

The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

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SEASON'S GREETINGS

to all

NAB MEMBERS

from the

WASHINGTON OFFICE STAFF

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DENIAL OF NEW STATION RECOMMENDED

Walker Jamar filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Duluth, Minn., to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner Robert L. Irwin in Report No. I-314 recommended that the application be denied inasmuch as "the Commission having considered and denied the applicant's petition to withdraw the application, and the applicant having failed to submit evidence in support of his application, it is recommended that the same be denied."

NAB REPORTS BINDERS

New NAB REPORTS Binders for 1937-38 will be mailed to all members this month. The cost of the binders viz: \$2.00, will be added to the invoices for dues as of January 1, 1937.

SUPREME COURT REMANDS KVOs CASE TO LOWER COURT BY UNANIMOUS DECISION

The United States Supreme Court in a decision rendered Monday in the case of broadcasting station KVOs, Bellingham, Wash., against the Associated Press, remanded the case to the lower court

without taking jurisdiction itself. The unanimous decision was as follows:

SUPREME COURT OF THE UNITED STATES

No. 28.—October Term, 1936.

KVOs, Inc., Petitioner, } On Writ of Certiorari to the United States
vs. } Circuit Court of Appeals for the Ninth
The Associated Press. } Circuit.

[December 14, 1936.]

Mr. Justice Roberts delivered the opinion of the Court.

This suit was brought to enjoin petitioner, the proprietor of a radio station at Bellingham, Washington, from appropriating, using, or disseminating news gathered by the respondent or its members during the period such news has commercial value to respondent and its members. The prayers were for temporary and permanent relief. The district court directed the petitioner to show cause why an injunction should not be granted and entered a temporary restraining order.

In summary, the allegations of the bill follow.

Respondent is a New York corporation and petitioner a Washington corporation; "the damage to which complainant is being subjected . . . is in excess of the sum of Three Thousand (\$3000.00) Dollars, exclusive of interest and costs, and the amount involved herein and in controversy herein is in excess of said sum of Three Thousand (\$3000.00) Dollars, exclusive of interest and costs.

The respondent, a membership corporation, is composed of proprietors or representatives of newspapers published throughout the United States whose business is the gathering, by its own instrumentalities, and by exchange with members, and other means, news, intelligence, and information from all over the world for the benefit of its members, and distribution of the material so gathered amongst them for newspaper publication, conformably to the by-laws.

The respondent has representatives in every important capital and city in the world and has reciprocal arrangements for interchange of news with many important agencies in foreign countries; has more than twelve hundred members, each owning or representing a daily newspaper, each supplying respondent, as required by the by-laws, with the news gathered locally by the newspaper he represents; the cost of respondent's transactions, amounting yearly to many millions of dollars, is equitably divided among the members; the association's service to members is of financial and business importance to them, due to its promptness, accuracy, and impartiality; the by-laws require that the news furnished shall

remain confidential until publication has been fully accomplished by all members.

The petitioner conducts a radio station at Bellingham, Washington, and, as part of its daily broadcast, sends out, three times a day, morning, noon, and evening, what is styled "The Newspaper of the Air" in which petitioner announces what it claims to be, and what usually is, the leading and most interesting news of the day. The *Bellingham Herald*, published at Bellingham, is a member of the association and, under the by-laws, the respondent is entitled to be furnished by the *Herald* with all the news from the territory served by that paper; the *Seattle Post Intelligencer* and the *Seattle Daily Times* are published at Seattle, Washington, and are represented by memberships in the association which has the same rights to news gathered by those papers.

The petitioner broadcasts news as part of its business and, by so doing, enhances the profits obtained from advertising broadcasts; the newspapers affiliated with the respondent derive a large portion of their revenues from the sale of advertising space, the value of which depends in great measure upon the freshness and interest of the news furnished by them. The petitioner, in the conduct of its station, has become, and is, a competitor of respondent and its members in the obtaining and early distribution of news, for the purpose of popularizing advertising.

The petitioner has no organization of its own for gathering news, but adopts the practice of "pirating" news gathered by the respondent and its members. This practice consists in procuring copies of the *Herald*, the *Post Intelligencer*, and the *Daily Times* and broadcasting parts, or all, of items therein published, whether gathered by these newspapers or received by them from the respondent, the repetition being sometimes verbatim and sometimes a rearrangement of the wording. The copies of the three newspapers do not reach their subscribers for some time (in some cases as much as twenty-four hours) after publication; whereas petitioner, promptly obtaining the papers, is able to pirate and broadcast their contents and to anticipate the receipt of the news by the newspapers' subscribers. This practice constitutes unfair competition with the respondent; wrongfully deprives the respondent of the just benefits of its labors and expenditures; similarly injures respondent's members; and prejudices the respondent with its members.

The petitioner, though repeatedly requested to desist from the practice, has refused so to do, although neither the association nor any member has granted permission to make use of the news gathered by them; and the continuance by the petitioner of its practice will increasingly cause irreparable injury and damage to the respondent because the effort and expenditures to gather and obtain news will be rendered largely without reward or value so far as concerns the territory served by petitioner's station.

Prior to the return day of the order to show cause why a temporary injunction should not issue, the petitioner filed a motion to dismiss, assigning the following grounds, amongst others: the bill fails to recite facts entitling the plaintiff to the relief prayed and is without equity; there is a non-joinder of parties plaintiff since the bill discloses that the *Bellingham Herald*, *Seattle Post Intelligencer*, and *Seattle Daily Times* are necessary parties; the court is without jurisdiction because the matter in controversy does not exceed three thousand dollars, exclusive of interest and costs, and an inspection of the allegations of the complaint shows the complainant cannot recover any amount in excess of three thousand dollars or any other amount and the sum named in the ad damnum clause of the complaint is not a true statement of complainant's damages and is not alleged in good faith, the facts being that the amount paid to the complainant for furnishing the Associated Press news in the city of Bellingham, to any of its members, is fixed and determined by the size of the city's population, and is not affected by any other condition and complainant has not lost any amount and never will lose any amount by reason of this controversy, and defendant is not a competitor of complainant in any sense of the word; the *Bellingham Herald* is the real party in interest and the Associated Press has no interest in the cause.

Affidavits were presented in support of and in opposition to the granting of an injunction, and counsel were heard upon the prayer for preliminary injunction and upon the motion to dismiss. The court found the allegations as to citizenship of the parties were true; found "the amount in controversy herein, by reason of defendant's motion to dismiss, must be construed to be in excess of \$3,000.00, exclusive of interest and costs"; found the facts as to the business and conduct of the parties substantially as alleged in the complaint; but found that the petitioner had not interfered with the normal operation of respondent's business or diverted any of respondent's profit.

As conclusions of law the court held that it had jurisdiction of

the parties and the subject matter "since defendant's motion to dismiss admits for the purpose of pleading all facts well pleaded in the bill of complaint and particularly the necessary diverse citizenship between complainant and defendant and the allegation that there is involved in the controversy herein more than \$3,000.00, exclusive of interest and costs" and that "the complainant is a proper party to prosecute this action on its own behalf and on behalf of its members." Based upon certain of the findings of fact the court concluded the acts of the petitioner did not amount to unfair competition with respondent or any of its members and did not violate their property rights; held, therefore, that the complaint failed to state facts sufficient to constitute a cause of action; vacated the temporary restraining order, refused a preliminary injunction, and granted the petitioner's motion to dismiss with prejudice.¹

The Circuit Court of Appeals reversed² and ordered that a preliminary injunction issue restraining the petitioner from appropriating and broadcasting any of the news gathered by the respondent for the period following publication in respondent's newspapers during which the broadcasting of the pirated news to petitioner's most remote auditors may damage the business of respondent's papers in procuring and maintaining their subscriptions and advertising. On the merits the court thought the case controlled by *International News Service v. Associated Press*, 248 U. S. 215. Dealing with the petitioner's insistence that the amount in controversy was not shown to exceed three thousand dollars the court held that the *International News Service* case required the conclusion that the respondent was in competition with the petitioner because the decision in that case indicated that the profit seeking business of the constituent newspapers is an integral part of the corporate purpose of the respondent; and that "The several millions of dollars here alleged to be invested in the Association's business (the bill contains no such allegation) may well be damaged to the extent of \$3,000 by the pirating practices described." After referring to the character and scope of the respondent's activities the court states:

"It is obvious that the business of gathering and distributing to members, before profitable publication, could conceivably be damaged to the extent of \$3,000 by the misappropriation and premature publication of the news material. To hold otherwise would warrant the inference that no corporation could be damaged by a wrongful attack on its business, when that business happened to be run at no profit or at a loss. Also, we are unable to hold irrational the claim that the piracy caused a \$3,000 damage to the Association's quasi property right in the news."

Although the decision with respect to the amount in controversy was assigned as error in this court, the parties have in the main directed their arguments to the merits; the respondent insisting that *International News Service v. Associated Press* fully sustains the decree below; the petitioner contending this cause may be distinguished from the one there adjudicated, or, if not, that decision should be modified. We have no occasion to consider the soundness of these conflicting contentions, for we hold that in the circumstances the respondent had the burden of showing that the case was within the District Court's jurisdiction, and failed to carry it.

The bill seeks redress for damage to the respondent's business and for damage to the business of some or all of its members. The right for which the suit seeks protection is, therefore, the right to conduct those enterprises free of the alleged unlawful interference by the petitioner. No facts are pleaded which tend to show the value of that right. The complaint contains nothing to the purpose save the general statement that the damage to which the respondent is being subjected is in excess of three thousand dollars and the amount involved is in excess of that sum. Such a formal allegation is sufficient, unless the bill contains others which qualify or detract from it in such measure that when all are considered together it cannot fairly be said that jurisdiction appears on the face of the complaint, in which case the suit should be dismissed by the court *sua sponte*³ or upon the defendant's motion.⁴ In this case the formal allegation is not reinforced or strengthened by other portions of the complaint; neither is it neutralized or weakened by qualifying or detracting allegations. In effect it stands alone. Therefore the court would not have been bound to dismiss upon a motion based solely on alleged insufficient pleading of the amount in controversy; though it might, of its own motion, have entered

¹ 9 F. Supp. 279.

² 80 F. (2d) 575.

³ *Mansfield, C. & L. M. Ry. v. Swan*, 111 U. S. 379, 382, 383; *Bucyrus Co. v. McArthur*, 219 Fed. 266.

