



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W.

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Loucks Represents NAB at FCC Hearing on Rules

Philip G. Loucks, special counsel, will represent the NAB at the FCC hearing June 1 on exceptions to the proposed new rules and regulations for the broadcasting industry advanced by an FCC committee composed of Commissioners Case, Craven and Payne.

Mr. Loucks, who represented the NAB at the June 6 hearing last year on new rules and regulations, has filed the following exceptions to the committee's report:

The National Association of Broadcasters, participant in the proceedings had upon the above-styled matter, and in accordance with the order of the Commission entered therein on April 7, 1939, and as subsequently modified by its order of May 5, 1939, hereby excepts to the proposed rules and regulations and report of the Committee in the following particulars:

1. Exception is taken to Rule 31.04 (3) insofar as the rule proposes to prescribe the amount of money required to construct stations of different classes; insofar as the rule distinguishes or recognizes a distinction between stations supported by sponsored programs and stations otherwise supported; and insofar as it makes mandatory a showing that "adequate commercial support is available" for one class of stations and that "adequate finances are available" to support stations of another class.

2. Exception is taken to Rule 31.04 (4) insofar as it requires that an applicant for a Class IV station be "a resident in, and familiar with" the needs of the community to be served.

3. Exception is taken to Rule 31.12 (b) insofar as it prohibits commercial or sponsored programs or commercial announcements during additional hours utilized for experimentation and assumes to regulate charges for the use of facilities granted for experimental purposes.

4. Exception is taken to Rule 31.14 insofar as it limits the normal license period to a maximum of one year.

5. Exception is taken to Rule 32.04 insofar as it fails to furnish a definite guide as to what information on changes in equipment are required to be reported to the Commission.

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Committee Schedule

The following NAB committee meetings have been scheduled, President Miller announced today:

Research, May 25, Washington, Headquarters.

Accounting, June 1-2, New York, Ritz Tower.

Code, June 1-2, New York, Ritz Tower.

Copyright, June 5-6, New York, Ritz Tower.

SARNOFF PREDICTS DISCOVERY OF NEW FREQUENCIES IN NEAR FUTURE

Decries Censorship and Prefers NAB Self-Regulation to That of Government

Predicting that new technical developments may, in the relatively near future, multiply the number of "useful" radio channels a "hundred-fold or a thousand-fold," and foreseeing the day when a network can "carry not only broadcasting but also telegraphy, telephony, multiplex communications, facsimile, television, and the like, all on one network," David Sarnoff, president of RCA and Chairman of the Board of the National Broadcasting Company, returned to the stand for cross-examination in the Monopoly Hearings being conducted by the FCC, and pleaded that "present day limitations be not employed as to the standard for tomorrow's governmental regulation."

"I can foresee the possibilities of developing systems of inter-communications, both for sound broadcasting and for television, that will not depend upon wires at all—where you can carry these signals and these images by means of a radio line instead of a wire line.

"I believe that in five or ten years from now we will look back upon the radio structure of today, whether it will be in the broadcasting station or whether it be in the receiver in the home, and we will hardly be able to recognize the present day structure. I think the changes that are coming in the radio art will come with greater rapidity from here on than they even have come during the past decade because of the developments which are now reaching a point of ripeness and calling for expression in the field and in the markets," he declared.

Sharply questioned about the new Code of Program Standards which the National Association of Broadcasters is developing in readiness for adoption at the forthcoming July convention, Mr. Sarnoff stated that it was far better to permit self-regulation of program con-

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Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

LOUCKS REPRESENTS NAB AT FCC HEARING

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6. Exception is taken to Rule 32.05 (e) insofar as it prohibits the simultaneous use of a common antenna where two licensees are owned or controlled by the same person or corporation, or where two licensees have an agreement between them which is satisfactory to the Commission.

7. Exception is taken to Rule 32.06 (c) insofar as the first sentence fails to include the words "or are estimated in accordance with standards of good engineering practice to be capable of causing interference" in the place of the words "or capable of causing interference."

8. Exception is taken to Rule 33.04 A insofar as the proposed requirements would require 100 watt stations to reduce their present service areas.

9. Exception is taken to Rule 33.17 (4) insofar as the rule would require an unnecessary test during a week when the auxiliary transmitter has been in actual operation, and insofar as it unnecessarily restricts the hours for making tests.

10. Exception is taken to Rule 33.19 insofar as it unnecessarily imposes an extra burden upon the installation and use of auxiliary transmitters.

11. Exception is taken to Rule 34.20 (1) (a) because the language "with an indication of the type of announcement" is indefinite.

