to 250 watts and to change antenna.

The Commission denied the associated petition of the three foregoing licensees to grant, without hearing, applications to increase day power of each to 250 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Suspended grant and set for hearing application for re-

moval of transmitter and studio from Wichita Falls to Fort Worth, Texas, because of protests of station KTAT, Fort Worth, and the Chambers of Commerce of Wichita Falls, Iowa Park, Burkburnett, Electra, Graham, Quanah, Vernon, Seymour, all of Texas, and the Chamber of Commerce of Frederick and Temple, Okla.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Denied request to move from hearing docket application to increase day power from 1 KW to 5 KW and to move transmitter to new site to be approved by the Commission.

NEW—Monocacy Broadcasting Co., Rockville, Md.—Denied petition asking Commission to reconsider and make final the original grant for a new station made July 2, 1935. The Commission suspended this grant and designated application for hearing on Sept. 24, 1935.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted authority to install new equipment, increase day power to 250 watts and move transmitter locally, subject to Commission's approval of site, antenna and ground system.

APPLICATIONS RECEIVED

First Zone

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, 600 Conn.—Authority to install automatic frequency control.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of license to increase power from 500 watts to 1 KW.

WCOP—Joseph M. Kirby, Boston, Mass.—Voluntary assignment of license to Massachusetts Broadcasting Corp.

WCAM—City of Camden, Camden, N. J.—Authority to determine 1280 operating power by direct measurement of antenna.

WMEX—The Northern Corp., Boston, Mass.—Construction permit to move transmitter from Powder Horn Hill, Boston, Chelsea, Mass., to a site to be determined; install new equipment; change frequency from 1500 kc. to 1470 kc.; and increase power from 100 watts night, 250 watts daytime, to 5 KW day and night.

NEW—E. Anthony & Sons, Inc., Fairhaven, Mass.—Construction permit for general experimental station for 31600, 35600, 37600, 41000 kc., 100 watts.

NEW—Shepard Broadcasting Service, Inc., Quincy, Mass.—Construction permit for general experimental station for 31600, 35600, 38600, 41000 kc., 500 watts.

Second Zone

NEW—American Broadcasting Corp. of Ohio, Cleveland, Ohio.—880 Construction permit to erect a new broadcast station at a site to be determined, Cleveland, Ohio, to be operated on 880 kc., 1 KW, unlimited time.

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to 940 move transmitter from Brown Hotel, Louisville, Ky., to a site to be determined, near Louisville, Ky., install new equipment, and increase power from 1 KW to 5 KW.

NEW—L. Martin Courtney, Toledo, Ohio.—Construction permit 1290 for a new station to be operated on 1290 kc., 100 watts, unlimited time. Amended: Change frequency from 1290 kc. to 1420 kc., and make equipment changes.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Authority to determine operating power by direct measurement of 1290 antenna power.

NEW—Monumental Radio Co., Baltimore, Md.—Construction permit for general experimental station for 31600, 35600, 38600, 41000 kc., 300 watts.

Third Zone

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Construction permit to make changes in equipment (antenna); move

transmitter from Chamber of Commerce Bldg., Clarksdale, Miss., to corner 3rd and Delta, McWilliams Bldg., Clarksdale, Miss., and studio from Chamber of Commerce Bldg., Clarksdale, Miss., to corner 3rd and Yazoo Ave., Clarksdale, Miss.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan 1370 Broadcasting Co., Dothan, Ala.—License to cover construction permit (B3-P-294) as modified for equipment changes, change power from 100 to 250 watts, time from daytime and specified hours Sunday to daytime only. Amended re hours of operation.

KIIS—Harris County Broadcast Co., Portable.—Modification of license to add frequencies 2060 and 2790 kc.

W4XBM—WPTF Radio Co., Portable-Mobile.—License to cover construction permit for a new general experimental station.

Fourth Zone

NEW—KFAD Broadcasting Co., Bismarck, N. Dak.—Construction permit for a new station to be operated on 550 550 KW, 5 KW day, unlimited time. Requests facilities of KFVR.

WDAY—WDAY, Inc., Fargo, N. Dak.—Modification of license 940 to increase power from 1 KW, 5 KW day, to 5 KW day and night.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Modification of construction permit authorizing 1020 1020 kc., 250 watts daytime, and move of transmitter, requesting changes in equipment and extension of commencement and completion dates. Amended to request further changes in equipment.

WTAQ—WHBY, Inc., Green Bay, Wis.—Modification of construction permit (B4-P-369) to install new equipment, (directional antenna), move transmitter, change hours of operation to unlimited, to further request changes in equipment. Extend commencement date 30 days after grant and completion date 180 days thereafter.

NEW—Herbert Hollister, Emporia, Kans.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time.

Fifth Zone

KOIN—KOIN, Inc., Portland, Ore.—Modification of license requesting increase in power from 1 KW night, 5 KW daytime, 940 to 5 KW day and night.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—950 Modification of license requesting an increase in power from 1 KW night, 2½ KW daytime, to 5 KW day and night.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construction permit to make changes in equipment, increase power 1120 from 100 watts to 250 watts, and change hours of operation from daytime to unlimited.

NEW—Peninsula Newspapers, Inc., Merced Star Publishing Co., 1160 Palo Alto, Calif.—Construction permit for a new station on 1160 kc., 250 watts, day.

NEW—Ventura County Star, Inc., Merced Star Publishing Co., 1200 Inc., Ventura, Calif.—Construction permit for a new station to be operated on 1200 kc., 250 watts, daytime. Amended to change frequency from 1200 kc. to 1170 kc.

KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Modification of construction permit (B5-P-434) authorizing a new station to be operated on 1500 1500 kc., 100 watts, daytime, for approval of transmitter site at corner of Oak and Jackson Sts., Roseburg, Ore., and approval of antenna.

KIEF—Seattle Broadcasting Co., Seattle, Wash.—Modification of license to add frequencies 1646, 2090, 2190, 2830 kc. and delete frequencies 1622 and 2150 kc.

KIEG—Seattle Broadcasting Co., Seattle, Wash.—Modification of license to add frequencies 1646, 2090, 2830 kc. and delete 1622 and 2150 kc.