⁴ *Coal Co. v. Blatchford*, 11 Wall. 172; *Ladew v. Tennessee Copper Co.*, 179 Fed. 245; affirmed 218 U. S. 357.

upon an inquiry to ascertain whether the cause was one over which it had jurisdiction.⁵ But where the allegations as to the amount in controversy are challenged by the defendant in an appropriate manner, the plaintiff must support them by competent proof.⁶ The petitioner's motion was an appropriate method of challenging the jurisdictional allegations of the complaint. It did not operate merely as a demurrer, for it did not assume the truth of the bill's averments and assert that in spite of their truth the complaint failed to state a case within the court's jurisdiction. On the contrary the motion traversed the truth of the allegations as to amount in controversy and in support of the denial recited facts dehors the complaint. This could have been done by answer but the time for answer had not arrived when the rule to show cause was issued and petitioner was faced with the possibility of an injunction. The motion required the trial court to inquire as to its jurisdiction before considering the merits of the prayer for preliminary injunction. And in such inquiry complainant had the burden of proof.⁷ The only attempt to meet that burden is a reply affidavit filed on behalf of respondent, wherein it is deposed "that the payments made by newspapers for said news sold to them by complainant in the territory served by said radio station is upwards of \$8,000 per month, which is being imperilled and jeopardized by the acts of defendant . . . by its unlawful and wrongful appropriation of complainant's news, and said sum greatly exceeds the sum of Three Thousand Dollars, exclusive of interest and costs, and complainant is in danger of losing said memberships and payments if defendant's practices in respect to pirating said news is not enjoined." This deposition must be read in connection with the statement in the bill that the respondent makes no profit from furnishing news to its members but equitably divides the expense amongst them. The association cannot therefore lose the \$8,000 in question. If the three newspapers in the affected territory cease to pay the sum, they will save it, not lose it, and, as to any other damage they may suffer from petitioner's competition, the affiant is silent. Assuming, without deciding, that in the circumstances disclosed the respondent has standing to maintain a suit to redress or prevent damage caused its members by petitioner's conduct, the allegation of possible damage to them is wholly inadequate, because the asserted danger of loss of members is a mere conclusion unsupported by even a suggestion that withdrawal has been threatened by any newspaper, and no intimation is given of the character or extent of the damage they would suffer by such withdrawal. The respondent having failed to support the allegations as to amount in controversy the District Court should have dismissed the bill.

The suggestion is made in the respondent's argument, and in the opinion below, that, as the allegations in the *International News Service* case, *supra*, were substantially like those of the bill now before us, this court must have been of opinion that the District Court had jurisdiction in the *International* case or it would not have considered the merits. But in that case the answer did not challenge the jurisdiction, there was no assignment of error raising the question and no argument on the subject was presented to this court. "The most that can be said is that the point was in the case if anyone had seen fit to raise it. Questions which merely lurk in the record, neither brought to the attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Webster v. Fall*, 266 U. S. 507, 511.

The Circuit Court of Appeals sustained the District Court's jurisdiction on the ground that the finding upon that point was not without support, and the appellate tribunal could not say it was wrong, in view of the magnitude of the respondent's operations and expenditures. As pointed out in *McNutt v. General Motors & Co. Corporation*, *supra*, at pages 180 and 181, these factors are irrelevant upon the issue of the value of the right for which protection is here sought.

Since the allegation as to amount in controversy was challenged in appropriate manner, and no sufficient evidence was offered in support thereof, the bill should have been dismissed. *McNutt v. General Motors & Co. Corp.*, *supra*, p. 190. The Circuit Court of Appeals had jurisdiction of the appeal and as the District Court lacked jurisdiction its decree dismissing the bill should have been affirmed on that ground.

The decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with directions to dismiss the bill of complaint for want of jurisdiction.

⁵ Act of March 3, 1875, § 5, c. 137, 18 Stat. 470, 472; Jud. Code, § 37, 28 U. S. C. § 80; *McNutt v. General Motors & Co. Corp.*, 298 U. S. 178, 182, 184.

⁶ *McNutt v. General Motors & Co. Corp.*, *supra*, p. 189.

⁷ *McNutt v. General Motors & Co. Corp.*, *supra*, p. 189.

WARING AGAINST WDAS

The final decree of the Court of Common Pleas in this case was signed Saturday, December 12th. The station immediately appealed from the decree to the Supreme Court of Pennsylvania, the appeal being taken Monday, December 14th. It is expected that the appeal will be heard by the Pennsylvania Supreme Court in April, 1937.

BROADCASTING STUDIO DECISION

The owners of the New Amsterdam Theatre in New York City who lease the roof to some of the networks for use as a broadcasting studio were required by the City of New York to procure a license from the city for the use of said premises as a studio. This the owners did under protest following which they brought suit in the New York Supreme Court for a declaratory judgment. The following is the decision just handed down by Mr. Justice Valentine on a preliminary motion in the case "Dry Dock Sav. Institution v. Valentine." This motion is made to dismiss the amended complaint in an action for a declaratory judgment. Plaintiff is using the roof of the New Amsterdam Theatre, formerly used as a public theatre, for radio broadcasting purposes. The city authorities insist that under the code of ordinances a broadcasting studio requires a license. Plaintiff has complied with the city's demand under protest, and now asks for a declaration of its rights to continue without a license and to obtain the return of the license fee heretofore paid. The ground of the motion is that the complaint does not state facts sufficient to constitute a cause of action. Plaintiff has made allegations in its complaint to show that in the conduct of the broadcasting studios its lessees do not give any public exhibitions within the language of the statute. What do they perform? The term 'Broadcasting Studio' is not an expression of sufficiently general connotation to enable the court to take judicial notice of its general character. Plaintiff should give a general statement of the lessee's activities so that the court may judge whether their work is of the nature of public performances. Such description is a part of the ultimate facts and not a pleading of evidence. It is for the court then to judge whether such activities constitute theatrical performances. This may not necessarily appear from the pleadings, but may require the presentation of evidence at a trial of disputed facts. Possibly no issues of fact may appear, but on the conceded facts in the pleadings a determination may be possible as a matter of law. In any event, the complaint should tell what a broadcasting radio studio does. The mere statement that it broadcasts radio programs over the air is insufficient. It does not enable the court to judge whether the physical situation at the initiation of the broadcast is such as to justify police and licensing regulations within the intent of the ordinances. Motion to dismiss is granted with leave to amend settle order" (New York Law Journal, December 15, 1936).

RECOMMENDS DENIAL OF NEW STATION

Dr. E. P. Cerniglia applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Monroe, La., to use 1500 kilocycles, 100 watts power and unlimited time.

Examiner George H. Hill in Report No. I-316 recommended that the application be denied. The Examiner states that objectionable interference would be caused with existing facilities if the applicant were allowed nighttime service. While some showing was made, the Examiner states, as to the need for additional broadcast facilities at Monroe "there is not such a showing as will warrant the establishment of an additional 100 watt station."

FTC RADIO ADVERTISING CASES

The Federal Trade Commission in its annual report released this week devotes a part of the report to its special procedure in certain types of advertising cases including radio. On the question of radio advertising the Commission says:

The Commission began the review of advertising copy broadcast over the radio at the beginning of the fiscal year 1934-35. At the outset, the Commission, through the Special Board of Investigation, made a survey of all commercial continuities, covering the broadcasts of all radio stations during July 1934. The volume of returns received and the character of the announcements indicated that a satisfactory continuous scrutiny of current broadcasts could be maintained with a limited force and at small expense, by adopting a plan of grouping the stations for certain specific periods.

Consequently, beginning with September 1934, quarterly calls have been issued to individual radio stations according to their

licensed power and location in the five radio zones established by the Federal Communications Commission. These returns cover specified 15-day periods.

National and regional networks, however, respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.

Producers of electrical-transcription recordings submit regular weekly and monthly returns of typed copies of the commercial portions of all recordings manufactured by them for radio broadcast. As the actual broadcast of a commercial recording is not always known to the manufacturer of a commodity being advertised, the Commission's knowledge of current transcription programs is supplemented by special reports from individual stations from time to time, listing the programs of recorded transcriptions with essential data as to the names of the advertisers, and the articles sponsored.

The combined material received from the individual stations for specified periods, from the weekly returns on regional and national network broadcasts, and from the special transcription reports, furnishes the Commission with representative and specific data on the character of radio advertising which has proven of great value in its efforts to curb false and misleading trade representations.

During the last fiscal year, the special board received copies of 299,334 commercial broadcasts by individual radio stations and 38,109 commercial broadcasts by networks, or chain originating key stations. The broadcasts from the independent stations averaged 1½ pages each and from the networks 10 pages each.

The special board and its staff read and marked about 947,000 pages of typewritten copies during the year, an average of 3,105 pages every working day. Of these, 19,572 commercial broadcasts were marked as containing representations that appeared to be false or misleading. These broadcasts were assembled in 1,314 prospective cases for further review and procedure in instances that appeared to require it.

In its examination of advertising, the Commission's purpose is to prevent false and misleading representations. It does not undertake to dictate what an advertiser shall say, but rather indicates what he may not say. Jurisdiction is limited to cases which have a public interest as distinguished from a mere private controversy, and which involve practices held to be unfair to competitors in interstate commerce.

The Commission is receiving the helpful cooperation of the nearly 600 active commercial and radio stations and of newspaper and magazine publishers generally, and notes a desire on the part of these broadcasters and publishers to aid the Commission in the elimination of false and misleading advertising.

DENIAL OF STATION CHANGES RECOMMENDED

Broadcasting Station WSBT, South Bend, Ind., applied to the Federal Communications Commission to change its frequency from 1360 to 1010 kilocycles, to increase its power from 500 to 1,000 watts and to increase from sharing time to unlimited time. Also station WEMP, Milwaukee, Wis., asked to change its frequency from 1310 to 1010 kilocycles, to increase its power from 100 to 250 watts and 500 watts LS and to increase its operation time from daytime to unlimited time.

Examiner Melvin H. Dalberg in Report No. I-315 recommends that both of the applications be denied. The Examiner found that granting these changes would cause interference in both cases. He states that "the authorization of additional stations to regional facilities under circumstances such that their service will be limited to the extent described, is undesirable allocation practice and represents an uneconomic use of facilities involved."

ANNUAL CONVENTION

Under date of November 23rd the NAB office sent a mimeographed letter to members asking for suggestions as to what month would be most desirable for holding the 1937 Annual Convention. Since replies have been received from only about fifty per cent of the members you are urged to forward your preference at once.

RECOMMENDATION AGAINST WHAT CHANGE

Broadcasting station WHAT, Philadelphia, applied to the Federal Communications Commission asking that its frequency be changed from 1310 to 1220 kilocycles, and its power increased from 100 to 1,000 watts. It now shares time with WTEL and the application asked for full time operation.

Examiner Melvin H. Dalberg in Report No. I-317 recommended

that the application be denied. In connection with the recommendation of denying this application the Examiner says "it is unfortunate that the present operating assignment is unsatisfactory with respect to the irregular schedule of operating hours and restricted nighttime coverage which is involved, but it appears that the granting of this application would merely substitute other objectionable features in the place of these."

TEN KILOCYCLE SEPARATION

John B. Reynolds, acting secretary of the Federal Communications Commission is sending out the following statement in connection with the ratio of desired to undesired signals for 10 kilocycle separation between broadcast stations:

At the October 5th informal engineering hearing on broadcasting, recommendations were made by various participants as to the permissible ratio of desired to undesired signal between broadcast stations operating 10 kilocycles removed in frequency. These recommendations varied rather widely and in general would allow a much higher undesired signal than is now permissible under the present empirical standard of the Engineering Department. These empirical standards were adopted in 1932 and were based on the characteristics of receiving sets manufactured from 1929 to 1932. Since that time there has been a marked change in receiver characteristics and practically all receivers now manufactured for broadcast reception have superheterodyne circuits, whereas at that time the majority of receivers employed were of the tuned radio frequency type.

The present empirical standard requires that the desired signal be twice the undesired signal. This does not let the primary service areas of stations on adjacent channels overlap and requires a mileage separation between stations, depending on the power.