12. Exception is taken to Rule 34.20 (1) (b) insofar as it may conflict with Rule 34.23 with respect to the entries to be made describing recorded programs and insofar as patent ambiguities appear therein. For example, it is not clear whether the words "by whom presented" refer to the artist or artists; the network, if it be a network program; the advertising agency, if it be a production of such agency; or the recording company, if it be a recorded program; or by the foreign station, if it be a rebroadcast of a foreign program. The use of the abbreviation "etc." renders the regulation ambiguous if not invalid when read in conjunction with the penal provisions of the act.

13. Exception is taken to Rule 34.20 (2) (e) (4) since the measurements required cannot be properly or accurately made and would be virtually worthless even if it were possible to make such measurements.

14. Exception is taken to Rule 36.04 insofar as it requires every licensee to permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office.

15. Exception is taken to the failure of the Commission to adopt the recommendation of the Committee contained in its letter of April 1, 1939, transmitting its report, and suggesting that engineering questions involved in exceptions be handled informally by the Chief Engineer in collaboration with the engineers representing participants in the hearing. The Engineering Committee of the National Association of Broadcasters has given study to the Proposed Standards of Good Engineering Practice and is prepared to discuss certain improvements of these standards with engineers of the Commission. Particularly, it is desired to discuss certain detailed changes in standards appearing on pages identified as 1.1, 1.2, 1.3, 1.6, 1.9, 1.25, 1.27, 1.28, 2.2, 4.7, 5.2, 6.1, 7.2, 10.1, 12.6, and 19.1.

16. Exception is taken to each and every statement contained in Part I and Part II of the Report on Proposed Rules Governing Standard Broadcast Stations and Standards of Good Engineering Practice, and Appendices thereto, which are in conflict with the policy of the Congress as expressed in the Communications Act of 1934, as amended, or which are violative of the legislative standard contained therein by which the licensing authority of the Commission is limited or prescribed.

The National Association of Broadcasters saves unto itself all of the rights to which it is entitled by reason of the nature of the proceedings and its failure to except specifically to any rule, standard, conclusion, table, summary or recommendation does not constitute a waiver of any right or privilege which it or any other participant might have in the proceedings under the provisions of the Communications Act of 1934, as amended.

The National Association of Broadcasters herewith requests an opportunity to present oral argument before the Commission en banc on the above exceptions.

SARNOFF PREDICTS DISCOVERY OF NEW FREQUENCIES IN NEAR FUTURE

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tent to be administered by the industry itself than it would be to permit such program content to be regulated by government.

Pointing out the difference between the proposed NAB Code, written and administered by the industry itself, and a code written by government and enacted into law, Mr. Sarnoff asserted: "The difference is a voluntary act to which the citizen must adhere whether he likes it or not. And where you deal with programs, there is inherent in that the element of free speech and censorship. And therefore, any attempt to write into law a censorship code governing programs would to my mind change our present form of government."

Commissioner Frederick I. Thompson asked Mr. Sarnoff: "Is it your thought that free speech is to be controlled by a group of broadcasters controlling the air waves or free speech be subjected to some control by the Congress of the United States?"

Mr. Sarnoff replied "I have not recommended that free speech be controlled by any group. I have recommended that each licensee operating a broadcasting station be free to exercise his own judgment with respect to the matter of free speech. I further recommended that all broadcasting stations should endeavor to produce and adopt a voluntary code of conduct which would produce the maximum of free speech, the best kind of program service, but on a voluntary basis, not on a basis of regulation of programs by law."

Later in his testimony where reference was made to government control of broadcasting facilities in Russia, Germany and Italy, Mr. Sarnoff stated: "Now if you are going to compare the present system of American broadcasting, which is as free as the present law permits, with a new system which will have regulations imposed upon it by law, then it is the net result of that comparison that counts. And I submit with all sincerity and with all earnestness that the minute that you get the government writing codes governing programs and saying who may go on the air or who may not go on the air, that regardless of the best intentions in the world, regardless of the desire of the Commissioners and Congress to avoid censorship by the government, that you will then destroy the present American system of broadcasting, that you will have censorship galore, that you will have dictator-

ship of the means of communication and that you will shake the very foundations of our democracy."

In early sections of his testimony, under questioning by William J. Dempsey, general counsel of the Commission, Mr. Sarnoff defended the exclusive feature of network-affiliated station contracts, predicted the demoralization of network broadcasting if the exclusive feature were banned, stated that competition between four major networks had worked to the advantage of the listener and made his predictions that discoveries of new usable radio frequencies would change the whole complexion of the American system of broadcasting in a few years.

Because of the significant scope of Mr. Sarnoff's remarks, we list his testimony under the several categories into which it logically falls:

ON THE FUTURE OF NETWORKS

A. I am willing to speculate, if you want me to do so. I believe, for example, that the notion that the nation can only support four networks at the present time—

Q. I do not believe that there is any testimony to that effect, Mr. Sarnoff. Excuse me, for interrupting you. I think the testimony is that there can only be four networks because of the limited facilities available in the cities which must be on any national network.