After carefully studying the recommendations made by the various engineers, the Engineering Department is not satisfied that this subject has been sufficiently investigated to accept any of the various recommendations made. The recommendations by certain engineers were based on receiver characteristics with regards to selectivity and apparently little consideration was given to the fidelity characteristics of the receivers.

There is no question but that a receiver can be designed and manufactured at a nominal cost that will separate a desired signal from an undesired signal 10 kilocycles removed in frequency when the intensity of the undesired signal is 50 to 100 times the desired signal. (In fact many receivers now on the market will do this.) But, in obtaining this selectivity the high frequency audio response of the receiver is materially reduced. The amount of the reduction varies widely with individual receivers. Therefore, before a new ratio of desired to undesired signal can be adopted as a standard for broadcast allocation, it will be necessary for the industry to assist the Commission in determining the maximum audio frequencies that are to be transmitted and received.

Under the present plan of allocation, stations separated by 10 kilocycles are also required to maintain a mileage separation; thus, two 1-kilowatt stations, 10 kilocycles removed in frequency, must be separated by 200 miles at night and two 50-kilowatt stations by 800 miles at night. This allocation provides for the transmission of all audio frequencies to 7.5 kilocycles and for the reception in the primary service area of frequencies to this value and in the secondary service area of frequencies to 5 kilocycles. If the ratio of desired to undesired signals of 1 to 10 or 50 be adopted, it is evident that this plan could no longer be retained and it would be necessary to require all broadcast stations to cut off all audio frequencies above, say, 5 kilocycles. Also, with the above stated ratio, broadcast stations of the same power, 10 kilocycles removed in frequency, could be placed in the same service area, and, thereafter it would not be possible ever to accomplish high fidelity transmission and reception on such stations.

W. B. Snow, in the July 1931 issue of the *Journal of the Acoustical Society of America*, gives a complete report on the frequency band that must be reproduced before sounds can be practically indistinguishable in quality from the original sound. It is shown that 90 percent of the observers considered the reproduced sound indistinguishable from the original sound when the frequencies between 90 cycles and 7500 cycles are faithfully reproduced. Stations transmitting this band without more than 2 to 4 percent harmonic distortion may be considered as accomplishing high fidelity transmission. When the higher frequencies were cut off at 5 kilocycles, 72 percent of the observers considered the reproduction satisfactory. The four network program systems employ telephone lines for distribution. These lines cut off at approximately 5000 cycles.

The following table shows the extent of the variation in the response at 3000 cycles and at 5000 cycles as compared to the

response at 400 cycles for the receivers used as a basis for the recommendations made in behalf of the National Association of Regional Broadcast Stations:

	3000 cycles	5000 cycles
G. E. E-71.....	—4	—11
Detrola 101A.....	—9	—20
Philco 37-89.....	—12	—24
RCA 6T2.....	—7	—20

A similar table based on the receiver data submitted at the hearing by Van Dyck on behalf of the National Broadcasting Company is as follows:

	3000 cycles	5000 cycles
Average of 36— 1935 receivers		
All price classes.....	—7	—15
Average of 47— 1936 receivers		
All price classes.....	—7	—17

The fidelity curves for the receivers used as a basis for the recommendations of the clear channel group were not submitted in evidence.

It is seen that these receivers were substantially down in response both at 3000 cycles and at 5000 cycles. The Engineering Department hesitates to recommend an allocation based on receiving sets of the selectivity and high frequency response as given without the assurance from the industry that it is unnecessary to reproduce faithfully frequencies above 3000 or 4000 cycles and that at 5000 cycles it is satisfactory to have the response down some 11 to 24 decibels below that at 400 cycles.

Unfortunately the characteristics of a receiver having an acceptance band of 10 kilocycles (audio frequency response to 5 kilocycles) are not available nor are characteristics of receiving sets having an acceptance band of 15 kilocycles (audio frequency response to 7.5 kilocycles) available. If the selectivity characteristics were known of receivers which had acceptance bands of these widths and if the audio response characteristics faithfully covered the same frequencies, then an allocation could be made based on the ratio of desired to undesired signal for such receivers. In other words, should we not base the allocation on receivers with the desired output characteristics, rather than on receivers of very poor output characteristics which do not approach the ideal and thus seriously limit development in the future?

Although broadcast stations are separated by only 10 kilocycles, by requiring an adequate geographical separation between stations on adjacent channels, it has been possible to permit transmission and reception of emissions with a frequency range greater than 5 kilocycles. Or, in other words, by maintaining certain geographical separation, it has been possible to accomplish an equivalent of a substantially greater frequency separation than 10 kilocycles in the primary service areas.

Figure 1, Curve 1, of a chart with this statement shows the distribution of audio energy per cycle for the average of 4 selections played by a 75-piece orchestra.¹ Curves 2, 3, 4, 5 and 6 are plotted for a 10-kilocycle separation between carriers with the undesired signal 0.5, 1, 2, 10 and 50 times the desired signal, and for similar modulation on the undesired station. From these curves, it is obvious that with the undesired signal 10 times the desired signal it would be necessary to prevent the transmission of audio signals above approximately 5 kilocycles because at 7800 cycles from the undesired carrier, the energy is the same as that at 2200 cycles from the desired carrier. This manifestly would produce hopeless monkey chatter.

The Engineering Department of the Commission wishes to ask the radio industry the following questions with respect to changing the policy of allocating broadcast stations 10 kilocycles removed in frequency:

1. The allocation of broadcast stations should provide for what maximum audio frequencies to be transmitted?
2. The allocation should provide for what maximum audio frequency reception in the primary service area? In the secondary service area? (Consider usual and variable selectivity receivers.)
3. What selectivity characteristics can be obtained from a receiver that will reproduce audio frequencies flat within 4 decibels, to 7.5 kilocycles? To 5 kilocycles?

¹See "Absolute Amplitudes and Spectra of Certain Musical Instruments and Orchestras" by L. J. Sivian, H. K. Dunn, and S. D. White, in the January 1931 issue of the *Journal of the Acoustical Society of America*.

4. Should the characteristics of the average receiver sold today, which is substantially limited in response above 3 to 4 kilocycles, be taken as a basis for a change in the present standard of desired to undesired signal?

5. Is not an allocation which provides for transmission of frequencies to 7.5 kilocycles, for reception of frequencies to 7.5 kilocycles in the primary service area, and for reception in the secondary service area to 4 or 5 kilocycles (or less as controlled by the selectivity control or the tone control of the receiver) a fair allocation?

6. Would not a substantial increase in the permissible undesired signal materially impair this allocation?

7. Is there any need to reduce materially the mileage separation between stations on adjacent channels so that the above conditions of transmission and reception can no longer be maintained?

8. If the industry decides that the characteristics of the various selective receivers now being manufactured should be taken as a basis of allocation for 10-kilocycles frequency separation, then does the industry accept the responsibility for all broadcast stations so allocated to be limited in transmission and reception to an audio response not exceeding 5 kilocycles?

Before changing the present engineering policy in these regards, the Engineering Department of the Communications Commission wishes to be assured that all interested parties are fully aware of the practical results which would be obtained and of the limitations which would then be imposed on broadcasting if the recommendations made on this subject at the October 5th hearing were followed. The Commission therefore requests all interested parties to participate in an informal conference (round table discussion with the Engineering Department) to be held at the office of the Commission in Washington, D. C., on January 18, 1937.

NORTH CAROLINA STATION RECOMMENDED

The *Asheville Daily News* filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station to be located at Asheville, N. C.

Examiner George H. Hill in Report No. I-318 recommended that the application be granted "on condition that an approved transmitter site is selected and also subject to compliance with Rule 132." The Examiner found that there appears "to be a definite need for the services of the proposed station and the tentative programs submitted appear to be well balanced and will serve the public interest." Any interference caused, the Examiner states, "would not be serious."

SECURITIES ACT REGISTRATIONS

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

- Halle Brothers Company, Cleveland, Ohio. (2-2651, Form A-2)
- Chicago Venetian Blind Co., Chicago, Ill. (2-2652, Form A-1)
- Trustees General Utilities Co., Jersey City, N. J. (2-2653, Form F-1)
- Wentworth Mfg. Co., Chicago, Ill. (2-2654, Form A-2)
- Committee Philip Schuyler Corp, bonds, Albany, N. Y. (2-2655, Form D-1)
- Zoller Brewing Company, Davenport, Iowa. (2-2656, Form A-1)
- Minneapolis Gas Light Co., Minneapolis, Minn. (2-2657, Form A-2)
- Transcontinental & Western Air Inc., Kansas City, Mo. (2-2658, Form A-1)
- Committee Skinner Mfg. Co., New York City. (2-2659, Form D-1)
- Investors Fund, Inc., New York City. (2-2660, Form A-2)
- Automobile Finance Co., Pittsburgh, Pa. (2-2661, Form A-1)
- The Clark Controller Company, Cleveland, Ohio. (2-2663, Form A-2)
- Lockheed Aircraft Corporation, Burbank, Calif. (2-2664, Form A-2)
- Filtrol Company of California, Los Angeles, Calif. (2-2665, Form A-2)
- R. G. Letourneau, Inc., Stockton, Calif. (2-2666, Form A-2)
- Globe Steel Tubes Co., Milwaukee, Wis. (2-2667, Form A-2)
- Purex Corporation, Ltd., Los Angeles, Calif. (2-2668, Form A-1)
- Pollock's Incorporated, Asheville, N. C. (2-2669, Form A-1)
- World Electric Appliance Corp., New York City. (2-2670, Form A-1)

Davidson-Boutell Company, Kansas City, Mo. (2-2671, Form E-1)
 American Hide and Leather Company, Boston, Mass. (2-2675, Form A-2)
 Seattle Times Company, Seattle, Wash. (2-2676, Form A-2)
 Newton P. Frye, et al., voting trustees of Community Public Service Company, Chicago, Ill. (2-2678, Form F-1)
 United Specialties Co., Detroit, Mich. (2-2681, Form A-1)
 Interstate Home Equipment Company, Inc., Providence, R. I. (2-2683, Form A-2)
 Mutual American Securities Trust, Boston, Mass. (2-2684, Form A-1)
 Carnegie Metals Company, Pittsburgh, Pa. (2-2685, Form A-1)
 The Weisbaum Bros.-Brower Company, Cincinnati, Ohio. (2-2687, Form A-2)
 Automatic Quotation Co., New York, N. Y. (2-2688, Form A-1)
 North American Investment Corporation, San Francisco, Calif. (2-2689, Form A-2)
 Bagdad Copper Corporation, Hillside Post Office, Arizona. (2-2690, Form A-1)
 Public Service Company of New Hampshire, Manchester, N. H. (2-2691, Form A-2)
 Michigan Silica Company, Rockwood, Mich. (2-2692, Form A-2)
 Romec Pump Company, Elyria, Ohio. (2-2693, Form A-1)
 American Fidelity and Casualty Co., Inc., Richmond, Va. (2-2694, Form A-2)
 Pacific Distillers, Inc., Culver City, Calif. (2-2695, Form A-1)
 Kentucky Valley Distilling Co., Louisville, Ky. (2-2696, Form A-1)
 Central Violeta Sugar Company, Havana, Cuba. (2-2697, Form E-1)
 Consumers Credit Corporation, New York City. (2-2699, Form A-1)
 Goldblatt Bros., Inc., Chicago, Ill. (2-2700, Form A-2)
 Sherrard Power System, Orion, Ill. (2-2703, Form A-2)
 National Tax Investment Corporation, Washington, D. C. (2-2704, Form A-1)

A. T. & T. AND RADIO

During the course of hearings this week by the Federal Communications Commission in connection with the American Tel. & Tel. investigation the Commission introduced a detailed report on the "Bell System Policies and Practices in Radio Broadcasting." The Commission's conclusions in this report include the following:

(1) The Bell System's original aim in the broadcasting industry, as defined in 1923, was to control, subject to limited concessions to Radio Corporation of America, General Electric Company, and Westinghouse Electric & Manufacturing Company, the manufacture and sale of radio transmitting equipment, operation of radio stations, and the wire facilities associated therewith.

(2) When it became apparent to the American Company that its rights under the License Agreement of July 1, 1920, were not, according to the views of the Referee in Arbitration (1924), as broad as at first anticipated, the Telephone Group (a) gave up its broadcasting business (1926); (b) granted General Electric Company, and others, equal rights with itself in the sale of transmitting equipment (1926); and (c) through the acquisition of exclusive patent rights (1926) and the continuance of certain practices (1923 to 1936) sought to make the furnishing of wire facilities an exclusive Bell System function.

(3) The Bell System used its position as a utility in control of extensive networks of local and long distance telephone circuits to protect the patents of American Telephone and Telegraph Company which were useful in the manufacture and sale of broadcasting apparatus. The American Company directed the Associated Telephone Companies to defend its patents by denying wire services to broadcasting stations not licensed under American Telephone and Telegraph Company's patents (1923 to 1928) without any contractual obligation on the part of the Associated Companies (according to the opinion of the Legal Department of American Telephone and Telegraph Company).

(4) Prior to July, 1926, New York Telephone Company denied network service to two or more stations, because it was the policy of American Telephone and Telegraph Company not to give such service. The American Company and Associated Companies were at the same time giving such service to the Bell-owned station WEAf. The New York Company protested such unequal treatment, but the American Company wished to retain this business for Bell-owned radio stations. Network service was given to non-Bell stations after American Telephone and Telegraph Company agreed to sell Station WEAf to Radio Corporation of America (July 1, 1926).

(5) The Bell System, under the aegis of the American Company, has refused to interconnect with the wire facilities owned by others, in order to eliminate competition in the furnishing of wire facilities for radio program transmission. Thus, the Bell System has used its strategic position in control of telephone circuits to extend and protect its control over the wire facilities necessary in transmission of radio programs.

(6) The Bell System, by virtue of its policy with respect to interconnections, limits the distribution of programs unless they are routed over Bell circuits exclusively.

(7) The Bell System has practiced discrimination in the exercise of its monopoly position and in the application of its policies in giving wire services to broadcasting stations, and with respect to interconnections with other wire-using companies. Although American Telephone and Telegraph Company licenses were required from broadcasting stations before they could obtain wires from the Associated Companies, in many cases exceptions were made, often with a view to public relations. Similarly, although refusal to interconnect Bell wires with those of others is a long-standing policy of the Bell System and is now incorporated in tariffs filed with the Federal Communications Commission, there have been many exceptions which permitted some radio stations to avail themselves of the less expensive telegraph company circuits, whereas others have been denied the same privilege.

(8) The Bell System incorporated the policies with respect to wire telephony used in conjunction with broadcasting in tariffs filed with the Federal Communications Commission, using these tariffs as arguments against modification of long-established policies.

(9) Various Bell Telephone Companies have allowed violations of their filed tariffs in specific cases with respect to interconnections. Thus, there has been discrimination by the Bell System in the application of their tariffs to different broadcasting stations.

(10) Certain Associated Bell Telephone Companies have amended their filed tariffs with the Federal Communications Commission to allow exceptions to their policies, thus giving rise again to discriminations between favored interests and others.

(11) The desire to prevent unfavorable publicity, and on occasion, uncertainty with regard to the legal foundations of the policies, have been principal reasons in the discriminatory application of policies and tariffs.

EDUCATIONAL RADIO CONFERENCE

It is estimated that about 1,000 persons attended the First National Conference on Educational Broadcasting, held at the Mayflower Hotel, the latter part of last week. The conference held many sessions, divided into various groups, and was addressed by well known persons in the radio and educational field.

Among those talking were Secretary of the Interior Harold Ickes; Anning S. Prall, chairman of the Federal Communications Commission, and John W. Studebaker, United States Commissioner of Education.

Among others who talked were: David Sarnoff, president of the Radio Corporation of America; George F. Zook, chairman of the executive committee of the conference; William Mather Lewis, president of Lafayette College; Prof. Arthur N. Holcombe, Harvard University; T. A. M. Craven, chief engineer of the Federal Communications Commission; C. B. Jolliffe, chief of the Frequency Bureau of the Radio Corporation of America; C. M. Jansky, Jr., consulting radio engineer; and many others.

Chairman Prall had the following to say:

There once wandered through the length and breadth of the land called Greece, a singer of songs and a teller of tales named Homer. Long years he, himself, traveled and sang. Many a time and oft were his tales repeated by himself and others, until at length—long after his death—all Greece could repeat the opening lines of his Iliad.

Today by virtue of the remarkable development of broadcasting his theme could be "featured" internationally and sent forth on the "winged words," of which he prophetically sung, to the ends of the earth and back again. Why make the suggestion? Because it points out the difference between the slow imperfect spread of knowledge through the ancient telling of tales and the instantaneous and ubiquitous reception of the modern broadcast, which is, in its essential details, still a telling of tales, a recital of facts, a stirring of emotions.

There remains the old magic of the human voice, its strong personal appeal, but to these have been added the new magics, the sorcery of music, the vividness of drama, the stark realism of the "March of Time." But what have such programs to do with education per se? Many of you have taken serious issue with so-called educational broadcasts of today. Many of you have implied that such programs have dealt too much with formal curriculum

topics only, prepared by teachers inexperienced in radio technique, without adequate funds and without adequate administrative and technical staffs, and with little or no time for preparation or rehearsal. That may be so. You educators should be the best judges.

Radio education has travelled a long road since its early pioneering. It has broadened its field and has slowly grown to a full recognition of its possibilities. My mission here is not to attempt to portray to you any solution. You are the experts and this meeting, I understand, has been called for the purpose of appraising the present status of educational radio, and of devising suggested means of improving it in the public interest. I do, however, desire to make a few random observations for what they may be worth.

An adequate conception of what radio can do for education in America demands a fair consideration and study of the three types of radio systems. There is the system common to many European countries, but best exemplified in Great Britain where sponsored programs are not a source of income, revenue being derived solely from a percentage of the annual license fee of ten shillings which all owners of receiving sets have to pay, and from proceeds from the sale of and advertising in British Broadcasting Corporation publications. There is no broadcast advertising.

It is my personal opinion that American listeners would not stand for the payment of a receiving set tax. It is my judgment that it would be most unpopular in this country. It is not the American way of accomplishing things.

I have said much in the past with respect to the so-called American system of broadcasting as compared with Government owned or operated systems. I shall not devote any considerable time to this subject today.

There is one fact, however, that I trust there may be no uncertainty about and that is the attitude of the Federal Communications Commission concerning the subject of educational broadcasting.

The Commission is sincerely interested in and is wholeheartedly supporting the movement looking toward the development of a comprehensible plan for education by radio. We believe it can be done. And, if in the final analysis, it fails to crystallize, it will not be because of any lack of cooperation on the part of the Commission.

The so-called American system of supporting a radio station or network by means of payments made to the broadcaster by sponsors of advertising programs is by no means confined to the United States. It is found in France, Italy, Norway, Poland, Spain, Turkey, Australia, Canada and all the South American states.

The two systems are found existing together in France, Irish Free State, Norway, Poland, Australia and Canada. In Germany and Russia, radio is an instrument of the state and under absolute control.

What is the outlook so far as it concerns the possibility of meeting the demands for educational broadcasting? There have been many theories on this as attested by the volume of testimony presented to the Federal Communications Commission in May, 1935, during the educational radio hearings. Following these hearings, a special committee of educators and broadcasting officials was appointed. This committee is the Federal Radio Education Committee. I believe you are all familiar with its scope and objectives.

Dr. John W. Studebaker, U. S. Commissioner of Education, was appointed chairman of this committee and is directing an experimental study of the entire broad subject, with the end in view of submitting to the proper parties at a later date a definite and all-embracing plan to cope with it.

This committee is functioning as an arm of the Federal Government. I am of the opinion that whatever conclusions you may reach at these sessions; whatever recommendations you may decide upon, should be conveyed to Dr. Studebaker's Committee, for it is functioning as the coordinating agency.

And at this time I would like to bring to your attention another matter of great import. From time to time various educational groups have proposed that additional facilities be allocated for educational broadcasting. I think it is only fair that I impress upon you ladies and gentlemen the fact that the broadcast band is rigidly limited. We must bear in mind that the practical application of the use of the radio spectrum does not permit unlimited facilities. At the present state of the art there are serious technical limitations which make available only a relatively few number of radio channels to supply a world-wide demand for communications. Not only must the United States share the radio spectrum with other nations, but we must also provide communication facilities for services which are dependent solely upon radio and

cannot use land line, such as, for example, ships and aircraft, where radio is an absolute necessity in connection with safety of life and property, as well as for communications.

Likewise it is essential that we provide radio spectrum facilities for direct communication between the United States and other nations of the world, a long established and wise policy of this Government. And, again not only are facilities in the radio spectrum used by the national defense and civilian departments of our Government, but they are also used most effectively in the combat of crime.

Therefore, in the consideration of the technical phases of the problem of education by radio, technicians should remember the needs of other worthy services, and endeavor to provide a practicable procedure which will permit the fullest use of radio by all. In the educational institutions of the country there are many fountains of science which contribute much toward the progress in the technical phases of the art of communications, and I have confidence that if these scholars, physicists and scientists in your educational institutions have a full understanding of the limitations with which we are now confronted, they will assuredly endeavor to find technical ways and means to overcome the obstacles. Because of these physical limitations, it is impossible to gratify the demands of all groups for facilities. The Commission, pursuant to the law, has adopted the definite policy of licensing stations for general service in the public interest. It does not license farm stations as such, or religious stations as such, or educational stations because they are in that category. If it did, then it probably would have to consider the licensing of stations to every conceivable type of educational, religious, fraternal or social organization.

The Communications Commission has but one real function to perform. That is to see that broadcasting facilities are used for the maximum benefit of all the people. We believe that we are meeting that mandate successfully at this time.

There is no doubt in my mind but that radio, properly used, can become an even greater instrument of instruction than the printing press since it provides a dramatic medium, not only because of its immediacy and directness but because it represents communication by the human voice.

You delegates assembled at this meeting are looking forward to a radio educational Utopia, I assume—one in which states, and cities in them, will sponsor educational broadcasts. I have observed that educators in this country usually look to Europe as an example of what might be accomplished in this country. Therefore, an overview of the present educational use of radio in Europe may prove interesting.