A. But there are no limitations in other parts of the spectrum. I mean, not the same limitations. And there is no warrant for assuming, as I can see, that network operations must necessarily be within the present limited band of frequencies. Now, all the pressure comes from those who would like to move their vehicles within the narrow streak—

Q. What pressure is that that you are talking about?

A. Well, I may be wrong about it. I hope I am, but I suspect that there has been some pressure here against the idea of NBC having two networks, for example. I assume that there are others who have felt that if we had one that they might have the other. Now, I do not think that the network problem of this country is going to be solved by confining the art to the present narrow band of frequencies. I can see the day when there will be more networks possible, technically, than people to use them. There is no reason I can see why there can't be a dozen, or two dozen, or several dozen national networks, but in order to have them it is necessary to develop waves in the ether which may now be characterized as wasteland. And by permitting those who are functioning in the art at the present time to continue their development and their research and their experimentations, you will expand, rather than narrow, competition in the radio field.

ON NETWORK COMPETITION

Q. In what way would you say the competition between networks is not the same, is different from competition between grocery stores or department stores, or between, say, General Electric and R.C.A. Manufacturing Corporation?

A. I should define "competition" in the network broadcasting field as competition for the listeners' attention primarily, and competition for the advertising dollar. I think that the present situation, and the situation for some time, has given ample evidence of the very active and vigorous competition that goes on between these four networks for those competitive elements, that is, advertising dollar and listeners' attention. I think that the question of ownership of any particular network is not the element that determines for competition. If there are no listeners there are no advertising dollars, and if there is no service there are no listeners, and if two networks were given the same type of program, or the same program, simultaneously, obviously a large percentage of the listeners would be looking for a variety. And, further, the growth of these four networks is evidence of the competitive elements that exist.

ON THE EXCLUSIVE NETWORK CONTRACT

Q. Mr. Sarnoff, another limitation that exists today on a number of networks would appear to be in on the fact that the net-

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works make exclusive contracts with stations. If you have a station with an exclusive contract with NBC, for example, that station can't take programs from any other national network, and, consequently, so far as that station is concerned, one network completely blocks all others. Now, what is your opinion with respect to the advisability of that kind of a limitation on the number of networks?

A. My opinion with respect to that limitation is that it is in the interest of the listener, that it is in the interest of public, that it is the basis of the American system of network broadcasting. Destroy that provision, and you will have destroyed the American system of network broadcasting. There is no complaint that I know about, coming from the public, on the ground of that provision; there is no complaint that is coming, so far as I know, from the stations affiliated with the networks. There may be some individual instances, but by and large the testimony I have read has supported that provision. It has been supported by these independent broadcasting stations. Obviously, if a network spent money, as we are doing, to develop the popularity of an individual broadcasting station in some territory, if we gave them sustaining programs and they attracted a listening audience and they built up circulation, and then some other organization came along that did none of these things, but just had a commercial program, and asked that broadcasting station to take their program and put behind it the good-will and the circulation and the pioneering that had been done by whoever built that station up, of course, that somebody would have a temporary advantage, but American broadcasting would have a loss.

Q. To what extent, Mr. Sarnoff, do you think there would be any change in the present system of network broadcasting if the exclusive provisions were eliminated from contracts?

A. I think that there would be a great confusion, that there would be a demoralization of the whole system of network broadcasting, that it would be a grab as grab can and catch as catch can, every fellow would go out and try to make any kind of an arrangement, any kind of a commercial arrangement that he could, and I think that there would be no incentive on the part of the major networks to build up the position of their local stations.

Q. You think that that would be true even though the contracts contained a provision for a definite option on certain hours?

A. Yes, I think so, because if the hours were not of a kind that suited a local station there would be continuous irritation and pressure. You would transfer the local station from an institution—and by local station I mean the station affiliated with the network, the independent station. You would transfer it from an atmosphere of stability, where it is part of a network, knowing in advance what it may or may not do, or what it can or can not do, with respect to its time, to a free-for-all situation where it would continually be tempted by every network to take its particular program or to give an hour because it would increase its outlet or increase its income.

Q. Maybe I did not make the question quite clear.

Assuming that the contract did provide for a definite option on certain hours, but as to hours other than those option there was no restriction as to other network affiliation. Do you think that type of contract would be difficult to make?

A. I think that type of contract would upset the present system of network broadcasting, because, in the first place, a local station affiliated with a network at the present time takes on something of the character of that network; the network feels a certain sense of responsibility to that station and the station, in turn, to the net-

work, for the character of its programs. Whereas, if that local station were free to connect with any network that it wished to connect with and take any kind of programs that it wished to take, I think the atmosphere would change and the network, itself, would suffer, as well as the local station, from the net results of that station.