The following summary is made by Arthur R. Burrows, Director of the International Broadcasting Union at Geneva:

"A special feature of an ever growing number of European countries is school broadcasting—that is, the systematic broadcasts to the schools, during school hours, of talks by recognized experts, and of musical and dramatic performances directly associated with the educational courses. These talks are arranged several months in advance of their broadcasts, after the closest possible collaboration with all the interested educated groups. The teachers in charge of classes taking these broadcasts are provided with specially prepared and profusely illustrated pamphlets to enable them to supplement the broadcast material. No attempt is made to displace the existing educational machinery, but only to give to the children the stimulating experiences of experts, which naturally gain by first-hand presentation. It would appear from recent reports that certain technical difficulties in the reception of school broadcasts have not yet been entirely surmounted. Nevertheless, there are tens of thousands of schools in Europe today where the broadcast programs are eagerly anticipated." (A. R. Burrows. *Broadcasting Outside the United States, Radio the Fifth Estate.*)

Other speakers at this session unquestionably are prepared to discuss European educational methods. They warrant consideration. But you must keep in mind that Europe's problems are not America's; that Europe's radio is not America's; that Europe's tastes differ widely from our own, and that in attempting to devise improvements in educational broadcasting in this country you must take into account those practical considerations, and forget illusory plans that cannot succeed in the United States where they might in other nations.

And in considering potential expansion of education's use of radio, I assume you educators have in mind the possibilities of linking present broadcast facilities with television. This is staggering to the imagination. Think for an instant of the tremendous emotional reaction that would result from a televised broadcast of actual conditions in Spain today!

The consideration—in a free America—of the potentialities of

radio in the development of public opinion, offers opportunity for intriguing speculation. That is, of course, nothing more nor less than "propaganda" and today propaganda has a sinister connotation. Yet propaganda, radio's greatest function in Germany and Russia, can spread the ideas and ideals of America, can "sell" America to Americans and thus forge a weapon of national unity that no other agency can create. Why cannot propaganda be used for good as well as directed to evil ends? Who are so well equipped as those engaged in the education of our youth to guarantee an unselfish, idealistic and patriotic extension through radio of the ideals of citizenship, which they are now engaged in presenting in the narrower field of their individual classrooms?

Radio offers an outlet to the more gifted of these educators and to them affords a national audience. Is there a danger here, perhaps, or cannot a nation of one hundred and thirty millions achieve a common ground of national ideals, devoid of partisanship and divorced from foreign propaganda, and having achieved such common ground, cannot that nation build upon it a stronger patriotism, a finer citizenship? Here—to me—is radio's real and greatest educational opportunity.

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 3008. False representations concerning the therapeutic effects of electric belts and electric insoles manufactured and sold by **The Electric Appliance Co., Burlington, Kans.**, are alleged in a complaint against that company. The respondent company's practices are said to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Advertisements appearing in newspapers, magazines and circulars allegedly represent that the company's electric belt is effective in the treatment of nervous disorders, rheumatism, diseases of the heart, liver and kidneys, and other ailments, and that the electric insoles are effective in treating rheumatism, cramps, cold and sweaty feet, and gout.

No. 3009. **Wain's Laboratory, Inc.**, 1500 N. Vermont Ave., Los Angeles, is charged in a complaint with use of unfair methods of competition in connection with the sale of a medicinal preparation offered as a treatment for asthma, hay fever and bronchial ailments and designated "Wain's Compound."

The respondent company is said to advertise that "Wain's Compound" is a new and startling remedy, competent in the treatment of hay fever, asthma and bronchial ailments; that it has overcome asthma and hay fever for thousands of sufferers, and is free from all dangerous drugs, opiates and heart depressants.

According to the complaint, the preparation is not an accepted or effective remedy for hay fever, although it is to some degree a competent treatment for minor bronchial irritations; it is an old, commonly-known compound, and the assertion that it is a new and startling remedy is erroneous.

No. 3010. Charging unauthorized appropriation of a well-known trade name, a complaint has been issued against **Philadelphia Rubber Waste Co.**, a Delaware corporation, of Philadelphia, and a partnership including **Albert Schwartz**, in charge of the corporation's business in Philadelphia; **Isadore M. Engel**, in charge of the partnership's Washington, D. C., store, and **Simon Sperberg**, in charge of the partnership's Richmond, Va., store. The partnership distributes the corporation's products and trades under the names **Phileo Rubber Co.**, **Phileo Rubber Sales Co.**, **Phileo Auto Supply**, **Phileo Auto & Rubber Supply**, and **Phileo Spark Plug Co.**

Manufacturing and selling tire patches, tire reliners, spark plugs, inner tubes, and other accessories, the respondents are alleged to have used the word "Phileo" as a trade name or brand for their products, having adopted this name at a date long subsequent to its adoption and use by the Philadelphia Storage Battery Co., manufacturer and distributor of radio and television receiving and broadcasting equipment and other apparatus under the name "Phileo."

No. 3013. Charging unfair competition through use of misleading trade representations, a complaint has been issued against **Jean G. Subin**, **Israel Subin** and **John N. Kinderman**, of 131 Market St. and 301 Green St., Philadelphia, trading as **American Remedy Co.**

In the sale of aspirin, the respondents are alleged to have represented it as "American Purest Aspirin", tending to lead the public

into believing that the product was the purest aspirin obtainable in America, when according to the complaint, this was not true.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2426. **James Van Dissen Distilling Co.**, 1401 Boyd St., Los Angeles, has been ordered to discontinue representing, through use of the word "Distilling" in its corporate name, on labels, or in any other manner, that it is a distiller of whiskies, gins or other spirituous beverages; that it manufactures such products through the process of distillation, or that it owns or operates a place where it distills spirituous beverages, unless and until it shall actually own or operate such a place.

No. 2677. **Fall River Wholesale Grocers' Association** and nine member firms, of Fall River, Mass., have been served with a cease and desist order prohibiting any understanding, agreement or combination in restraint of trade. The respondents are wholesalers of groceries in the Fall River region which includes part of Rhode Island.

Under the order, the respondent association and its members are directed to stop adopting, enforcing or attempting to put into effect any understanding, agreement, combination or conspiracy among and between themselves to restrict and eliminate competition in the sale of grocery products by interfering with the source of supply of retailers.

The respondents, in answering the Commission's complaint, had refused to admit that they interfered with the sources of supply of wholesale grocers, as alleged in the complaint, and the Commission's order contains no reference to unfair competition on the part of the respondents with non-member wholesalers, as alleged in the complaint.

The order also prohibits the respondents from persuading, threatening or coercing manufacturers to distribute their products only through wholesalers and to refrain from dealing with retailers.

Wholesale grocers named as respondents are: **Allen Slade & Co.**, **American Wholesale Grocery Co.**, **Chabot Bros.**, **Fall River Economy Wholesale Grocery Co.**, **Fall River Paper & Supply Co.**, **Joseph Horvitz & Co.**, **New England Wholesale Grocery Co.**, **Portuguez Wholesale Grocery Co.**, and **Roy Paper Co.**, all of Fall River, Mass.

No. 2701. **George Landon** and **M. M. Warner**, trading as **Landon & Warner**, 360 N. Michigan Ave., Chicago, have been ordered to discontinue advertising that an elastic, fabricated abdominal belt designated "Director", which they sell in interstate commerce, will permanently reduce the waistline, eliminate excess fat around the abdomen, or that it provides a remedy or constitutes a safe, efficacious method of treatment for abdominal obesity.

Representations that the wearing of the belt will produce results formerly obtained by massage and exercise, or cure constipation without use of irritating cathartics, are prohibited.

No. 2721. **R. M. Barnett**, of Philadelphia, trading as **Home and School Education Society**, has been ordered to cease and desist from making unfair representations in the sale of an encyclopedia set, a loose-leaf extension service and memberships in a "Perpetual Bureau of Research". Barnett has headquarters in the Real Estate Trust Building, Philadelphia.

Among representations prohibited are that the encyclopedia known as "Source Book" is given free to subscribers to the loose-leaf service, and that the total cost of both is less than the amount actually charged therefor.

Advertisement that a staff of educators, writers, photographers and illustrators is maintained in every part of the world to prepare a review of current events, is prohibited in the order, as is the assertion that the respondent Barnett maintains a research bureau to give subscribers information on any question.

The order also bars the representation that the respondent Barnett maintains a competent staff to whom are available the expert services of teachers who are authorities in every branch of education, and that the services of such staff and the entire list of editors and contributors to the work are available to purchasers.

No. 2793. **Premier Peat Moss Corporation**, 150 Nassau St., New York City, has been ordered to cease and desist from certain unfair competitive methods in the sale of imported peat moss to wholesalers and retailers. Peat moss is used as a soil conditioner.

Among the practices prohibited is the misrepresentation of statistics of the United States Government with respect to the supply of, demand for, and quality or merits of the respondent company's products as compared with competing peat moss.

Also barred by the order is the use in advertisements of analyses or tests of the merits of the respondent company's own and com-

peting peat moss, with the representation, express or implied, that such analyses or tests were made by or under the supervision of, or had the United States Government's approval, when this was not a fact.

No. 2796. Lumber Mills Co., 11 S. LaSalle St., Chicago, selling sash, windows, doors, molding and mill work made from wood, has been ordered to cease and desist from using the words "White Pine" or the letters "W. P." to designate lumber products manufactured from trees of any species other than *Pinus Strobus*; and from representing through use of such words or letters, that products manufactured from wood of the tree species *Pinus Ponderosa*, or from any species other than *Pinus Strobus*, are made from white pine.

The respondent company is directed to discontinue representing in its business or advertising literature through use of the word "Mills", alone or with words of similar meaning, that it is the manufacturer of the products which it sells or that it owns or controls any mills in which such products are made.

No. 2817. Discontinuance of certain unfair methods of competition in connection with the sale of St. Joseph Aspirin has been directed in an order to cease and desist entered against **Plough, Inc., Memphis, Tenn.**

Prohibited by the order are representations in advertising matter and in radio broadcasts that the respondent company's product gives quicker relief than other aspirin and is the "best thing in the world" to stop pain; that it is fully effective for pains and colds and always brings prompt relief to sufferers from such conditions, and that it exceeds in purity and accuracy of ingredients the rigid standards set by the United States Government.

No. 2820. An order has been entered directing **Jean Vivadou and Henry G. Lubin, trading as Jean Vivadou Co.** and dealing in toilet sundries, to cease representing, through use of the word "Paris" on letter heads and in advertising matter, that they own or maintain offices, branches or factories at Paris, France, or in any other city where they do not actually own or maintain such establishments. Findings are that the respondents' principal and only place of business is at 135 W. 20th St., New York City.

In connection with the sale of a toilet article advertised as a "Swansdown Puff", the order prohibits the respondents from representing an article made of maribou feathers as being swansdown, and from using the term "Swansdown" with the word "Puff" to designate an article which is not manufactured from the down of a swan or from the specially prepared skin of a goose with its original down attached.

FTC DISMISSES CASE

No. 2661. The Federal Trade Commission has ordered dismissal and closing of its case in the matter of **Chattanooga Automotive Jobbers' Association, of Chattanooga, Tenn.,** and others, and **Tennessee Automotive Jobbers' Association, of Knoxville, Tenn.,** and others, charged with entering into understandings and conspiracies to fix and maintain uniform prices for automobile parts and accessories and with boycotting customers and manufacturers, and other practices.