ON REQUIRING A STATION TO CARRY FIXED NUMBER OF SUSTAINERS

Q. Mr. Sarnoff, do you think it would be desirable for the network to include in its relation with affiliated stations any obligation on the part of the station to carry sustaining programs or a certain number of sustaining programs in the same way that it is required to carry commercial programs?

A. Well, while it might be helpful to the network, I should not recommend it. I think that that takes on the element of compulsion.

Q. I am not quite clear as to what the difference in compulsion would be if it were just the same way as it now operates with respect to commercial programs?

A. Well, the element of compulsion would reside in the fact that under such a provision the local station would be compelled to take that program, whereas, today it is free to reject it.

Q. But to that extent there is compulsion to take commercial programs?

A. Well, a commercial program is a matter of contract for specified time. You have the right to sell that station's facilities for a given period of time, and to the extent that the station has pledged its time under that contract, of course, to that extent it is compelled to take that program, yes.

ON THE LIMITATIONS OF THE STANDARD BAND

A. And so, within this limitation of the band, I think that broadcasting, as we know it today, has reached about the limit of its technical capacity. I do not mean that there will not be refinements and improvements, but I think the art in its present space has reached, more or less, saturation; and yet I believe that radio, itself, the radio art, itself, is a long, long way from saturation; in fact, that it is still in its infancy. Waves that were once thought useless are daily becoming more and more valuable.

The problems faced by this Commission, the problems faced by the Government, and the problems faced by the industry, after all is said and done, can be summarized in one word: "technology" or "science".

Commissioner Thompson: Well, you speak in terms of networks—you spoke, possibly using the word "network". Would you believe that such a power should be vested in one individual or one small group of individuals in such a situation?

The Witness: I am not pleading for or suggesting a monopoly, but what I am trying to say, Mr. Commissioner, is that I can envision, and do envision, the day when radio development will make it just as possible for anybody to get into the radio transmission business as the press situation today makes it possible for anybody to get into the publication of a newspaper, and under those conditions my conclusion, which I urge, is that there is and there would be no more warrant for regulating radio than there is for regulating the press.

ON FUTURE TECHNICAL DEVELOPMENT

Based on my experience in the past, based on my observations of what is going on in the art, or my contacts with our scientists or engineers, I have no hesitation in saying to you that in my opinion the number of channels for radio communication which it is possible to develop into useful channels are many, many times the number that now exist. In fact, they may be a hundred-fold or a thousand-fold. We now speak not in terms of long waves or short waves, we refer to ultra-short waves, to centimeter waves, to micrometer waves, to millimeter waves, and we talk of modulating these waves through frequency modulation, through amplitude modulation, through phase modulation, or a combination of these elements—

Commissioner Brown: Are you speaking of broadcasting or radio services as a whole?

The Witness: I am speaking of all phases of radio, including broadcasting, Mr. Commissioner. I can foresee a network which can carry not only broadcasting but also telegraphy, telephony, multiplex communications, facsimile, television, and the like, all on one network. I can see the possibilities of developing systems of inter-communication, both for sound broadcasting and for television, that will not depend upon wires at all, where you can

carry these signals and these images by means of a radio line instead of a wire line—the reason of coaxial cables—by utilizing radio relays.

When these developments are perfected, as I believed they will be, in time, given those three attributes that I referred to at the beginning, you will have more facilities available for use than there will be people to use them.

And so it is important, it seems to me, that, in any appraisal of the problems of radio, that present-day limitations be not employed as to the standard for tomorrow's Governmental regulations. The worst possible thing that could happen would be to put radio technique in a legislative straight jacket, because if that were done there would be a complete negation of the purposes of the Radio Act which in the very preamble refers to the development of radio to its maximum capabilities. I may not be using the exact language, but I am referring, I am sure, to the sense of that language.

ON PROGRAM QUALITY AS BASIS FOR LICENSE REVOCATION

Q. Would you say that the element of quality enters into that all?

A. The quality of the programs?

Q. Yes.

A. Why, of course, I should say that the element of the quality of the program is the element that determines the popularity of the station and the number of listeners that it has.

Q. Well, were the station licensed to broadcast and it broadcast programs of inferior quality, and did not give entertainment, information, education, and so on as you have listed them, do you think that its license should be revoked?

A. Well, I would have to reach an agreement with you first as to what you regard inferior quality before I could answer that question.

Q. You define it.

A. Well, I would leave the quality of the programs to the listeners to determine; I would not leave the quality of the program to be determined by a regulatory body excepting only those elements of a program which are properly outlawed, obscene language, libel, and all those kinds of things. You could not get agreement, Mr. Dempsey, on the quality of an orchestra. There are people today who would regard one orchestra as inferior to another one, but nevertheless they both give music.