The Commission's action was ordered following dissolution of the two associations. The order noted that it also appeared the officers, directors and members of the Tennessee Automotive Jobbers' Association had not engaged in the practices charged in the complaint.

The complaint was dismissed as to both associations and as to members of the Tennessee association, but, as to individual and company members of the Chattanooga association, the case was closed without prejudice to the right of the Commission, should the facts so warrant, to reopen and resume prosecution of the complaint.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 21

HEARING BEFORE AN EXAMINER (Broadcast)

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, specified hours.

Because of the holidays there will be no further meeting of the Broadcast Division of the Commission until January 5.

APPLICATIONS GRANTED

- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.**—Granted C. P. to install new transmitter.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.**—Granted C. P. to move transmitter site locally, install vertical radiator and new equipment.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.**—Granted C. P. to change transmitter site locally and install vertical radiator.
- KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.**—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.
- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.**—Granted C. P. to make change in composite equipment, and increase day power from 2½ to 5 KW.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.**—Granted C. P. to make changes in equipment.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.**—Granted license to cover C. P. authorizing changes in equipment.
- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.**—Granted license to cover C. P. for installation of new equipment.
- KVCV—Golden Empire Broadcasting Co., Redding, Calif.**—Granted license to cover C. P. authorizing new station; 1200 kc., 100 watts, unlimited.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.**—Granted license to cover C. P. as modified for changes in transmitter location; installation of directional antenna and new equipment; increase day power from 1 to 5 KW; 570 kc., 1 KW night, unlimited. Also granted authority to determine operating power by direct measurement of antenna input.
- KRKO—Lee E. Mudgett, Everett, Wash.**—Granted license to cover C. P. for installation of new transmitter.
- WHEC—WHEC, Inc., Rochester, N. Y.**—Granted license to cover C. P. as modified for local move of transmitter and installation of new equipment and vertical radiator.
- WHFC—WHFC, Inc., Cicero, Ill.**—Granted license to cover C. P. for changes in equipment, installation of vertical radiator, increase in day power to 250 watts, change time of operation from specified hours to unlimited; 1420 kc., 100 watts night, 250 watts day.
- WAWZ—Pillar of Fire, Zarephath, N. J.**—Granted license to cover C. P. for installation of new transmitter and antenna.
- KFVD—Standard Broadcasting Co., Los Angeles, Calif.**—Granted license to cover C. P. for installation of new equipment.
- KGHI—Arkansas Broadcasting Co., Little Rock, Ark.**—Granted C. P. to move transmitter locally and install vertical radiator.
- KVOR—Out West Broadcasting Co., Colorado Springs, Colo.**—Granted C. P. to install new transmitter.
- KCKN—WLBK Broadcasting Co., Kansas City, Kans.**—Granted license to cover C. P. for changes in equipment.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.**—Granted license to cover C. P. for changes in transmitter location to 4½ miles northwest of city and erection of vertical radiator.
- KTEM—Bell Broadcasting Co., Temple, Tex.**—Granted license to cover C. P. for new station; 1370 kc., 100 watts, daytime only.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.**—Granted license to cover C. P. for move of transmitter site locally and installation of vertical radiator.
- WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.**—Granted license to cover C. P. for changes in equipment; change in transmitter location to town of Allegany, N. Y.; change frequency from 1420 kc. to 1400 kc.; and increase day power from 100 watts to 250 watts.
- WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.**—Granted license to cover C. P. for change in transmitter site to Darwin Ave. and Valley Drive; installation of new equipment and directional antenna system; and increase in power from 250 watts to 1 KW, unlimited.
- WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.**—Granted modification of C. P. approving antenna and transmitter site at 113-115 Third St.
- WSYR-WSYU—Central New York Broadcasting Co., Syracuse, N. Y.**—Granted modification of C. P. as modified for extension of completion date to 1-1-37.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Granted authority to make changes in automatic frequency control equipment.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted authority to install automatic frequency control.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted extension of present license for a period of 2 months.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted special temporary authority to use equipment authorized to operate with 500 watts pending installation of new antenna system.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted license to cover C. P. for change in transmitter and studio location to John Brown University, Siloam Springs; install new equipment, and increase day power from 1 to 2½ KW; 1260 kc.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted modification of C. P. approving transmitter site at 26th St. and Crescent Road, and set for hearing application to increase time of operation from daytime to limited, sunset at Abilene, Kans.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted modification of license to make changes in antenna and increase night power from 500 watts to 1 KW.

KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted voluntary assignment of license to KCMO Broadcasting Co.; 1370 kc., 100 watts, S.H. (SA for unlimited time).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted authority to transfer control of corporation from Marion K. Gilliam to Floyd Williams; 550 kc., 500 watts daytime.

NEW—National Broadcasting Co., Inc., New York City.—Granted modification of extension of authority to transmit recorded programs to all broadcast stations under control of Canadian authorities that may be heard consistently in the U. S.

W9XPY—American Broadcasting Corp. of Kentucky, Mobile, Lexington, Ky.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 10.5 watts.

NEW—American Broadcasting Corp. of Kentucky, Mobile, Lexington, Ky.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 2 watts.

KOOS—Tribune Printing Co., Jefferson City, Mo.—Granted modification of C. P. approving transmitter site at St. Mary's Blvd., and studio location at 400 E. Capital St., and approving new equipment and vertical radiator.

NEW—Keystone Broadcasting Corp., Mobile, Harrisburg, Pa.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 50 watts, unlimited.

NEW—Keystone Broadcasting Corp., Mobile, Harrisburg, Pa.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 5 watts, unlimited.

NEW—Roy L. Albertson, Mobile, Buffalo, N. Y.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600 kc. and 40600, 2.5 watts, unlimited.

NEW—Symons Broadcasting Co., Mobile (Spokane, Wash.).—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 15 watts, unlimited.

NEW—WSMB, Inc., Mobile (New Orleans, La.).—Granted C. P. for relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 40 watts.

NEW—WSMB, Inc., Mobile (New Orleans, La.).—Granted C. P. for relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 40 watts.

WBAM—Bamberger Broadcasting Service, Inc., Mobile, Newark, N. J.—Granted modification of C. P. to make changes in equipment and increase power to 30 watts. Also granted license to cover same.

WBAN—Bamberger Broadcasting Service, Inc., Mobile, Newark, N. J.—Granted modification of C. P. for changes in equipment and reduction in power from 50 to 30 watts. Also granted license covering same.

WJLF—WBNS, Inc., Mobile (Columbus, Ohio).—Granted license to cover C. P. for new station; frequencies 1646, 2090, 2190 and 2830 kc., 20 watts.

W3XAD—RCA Mfg. Co., Inc., Portable, New York, N. Y.—Granted license for portable television broadcast station for relaying television programs from one plant to another (W3XAD and W3XAL formerly used for aural broadcast

deleted under new rules); frequencies 124000-13000 kc., 500 watts.

WENA—Westinghouse Electric and Manufacturing Co., Mobile (Chicopee Falls, Mass.).—Granted C. P. for new relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc., 15 watts. Also granted license covering same.

WGBD—WBNS, Inc., Mobile (Columbus, Ohio).—Granted license to cover C. P. for new relay broadcast station; 1646, 2090, 2190 and 2830 kc., 3 watts.

W8XAB—Olean Broadcasting Co., Inc., Mobile (Olean, N. Y.).—Granted license to cover C. P. for new relay broadcast experimental station; frequencies 31100, 34600, 37600 and 40600 kc., 25 watts.

W8XKC—Miami Valley Broadcast Corp., Mobile (Dayton, Ohio).—Granted license to cover C. P. for new relay broadcast station; frequencies same as above, 40 watts.

RENEWAL OF LICENSES

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

KORE, Eugene, Ore.; WMFO, Decatur, Ala.; WNBK, Binghamton, N. Y.; WOC, Davenport, Iowa; WPAD, Paducah, Ky.; WPAR, Parkersburg, W. Va.; WPAY, Portsmouth, Ohio; WRAC, Williamsport, Pa.; WRGA, Rome, Ga.; WRJN, Racine, Wis.; KBIX, Muskogee, Okla.; KFGQ, Boone, Iowa; KFJM, Grand Forks, N. Dak.; KIUP, Durango, Colo.; KPCL, Lake Charles, La.; KPQ, Wenatchee, Wash.; WABY, Albany, N. Y.; WAGF, Dothan, Ala.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCHV, Charlottesville, Va.; WEED, Rocky Mount, N. C.; WJBK, Detroit, Mich.; WJBO, Baton Rouge, La.; WKBV, Richmond, Ind.; WLEU, Erie, Pa.; WLLH, Lowell, Mass.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMBR, Jacksonville, Fla.; WMFD, Wilmington, N. C.; WMFJ, Daytona Beach, Fla.; WNLC, New London, Conn.; KABC, San Antonio, Tex.; KABR, Aberdeen, S. Dak.; KALB, Alexandria, La.; KCKN, Kansas City, Kans.; KFTZ, Fond du Lac, Wis.; KFJZ, Fort Worth, Tex.; KFRO, Longview, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFL, Roswell, N. Mex.; KGGC, San Francisco; KGIW, Alamosa, Colo.; KGKB, Tyler, Tex.; KGKY, Scottsbluff, Nebr.; KGKL, San Angelo, Tex.; KICA, Clovis, N. Mex.; KIDW, Lamar, Colo.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNEL, Brady, Tex.; KNET, Palestine, Tex.; KRE, Berkeley, Calif.; KRLC, Lewiston, Idaho; KRNR, Roseburg, Ore.; KVL, Seattle; KWYO, Sheridan, Wyo.; WDAS and auxiliary, Philadelphia, Pa.; WFOR, Hattiesburg, Miss.; WIBM, Jackson, Mich.; WJMS, Ironwood, Mich.; WKEU, Griffin, Ga.; WLAP, Lexington, Ky.; WSYB, Rutland, Vt.; WTMV, E. St. Louis, Ill.; WWRL, Woodside, L. I.; WWSW, Pittsburgh, Pa.

The following stations were granted renewal of licenses on a temporary basis subject to whatever action may be taken by the Commission upon pending applications for renewals:

KVOE, Santa Ana, Calif.; KXL, Portland, Ore.; WMBQ, Brooklyn, N. Y.

WGPC—Americus Broadcast Corp., Albany, Ga.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the renewal application of this station and upon the application of H. Wimpy.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted renewal of license for the period ending June 1, 1937.

APPLICATIONS DISMISSED

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

NEW—Berks Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

NEW—R. E. Chinn, Moorhead, Minn.—C. P., 1500 kc., 100 watts, unlimited.

NEW—Julius Brunton & Sons Co., San Jose, Calif.—C. P., 970 kc., 250 watts, daytime.

KQW—Pacific Agr. Foundation, Ltd., Sacramento, Calif.—C. P., 1010 kc., 1 KW, 5 KW LS, unlimited.

KVOD—Colorado Radio Corp., Denver, Colo.—Modification of license, 630 kc., 500 watts, unlimited.

APPLICATIONS DENIED

- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Denied special temporary authority to operate with power of 100 watts, daily except Friday, Saturday and Sunday, 7:30 to 9 a. m., 11:30 a. m. to 2 p. m., 4:30 to 7 p. m.; Friday and Saturday, 7:30 to 9 a. m., 11:30 to 2 p. m., 4:30 to 8 p. m., EST, for period not to exceed 30 days.
- KUOA—KUOA, Inc., Siloam Springs, Ark.—Denied special authority to operate with power of 5 KW from midnight to 6 a. m., CST, for a period not to exceed 10 days, to broadcast special test program.