Q. And you think that the listeners should really determine the quality of the programs?

A. I think that the listeners are the people who determine the quality of the programs, and they are more vocal in the radio broadcasting field than in any other comparable field, by the letters they send, by the protests they register, by the commendations they offer. Radio, after all, operates with the privacy of a goldfish in a bowl. Nobody can put a program on the air without exposing it to public attention. There is, therefore, the listener as a leveling influence, and then there is the commercial advertiser upon whose revenue the station depends because as the station loses listeners the advertiser will not patronize the station. So you have both the listener and the advertiser operating as natural incentives to maintaining the best program they can.

Q. Do you think that the Commission would be justified, for example, if they had an accurate poll of the listeners in the area supposedly served by a particular station and they, by an overwhelming majority, indicated that that station was not rendering a satisfactory service, under those circumstances do you think the Commission would be justified in revoking the license?

A. No, I do not. In the first place, I think that the taste of the majority varies from day to day and from year to year. I think that if you would look over the programs of the last ten years that you would find, from their range, that what were popular ones are in the dog-house today, and vice versa. Also, I speak with no intended criticism but with very earnest apprehension towards a situation which would deposit in the hands of any Governmental agency the power to cancel or withdraw licenses from a station based on its programs. All you have to do is to look abroad to see the results of that. Now, it may be true, here and there, in isolated instances, there may be abuse of present privileges, there may be an inadequacy of service, but, after all, one has to approach the thing from the standpoint of the national service and from its overall picture.

ON LICENSING OF NETWORK BY THE FCC

Commissioner Thompson: We could presuppose that attention can be given to many problems under the Federal Communications

Act that do not properly or necessarily arise from any complaint or claim. I would assume that the Commissioners should give some consideration to certain basic mandates in the statutory regulation of radio. On that point, do you think that the networks should themselves be brought under control of the Commission as well as the individual licensees?

The Witness: No, I do not.

Commissioner Thompson: Well, here is a case at point: A station, a licensee, is cited for something that he carried on a network chain. In a situation such as that, would you regard the licensee as the party that should be cited? If a licensee makes an assignment of time, and within that assignment of time there may be some violation important enough for the Commission to cite the licensee, is he the real one that should be cited if the issue on which he is cited originates elsewhere and is carried on that station during the time that he has assigned? What would you suggest there to meet a situation such as that?

The Witness: Well, I should think that if a man takes out a license and fails to conform with the provisions of the license to an extent where the Commission feels that he has violated that license that he, the licensee, is the fellow to deal with. Now, if he has any recourse against the network, why, that is for him to do. My objection, Mr. Commissioner, to licensing networks is not based on any individual case of violations, it is based on the philosophy of it, because I think that control of networks, per se, giving the Government the right to license networks as distinguished from licensing the station facilities that carry the frequency, would be the first and the most serious entrance into the whole field of Government censorship of programs.

ON SELF-REGULATION AND THE PROPOSED NAB CODE

Q. It would have at least one primary effect, and that is in the competition between stations which conform to certain standards and others which do not would be put on a more even plane, would it not?

A. I think it would be on a more reasonable basis as regards fundamental standards. There still would be left a wide area of competition.

Q. I am not suggesting that competition would be eliminated, but at least it would be competition on the same plane rather than on different levels?

A. As to basic standards, for example, if one station accepts patent medicine accounts and another station refuses to accept patent medicine accounts I don't really regard that as competition between the two stations. It is just a matter of policy. Now if both stations will agree to decline to accept patent medicine accounts, why I think that the sum total of the broadcasting service will be improved thereby.

I merely happen to mention patent medicine. I don't want to emphasize that as against any other.

But there is doubtless a code of basic principles that could be developed for the guidance of the industry as a whole and to which no reasonable station owner or listener could take proper exception to.

Q. Do you think that the adoption of such a code of standards would be beneficial from the financial standpoint to the stations which are now adhering to substantially that code?

A. Yes, I think it would. I think it would be beneficial to the stations that adhere to such a code because anything that stabilizes radio and maintains the good opinion of the public about radio service is good business, as well as good ethics for the stations that are rendering service.

Q. And the stations which now have high standards, or the National Broadcasting Company which I understand operates on standards which you are suggesting be more widely adopted feels that in adopting those standards it is operated from a more intelligent business viewpoint than if it did not have the standards.

A. We feel that way, although at any one moment we may have to make sacrifices for the good of the whole or for the good of the long future. And doubtless some stations who would conform to whatever code the NAB finally may develop would have to abandon certain practices they now engage in, and while temporarily they might suffer something in financial revenue in the long run I am sure they would be better off, because anything that would stabilize the industry would be better for them.

Q. Well even now there isn't any set of standards applicable to all station or which are applied by all stations. Do you think the stations that have the higher standards are operated to that extent at least as better business propositions than the others?

A. Yes, I do.

Commissioner Brown: Mr. Sarnoff, is this proposal an effort to bring up to date the NAB Code adopted in 1935?

The Witness: It is an effort to do that and to expand upon it in the light of the discussions which have been had and in response to the suggestions which I made before this Commission.