SET FOR HEARING

- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Hearing before Broadcast Division on application for modification of license to increase nighttime power to 5 KW, with directional antenna.
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Hearing before Broadcast Division on application for modification of license to increase nighttime power from 1 KW to 5 KW.
- NEW—Wm. W. Ottaway, Port Huron, Mich.—Application for C. P. for new broadcast station at Port Huron, Mich., to operate on 1370 kc., 250 watts, daytime only. Transmitter and studio sites to be determined with Commission's approval.
- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other states, Rev. R. Kretschmar, Chairman of Board of Control of Concordia Seminary, Clayton, Mo.—Application for C. P. to install new equipment and directional antenna system for nighttime operation; increase night power from 500 watts to 1 KW, day power from 1 KW to 5 KW; and increase time of operation from sharing with KSD to one-half time.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Hearing before Broadcast Division on application as amended 11-17-36 for C. P. to install new equipment and vertical radiator and increase power from 100 watts daytime only to 5 KW night, 5 KW day, limited to sunset at Chicago. Site to be determined.
- WSOC—WSOC, Inc., Charlotte, N. C.—Application for C. P. to move transmitter site locally; install new equipment, with directional antenna system for nighttime use; change frequency from 1210 kc. to 600 kc.; increase power from 100 watts night, 250 watts day, to 250 watts night, 1 KW day, unlimited.
- KFPL—WFTX, Inc., Dublin, Tex.—Application for C. P. to move KFPL from Dublin, Tex., to Wichita Falls, Tex., as well as to install new equipment and vertical radiator, and change frequency from 1310 kc. to 1500 kc.
- KFPL—C. C. Baxter, Dublin, Tex.—Application for voluntary assignment of license of KFPL to WFTX, Inc., a Texas corporation.
- NEW—Chase S. Osborn, Jr., Fresno, Calif.—Application for C. P. for new broadcast station at Fresno, Calif., to operate on 1440 kc., 500 watts, unlimited, exact transmitter site to be determined with Commission's approval.
- NEW—George W. Taylor Co., Inc., Williamson, W. Va.—Application for C. P. for new broadcast station at Williamson, W. Va., to operate on 1210 kc., 100 watts, daytime only.
- KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Hearing before Broadcast Division on application for C. P. to make changes in equipment and increase power from 50 KW to 500 KW.
- NEW—Faith Broadcasting Co., Inc., Wichita Falls, Tex.—Application for C. P. for new broadcast station at Wichita Falls, Tex., to operate on 1380 kc., 1 KW, unlimited time. Transmitter and studio sites and antenna are to be approved.
- WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Application for modification of C. P. to increase maximum rated carrier power of equipment and increase daytime power from 100 watts to 250 watts.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Application for authority to transfer control of corporation from Clarence H. Taubel to John Iraci. Also application requesting facilities of WRAX to which licensee of WRAX has consented.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Application for authority to transfer control of corporation to John Iraci.

- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Application for modification of license to change hours of operation from sharing time with WRAX to unlimited.
- WIRE—Indianapolis Broadcasting Co., Indianapolis, Ind.—Application for transfer of control of corporation from William E. Vogelback and Douglas E. Kendrick to Central Newspapers, Inc. WIRE operates on 1400 kc., 500 watts night, 1 KW day, and has a C. P. for 1000 watts night, 5000 watts day.

SPECIAL TEMPORARY AUTHORIZATIONS

- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted special temporary authority to operate from 11 p. m. until 1 a. m., EST, on Tuesday, Thursday, Saturday and Sunday nights, using 50 watts power, for remainder of December in order to use station's facilities to raise food and supplies for unfortunates of Hagerstown; also to operate unlimited time nights of December 24 and 31, 1936, in order to broadcast special features, with 50 watts.
- KGFX—Mrs. Dana McNeil, Pierre, S. Dak.—Granted special temporary authority to Mrs. Dana McNeil to operate station for period beginning December 16, 1936, and ending in no event later than January 14, 1937, pending action on application for consent to involuntary assignment of license.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night, during month of January, 1937, pending filing of and action on license application to cover construction permit for this authority.
- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted special temporary authority to operate with reduced power of 250 watts for period of 4 days beginning December 18, 1936, while certain changes in the transmitting equipment are being made pursuant to C. P.
- WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 6:30 p. m. to 7 p. m., EST, on Sundays during month of January, 1937 (provided WBBL remains silent), in order to broadcast special programs.
- KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to remain silent from 9:30 p. m. on Friday, December 18, 1936, until 6:45 a. m., PST, Monday, January 4, 1937, in order to make changes and improvements in equipment preparatory to operating on 5 KW as authorized by C. P.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 p. m. to 11:30 p. m., MST, Tuesday, December 15, 22, 29, 1936, in order to broadcast wrestling and boxing bouts.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, January 5, 6, 7, 11, 12, 13, 14, 18 and 19, 1937, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF—Hugh J. Powell and Stanley Platz, d/b as Power & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, January 21, 26 and 28, 1937, and from 8:15 p. m. to 9:15 p. m., CST, January 20 and 27, 1937 (provided WNAD remains silent), so that WNAD may remain silent during University examinations and the vacation between semesters.
- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted special temporary authority to remain silent all day Christmas Day, Friday, December 25, 1936.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce hours of operation to 1½ hours per week during the period of Christmas holidays at Luther College, beginning December 19, 1936, and ending in no event later than January 5, 1937.
- WOW—Woodman of the World Life Insurance Company, Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW at night for period beginning December 28, 1936, and ending in no event later than January 26, 1937.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, for period ending in no event later than December 25, 1936, in order to broadcast talent programs, asking listeners for donations of food to fill baskets for American Legion.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with station WLBC from 7:30 p. m. to 8:30 p. m., CST, Tuesday, December 22, 1936, for purpose of presenting a Christmas program, and from 7:30 p. m. to 10 p. m., CST, Wednesday, December 30, 1936, in order to broadcast La Porte-Elkhart High School basketball game.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted special temporary authority to operate unlimited time nights of December 21, 22, 23 and 24, 1936, in order to broadcast programs for charity in behalf of the United Civic Societies and business men of Chattanooga.

WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m., CST, Thursday, December 31, 1936, until 1 a. m., CST, Friday, January 1, 1937, in order to broadcast special New Year's Eve program.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for period beginning December 27, 1936, and ending in no event later than January 25, 1937.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate unlimited time Wednesday, December 16, 1936, in order to broadcast a testimonial banquet in honor of the entire state ticket, to be held in the Pavilion Royale, and to operate unlimited time Tuesday, December 29, 1936, in order to broadcast a testimonial banquet in honor of Gov. Wilbur L. Cross, to be held at Hotel Taft.

WPAX—H. Wimpy, Thomasville, Ga.—Granted special temporary authority to operate from 5:30 p. m. to 10 p. m., EST, the night of Sunday, December 27, 1936, in order to broadcast a special farewell address and church service of Rev. Ansley G. Moore of Presbyterian Church of Thomasville.

KGDM—E. F. Pepper, Stockton, Calif.—Granted special temporary authority to operate from local sunset (4:45 p. m.), PST, December 29, 1936, until 1 a. m. PST, December 30, 1936, and from local sunset, December 30, 1936, until 1 a. m., PST, December 31, 1936, in order to bring to listeners in the Central Valley (known as Sacramento-San Joaquin Valleys) the inaugural program of KGDM when it becomes an affiliate of Don-Lee Mutual Broadcasting System.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate nights from 8 to 10 p. m., CST, December 8 to January 1, pending compliance with C. P. granted for 250 watts day, unlimited time.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted equipment test period extension for 10 days from December 6; no tests to be made from 4 to 4:20 a. m., EST, December 12, due to monitoring schedule.

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted extension of program test period for 30 days from December 6.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted extension of program test period for 30 days from December 12.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of program test period for 30 days from December 12.

KFRU—KFRU, Inc., Columbia, Mo.—Granted extension of program test period for 30 days from December 18.

WHFC—WHFC, Inc., Cicero, Ill.—Granted extension of program test period for 30 days from December 11.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted extension of program test period for 30 days from December 7.

WTAW—Agr. and Mech. College of Texas, College Station, Tex.—Granted extension of special temporary authority to suspend operation beginning December 12 and ending December 21, 1936, pending rebuilding of transmitter and installation of automatic frequency control apparatus.

The Division granted the petition of Fred A. Baxter in so far as it requests cancellation of oral argument scheduled to be held on his application for C. P. to erect a new station at Superior, Wis. (Docket No. 3358); and denied the petition in so far as it requests a grant of said application.

The Broadcast Division denied the motion of Ted R. Woodward requesting that the Commission strike the appearance filed by Lincoln Memorial University in connection with that University's application (Docket No. 4064) and granted the petition of Ted R. Woodward for an extension of time of 10 days from December 5 within which to file his answer to the appearance of said applicant.

The Broadcast Division granted the motion of the Brooklyn Daily Eagle Broadcasting Co., Inc., for leave to file late answer as respondent in the proceedings pending upon the application of State Broadcasting Corp. (WNBC), New Britain, Conn. (Docket No. 2917).

The Broadcast Division granted the petition of May Seed and Nursery Co. (KMA), Shenandoah, Iowa, requesting authority to intervene in the proceedings on the application of City Broadcasting Corp. (WELI), New Haven, Conn., for modification of license (Docket No. 3761).

The Broadcast Division denied the petition of the Educational Broadcasting Corp. (KROW), Oakland, Calif., requesting authority to intervene in the hearing upon the application of City Broadcasting Corp. (WELI), New Haven, Conn.

The Broadcast Division granted the petition of Harold Thomas requesting authority to intervene in the proceedings upon the application of Lawrence K. Miller, Pittsfield, Mass., for a C. P. (Docket No. 4187).

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rep. 1-259: Kidd Brothers (K. K. Kidd and A. C. Kidd), Taft, Calif.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, daytime. Order effective February 2, 1937. Examiner R. H. Hyde reversed.

NEW—Ex. Rep. 1-320: WRBC, Inc., Youngstown, Ohio.—Denied, as in cases of default, application for C. P. for new station to operate on 890 kc., 1 KW, unlimited time. Examiner R. H. Hyde sustained.

MISCELLANEOUS

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Denied petition to grant, without a hearing, application for modification of C. P. to make changes in equipment and increase daytime power to 250 watts.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Granted petition for continuance of hearing on its application for C. P. to erect a new station at Palo Alto, to operate on 1160 kc., 250 watts, daytime only, from January 11, 1937, to first week in March, 1937, date to be fixed by Docket Section.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted petition for continuance of hearing from January 5, 1937, for a period of approximately 30 days, the new date to be fixed by the Docket Section, on application for C. P. to change frequency from 1370 kc. to 1240 kc., and increase power from 100 watts, unlimited, to 250 watts, unlimited time.

NEW—Harold Thomas, Pittsfield, Mass.—Denied petition to reconsider and grant without hearing application for C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time, site to be approved, which was designated for hearing September 22, 1936.