Commissioner Brown: Well don't you think that if all the stations licensed by this Commission had lived up to the Code adopted in 1935 there may have been no necessity for an additional code?

The Witness: That is probably true. It is doubtless true to the extent that stations have departed from the code that was in existence or that was adopted some years ago, to that extent there has been room for revision, and I assume there always will be because a few years' additional experience have also brought to light the need for some additional standards.

Commissioner Brown: There are somewhat over 700 stations licensed by the Commission at the present time. If a revised or what might be termed a 1939 or 1940 model of the Code should be adopted, what revisions would you suggest to make all stations comply with the new model of the Code?

The Witness: Well, I have not suggested, Mr. Commissioner, in my original statement any element of compulsion. I have suggested persuasion, suggestion, education, and all these elements which indicate to a person why the right thing should be done. I recognize, of course, that that may fall short of producing a 100 per cent result, but I think it is a better way to proceed.

By Mr. Dempsey:

Q. Mr. Sarnoff, what I am trying to get at by these questions is this: Since this is a code which you are proposing or recommending to be adopted by the industry as an industry, is its object the better business in the industry, the increase in profits to the various units in the industry? In other words, is it a business proposition in the industry, that you are recommending, or is it intended to promote public service not as an adjunct to more profit but something distinguished from the making of profits?

A. Well, I should like to answer your question by saying that I regard any effort to improve public service as good business and ultimately translatable into profits for the industry. Obviously if a wider public service is rendered, a higher standard is maintained, there will be more listeners and more satisfied listeners and those in turn will stimulate the clients to advertise more and to advertise more consistently. So that I do not think that improvement of service or improvement of standards are necessarily in conflict with better business. Instead of regarding them mutually exclusive I should regard them as supplementary.

Q. Mr. Sarnoff, do you say, or would you say that the primary purpose of this code is the benefit of the industry in terms of profit, mutual benefit of the units of the industry, which I understand is the purpose of most trade associations.

A. I would say that the primary purpose of this code is threefold, but I do not regard any one of these three elements as in conflict with the other two or with each other. First, I should say that the purpose was to have a higher grade of public service or as high as can consistently be developed. Secondly, I would say that by adopting a code of self regulation in the industry one would minimize the possibilities of the government imposing codes upon the industry, which ultimately would lead to censorship regardless of what the original objective might be.

In other words good behavior on the part of a citizen requires less operation on the part of the policeman.

The third objective is that any code which would improve the standards of broadcasting, satisfy more listeners, and eliminate the need for restrictive regulation would give the industry as a whole direct financial benefit, so that it would be both profitable and stabilizing.

Q. Is it your opinion, Mr. Sarnoff, that the possibility of censorship, which as I understand your view is inherent in regulation of programs, is such a danger that the industry should adopt self regulation to prevent regulation by government?

A. I think that is one of the reasons. The danger comes from anybody desiring the government to censor programs. It comes from pressure groups, from complaints and the like. Now to the extent that those complaints, particularly justifiable complaints can be reduced by a code of proper standards or by better programs, to that extent you eliminate the dangers and the hazards of censorship.

Q. Is there any censorship inherent in your scheme of self regulation?

A. No, there is no censorship inherent for two reasons. First, it would be a voluntary act on the part of the industry and the stations who would cooperate in the development of that code and to which they would voluntarily subscribe, and secondly I

have not recommended a compulsion in it. I have recommended a system of education.

Q. And do you know to what extent in the formulation of this Code this committee has attempted to get the views of groups representative of public opinion?

A. I do not know.

Q. Now the Code, as I gather from your schedule which you read, deals primarily with programs. Is that correct?

A. Yes.

Q. Entirely with programs?

A. Yes.

Q. Now why do you think it is necessary for the industry to adopt any set of regulation internal or external with respect to programs?

A. So as to put the programs on the possible highest level of good public service.

Q. Do you think in order to bring that about some sort of joint action of all the licensees is necessary?

A. I think it is highly desirable.

SECTION 317

The FCC sent a notice to all licensees of broadcast stations calling their attention to Section 317 of the Communications Act of 1934.

Section 317 reads as follows: "All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person."

The Commission's notice, which follows reports of violation of the rule, warned the licensees that, "The Commission insists upon, and expects, full compliance at all times with the above quoted provision of law."

Headquarters is investigating the matter at the Commission.

Wage and Hour Act

At long last the Wage and Hour Administration has issued an interpretation of its views on hours worked in connection with traveling.

This is of great importance to the broadcasting industry in connection with traveling assignments for announcers and technicians. In general the interpretation follows the rule of common sense suggested by the NAB when the problem first arose.