NEW—United States Broadcasting Co., Toledo, Ohio.—Granted petition requesting Acceptance of Appearance and Statement of Desire to be Heard in connection with application for C. P. for new station at Toledo, to operate on 1200 kc., 100 watts, daytime only, hearing on which is scheduled for January 4, 1937; additional 10 days also given other interested parties who have not done so to file answers.

NEW—Birmingham News, Birmingham, Ala.—Granted petition requesting Commission to waive requirements of Rule 106.28 and accept exceptions and request for oral argument in connection with Examiner's Report recommending grant, subject to Rule 131, of application of WKZO, Inc., of Kalamazoo, Mich., for change in hours of operation from daytime to unlimited and to change power from 1 KW to 250 watts night, 1 KW LS.

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—Denied motion to consolidate and remand for further hearing applications of Golden Empire Broadcasting Co. and Marysville-Yuba City Publishers, Inc., for new stations at Marysville, Calif., to operate on 1140 kc., 250 watts day. However, it was ordered that further action by the Commission be deferred on application of Marysville-Yuba City Publishers, Inc. (Ex. Rep. 1-264), until such time as the appli-

cation of the Golden Empire Broadcasting Co. becomes available for Commission action. Examiner has not as yet made his report on the Golden Empire Broadcasting Co., while oral argument was held on December 3, 1936, in connection with Ex. Rep. No. 1-264, recommending grant of application of the Marysville-Yuba City Publishers, Inc.

The Broadcast Division, upon consideration of petition filed by the Florida Broadcasting Co. (WMBR), Jacksonville, Fla., and the consents received thereto, directed that the hearing on that company's application (Docket No. 4135), scheduled for December 16, 1936, be cancelled.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted petition to postpone hearing on application of Press Publishing Co. for C. P. to increase daytime power of station WHBL to 1 KW, until after the Commission reaches a decision on application of Milwaukee Broadcasting Co. (WEMP) to change frequency from 1310 kc. to 1010 kc., and increase power from 100 watts daytime to 250 watts night, 500 watts day, unlimited time, hearing on which was held September 12, 1936. Docket Section will fix new hearing date.

APPLICATIONS RECEIVED

First Zone

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—License 620 to cover construction permit (B1-P-1390) for new transmitter.

WABI—Community Broadcasting Service, Bangor, Maine.—1200 License to cover construction permit (B1-P-1128) for a new transmitter and antenna, increase in power, change hours of operation, and move transmitter.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, 1210 owner), Rochester, N. Y.—Construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day, and change hours of operation from daytime to unlimited time.

WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace, 1290 Saranac Lake, N. Y.—Construction permit to make changes in transmitting equipment.

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—1370 License to cover construction permit (B1-P-1191) for new transmitter, antenna, and move studio and transmitter. Amended re-equipment.

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—1500 Modification of license to change specified hours from 10 a. m. to 1 p. m., 5 p. m. to 9 p. m. daily, Sunday 10 a. m. to 11 a. m., to 9 a. m. to 1 p. m., 5 p. m. to 9 p. m. daily. Amended to add the hours now licensed for Sunday 10 a. m. to 11 a. m.

Second Zone

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to install a vertical antenna, increase night power from 500 watts to 1 KW.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction 700 permit to make changes in equipment.

WBLV—Herbert Lee Blye, Lima, Ohio.—License to cover construction permit (B2-P-643) as modified for a new station. KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Construction permit 1380 to make changes in equipment; change power from 500 watts to 1 KW, hours of operation from simultaneous day WSMK, specified hours night, to unlimited time, using directional antenna at night.

NEW—Staunton Broadcasting Co., Inc., Staunton, Va.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Amended to change hours of operation from unlimited to daytime, using 250 watts power.

W8XIK—The Crosley Radio Corp., Mobile.—Construction permit to increase power from 30 watts to 50 watts and make changes in equipment.

W8XIL—The Crosley Radio Corp., Mobile.—Construction permit to make changes in equipment and increase power from 30 to 50 watts.

NEW—The Crosley Radio Corp., Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts.

NEW—The WGAR Broadcasting Co., Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 100 watts.

NEW—The WGAR Broadcasting Co., Mobile.—License to cover above.

Third Zone

NEW—R. W. Page Corp., Columbus, Ga.—Construction permit 610 for a new station to be operated on 950 kc., 250 watts, unlimited time. Amended to change frequency from 950 kc. to 610 kc.

NEW—El Paso Broadcasting Co., El Paso, Tex.—Construction 940 permit for a new station to be operated on 940 kc., 1 KW, unlimited time.

WNOX—Continental Radio Co., Knoxville, Tenn.—Modification 1010 of construction permit (B3-P-1295) for new transmitter and antenna, increase in power, and move of transmitter, requesting new transmitter and extend commencement and completion dates.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification 1200 of construction permit (B3-P-1396) for new transmitter and antenna, increase power, move studio and transmitter locally, requesting further changes in equipment, change frequency from 1200 kc. to 950 kc., and power from 100 watts, 250 watts day, to 250, 500 watts day.

KADA—C. C. Morris, Ada, Okla.—Modification of license to 1200 change hours of operation from daytime to unlimited time, using 100 watts power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Construction 1200 permit to move transmitter from 319 West Second St., Little Rock, Ark., to 3rd and Louisiana Street, Little Rock, Ark., and install a vertical antenna.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction 1300 permit to install a 250-watt auxiliary transmitter to be located at 600 Biscayne Blvd., Miami, Fla.

KFPL—WFTX, Inc., Wichita Falls, Tex.—Construction permit 1310 to change frequency from 1310 kc. to 1500 kc.; install a new transmitter; make changes in antenna system; move transmitter from north city limits, Dublin, Tex., to site to be determined, Wichita Falls, Tex., and studio from 205 Grafton, Dublin, Tex., to site to be determined, Wichita Falls, Tex.

KFPL—C. C. Baxter, Dublin, Tex.—Voluntary assignment of 1310 license from C. C. Baxter to WFTX, Inc.

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit (B3-P-1308) to make changes in authorized equipment and extend commencement date from 12-7-36 to 30 days after grant.

NEW—Faith Broadcasting Co., Inc., Wichita Falls, Tex.—Construction 1380 permit for a new station to be operated on 1380 kc., 1 KW, unlimited time.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—License to cover 1420 construction permit (B3-P-1502) for new equipment and increase in power.

KAAD—Fort Worth Broadcasters, Inc., Mobile.—License to cover construction permit for a new relay broadcast station.

W4XCH—Wilton E. Hall, Mobile.—License to cover construction permit for a relay broadcast experimental station.

W4XCI—The Atlanta Journal Co., Mobile.—License to cover construction permit for a new relay broadcast station.

WAAK—WSOC, Inc., Mobile.—License to cover construction permit as modified for a new low frequency relay broadcast station.

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Modification of license to add frequency 25950 kc. in addition to present frequencies. Amended to delete the present assigned frequencies and request 25950 kc. only.

NEW—Isle of Dreams Broadcasting Corp., Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

Fourth Zone

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—1220 Authority to transfer control of corporation from R. R. Jackman, Jean Jackman Carter, R. C. Jackman, F. C. Jackman, O. E. Jackman, Katherine Jackman Smith, Vernon H. Smith to The Kansas City Star Co., 6,000 shares of stock.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Authority to determine operating power by direct measurement of antenna.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Construction permit to make changes in equipment; install a vertical antenna; increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day; and move transmitter from 600 Huntington Ave., Fairmont Park, Council Bluffs, Iowa, to Twp. 74 N., Range 44 W., Pottawattamie County, Iowa. Amended to change transmitter site to NW¼ of NW¼ of NW¼ Section 2, Twp. 15 N., Range 12 East, near Omaha, Nebr.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Modification
1310 of construction permit (B4-P-1023) for a new station, requesting change in type of equipment, approval of antenna and approval of transmitter site at St. Mary's Blvd., Jefferson City, Mo., and studio site at 400 E. Capital St., Jefferson City, Mo. Amended to make changes in equipment.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Modification of construction permit (B4-P-725) as modified for
1370 a new station, requesting change of hours of operation from daytime to unlimited time, using 100 watts power.

KPLT—North Texas Broadcasting Co., Paris, Tex.—License to
1500 cover construction permit (B3-P-442) as modified for a new station.

NEW—Frank N. Adcock, Plainview, Tex.—Construction permit
1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit
1500 for a new station to be operated on 1500 kc., 100 watts, specified hours (6 a. m. to 10 p. m.). Amended to give transmitter site as Galesburg, Ill., and studio site at Weinberg Arcade, corner Simmons and Prairie Streets, Galesburg, Ill., and make changes in antenna.

W9XPT—Woodmen of the World Life Insurance Assn., Mobile.—
License to cover construction permit for a new high frequency relay broadcast station.

W9XPX—Woodmen of the World Life Insurance Assn., Mobile.—
License to cover construction permit for a new high frequency relay broadcast station.

Fifth Zone

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Modification of license to increase power from 1 KW, 5 KW, to 5 KW day and night.

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to change frequency from 920 kc. to 630 kc.; change
920 hours of operation from share KFEL to unlimited; increase power from 500 watts to 1 KW; install directional antenna for night use; and move transmitter from outside of Denver, Colo., to north of Denver, Colo.

NEW—Radiotel Corporation, San Diego, Calif.—Construction per-

mit for a new station to be operated on 920 kc., 500 watts, unlimited time.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit to install a new transmitter; erect a vertical
930 antenna; increase power from 1 KW to 5 KW; and move transmitter from 1520 8th Avenue, Oakland, Calif., to site to be determined, Alameda, Calif.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 Authority to determine operating power by direct measurement of antenna.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 License to cover construction permit (B5-P-202) as modified for new equipment, increase in power, and move of transmitter.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Authority to
1060 determine operating power by direct measurement of antenna.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—License to
1060 cover construction permit (B5-P-837) as modified for changes in equipment, move of transmitter and studio.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope
1200 Broadcasting Co., Grand Junction, Colo.—Authority to install automatic frequency control equipment.

KFXD—Frank E. Hurt, Nampa, Idaho.—License to cover construction permit (B5-P-1358) for new equipment.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—License to
1260 cover construction permit (B5-P-1096) as modified for changes in equipment, install new antenna, increase in power and move of transmitter locally.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—License
1320 to cover construction permit (B5-P-559) as modified for new equipment, increase in power and move of transmitter.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast
1350 Station, Boise, Idaho.—Construction permit to make changes in equipment and increase power from 1 KW, 2½ KW day, to 5 KW.

NEW—Salinas Newspapers, Inc., Salinas, Calif.—Construction
1390 permit for a new station to be operated on 1390 kc., 250 watts, daytime.

NEW—Roberts-MacNab Hotel Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, General Manager, Bozeman, Mont.—Construction permit for a new broadcast station
1420 to be operated on 1420 kc., 100 watts night, 250 watts daytime, unlimited time.

NEW—Harry R. Spence, Centralia, Wash.—Construction permit
1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to give transmitter site as County Road, midway between Chehalis and Centralia, Wash.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—
1500 License to cover construction permit (B5-P-1331) for changes in equipment and increase in power.

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Modification
of license to delete frequencies 31600, 35600, 38600, 41000 kc. and add the frequency 25950 kc.