If traveling time is "part of the day's work" it should be calculated as such in computing hours. For instance, if an announcer goes to a nearby town to work at a football game and returns the same night, his hours would be figured from the time he leaves till the time he returns. If, on the other hand, he leaves Monday morning from Boston to announce a game from San Francisco, he should be credited with the number of hours he usually works each day from the time he leaves Boston until he returns. In this case he should be paid time and one-half for the

two extra days he worked each week while he was away. To bring it even further down to earth, the Administrator does not intend that employees on out of town assignments should be paid overtime for sitting around a hotel lobby or for sleeping in a pullman berth.

Another interpretation eliminates the necessity for paying transmitter watchmen-caretakers overtime because they are "on duty" more than 44 hours a week.

"The fact that the employee makes his home at his employers place of business in these cases does not mean that the employee is necessarily working 24 hours a day", the Administrator said. "In the ordinary course of events the employee has a normal night's sleep, has ample time in which to eat his meals and has a certain amount of time for relaxation and entirely private pursuits. In some cases the employee may be free to come and go during certain periods. Thus, here again the facts may justify the conclusion that the employee is not working at all times during which he is subject to call in the event of an emergency, and a reasonable computation of working hours in this situation will be accepted."

The NAB Labor Relations Department, in the light of these interpretations, will be glad to assist members in their individual wage and hour problems

HEADQUARTERS ACTIVITIES

Neville Miller, president, will deliver an address before the annual convention of the Radio Manufacturers Association, June 13, at the Hotel Stevens, Chicago

Andrew W Bennett, Counsel, is representing Headquarters at the District 2 Meeting being held in Schenectady, New York, today.

Paul Peter, Director of Research, represented the NAB at the American Association of Advertising Agencies' convention in New York last week.

Edwin M. Spence, Secretary-treasurer, reports advance reservations have reached a point where a record attendance may be predicted at Atlantic City for the annual NAB Convention, July 10-13.

Joseph L. Miller, Director of Labor Relations, has been in the mid-west for a series of labor conferences with member stations.

Ed Kirby, Director of Public Relations, will deliver a talk at the National Council of Women, meeting in New York on May 24. He has been requested to speak on an assigned topic "Who is Responsible for the Building of Radio Programs?"

SWEENEY ASSAILS FCC ON SUPER-POWER STAND

Representative Sweeney (D-Ohio) assailed the FCC this week for deciding against "superpower" for broadcast-

ing stations, in a statement inserted in the Congressional Record Appendix (p. 7930, May 16).

Mr. Sweeney asserted:

"It boils down to the fact that the networks have brought such a tremendous amount of pressure to bear upon the Commission against the use of superpower that the Commission has been blinded to the need of this type of transmission and has decided, as I said, against the weight of evidence, to protect the monopoly now enjoyed by the National and Columbia Broadcasting Systems, condemning the rural listener to a fate on a par with the peasants of Communistic Russia."

FREE OFFERS

Phil Keenan, enterprising Sales Manager for Bernarr Macfadden Publications, again is trying to chisel some free advertising for those publications. Mr. Keenan says he has available the following shows:

- Inside Stuff from Hollywood
- Behind the Microphone
- Photoplay Fashion Highlights
- Personal Problem Clinic
- True Detective Mysteries
- This Is My True Story

Mr. Keenan furnishes the script and promises the co-operation of his sales representatives "to help build a listening audience for his shows". He doesn't care whether the broadcaster sells the shows to a sponsor.

All he asks is "a reasonable credit line at the opening and closing of each show." Mr. Keenan has it all figured out: it is cheaper to prepare these scripts and to give the cooperation of his sales representatives than it is to buy time on the air to advertise Macfadden publications.

As long as broadcasters use these programs, Macfadden is not going to make any drastic increase in his radio advertising budget. If every broadcaster in the country would refuse to accept this offer, there would be at least a possibility that Macfadden would buy considerably more time than he does at present.

The NAB is of the opinion that use of the Macfadden scripts on a sustaining basis constitutes violation of the Code of Ethics and that use on any basis other than sponsorship by Macfadden destroys revenue possibilities.

The NAB has reminded the Northwestern Radio-Television Institute, Inc., Minneapolis, that acceptance of its cost-per-inquiry proposition would constitute violation of the NAB Code.

Street & Smith, detective magazine publishers, are offering programs similar to Macfadden's and the NAB feels the same way about both.

WLW SIGNS WITH AFRA

Station WLW has signed a contract with the American Federation of Radio Artists covering announcers, actors, singers, and newsmen. It is understood that it provides \$50.00 a week minimum for announcers with extra pay

for all commercials. The scale for singers and actors on commercial shows is reported to be approximately 20% under the network-agency scale for New York-Chicago-Hollywood.

AFRA is now negotiating with WCKY, Cincinnati, and KMOX, St. Louis, seeking similar terms.

772 STATIONS

During the month of April the FCC issued operating licenses to two new stations and granted permits for the construction of five new stations. Construction permits previously issued for two stations were canceled. A comparative table by months is given below:

	<i>Jan. 1</i>	<i>Feb. 1</i>	<i>Mar. 1</i>	<i>Apr. 1</i>	<i>May 1</i>
Operating stations	722	727	729	732	734
Construction permits	42	39	37	37	38
Total	764	766	766	769	772

CRAVEN PRAISES AMERICAN SYSTEM OF BROADCASTERS

Federal Communications Commissioner T.A.M. Craven, talking Wednesday night at the Columbia University, said: "I am convinced that the American system of broadcasting, operated in accord with the broad policies now prescribed by Congress, has proved to be the best method of applying this modern invention of radio to the service of the people of the United States. I recognize, however, that the method by which broadcasting is regulated can change completely its aspect as a service to the public. Therefore, I believe that among the best methods to safeguard the American system of broadcasting is, in so far as is practicable, to encourage and require full and free competition. I am of the opinion that the attainment of this objective requires a faithful adherence to the diversification doctrine of licensing stations in any community or region as well as in the nation as a whole, and also the licensing of an adequate number of stations to insure active competition, not only in business but also in service to the public."

Dealing with censorship, Commissioner Craven said:

"It has been suggested that the Commission should adopt rules governing program service which could serve as a guide to licensees. I consider this suggestion to be impracticable because it has the danger of requiring the Commission to exercise a regimented control of program service which would result in the imposition of its judgment upon the American people. The Commission might more properly be concerned with the question whether the program service of an individual station or the standards of program service of an industry conform to public opinion, tastes and demands. However, in view of the foregoing inherent danger as well as the specific prohibition against censorship, I am of the opinion that the Com-

mission should not adopt any rule specifically prescribing contents of program service."

FIFTH DISTRICT MEETING

With a multitude of copyright and legislative problems—both national and state—facing the industry, the Fifth District of NAB, comprising Georgia, Alabama, and Florida, assembled in their first annual meeting at Ponte Vedra Beach at ten o'clock on Sunday, May 14th, with the largest attendance ever recorded at a South-eastern Group meeting.

The afternoon of the first day was given over to Group meetings of the state organizations and the Sales Manager Groups from the Fifth District.

The Georgia delegation endorsed the reorganization of the Georgia broadcasters as a chartered association, and the Florida group held its meeting Sunday afternoon.

Various discussions among the Florida Group included the report of its legislative committee, with Gilbert Freeman, Chairman, outlining the developments on the four bills pertaining to the broadcasting industry before the Legislature in session at Tallahassee, Florida. These bills relate to civil liability of radio stations, musical copyrights, and phonograph records. Mr. Freeman stated that all bills had been reported out of committee and that he hoped they would be passed at the present session of the Legislature.

New officers of the Florida Association of Broadcasters were elected as follows:

Frank King—WMBR—President
 Gilbert Freeman—WTAL—First Vice-President
 Harold Danforth—WDBO—Second Vice-President
 Spencer Mitchell—WDAE—Secretary & Treasurer

The Board of Directors comprising the officers and the addition of three other members, consisting of the retiring President, Walter Tison, of WFLA; Fred Borton, of WQAM; and Henry Wells, of WCOA.

Monday's meeting was highlighted by the address of Claude Mills of ASCAP, who addressed the convention for two hours and fifteen minutes, at the conclusion of which the question of ASCAP copyright was thrown open for discussion and Mr. Mills endeavored to answer questions from the floor.

The afternoon meeting was highlighted by an address by NAB President, Neville Miller. At the conclusion of his address an open forum developed on the various copyright and legislative problems. President Miller was followed by Andrew W. Bennett, NAB Counsel, with his analysis of the copyright situation.

Walter Tison, NAB Director for the Fifth District, was returned for another year.

The official registrants at the convention were as follows:

REPRESENTATION	STATION
Fritz Myers	WLAK
Fred Borton	WQAM
Fred Mizer	
Reginald Martin	WJNO
Wright Esch	WMFJ
Bob Tigert	WFOY
Harold Danforth	WDBO
Spencer Mitchell	WDAE
Harold Meyer	WSUN
Henry Wells	WCOA
Gilbert Freeman	WTAL
T. C. Imeson	WJAX
Jack Hopkins	
Glenn Marshall, Jr.	WMBR
Frank M. King	
Bill Knight	WSAV
Senator Jack Williams	WAYX
H. Wimpy	WPAX
J. W. Woodruff, Jr.	WRBL
Maurice Coleman	WATL
Lambdin Kay	WSB
W. H. Summerville	WGST
Greene Adair	
Jess Swicegood	WAGA
Major Mitchell	WRGA
John W. Quarles	
Jimmy Selby	
R. L. Starr	
W. R. Rinsgon	WRDW
Edward K. Cargill	WMAZ
Red Cross	
J. C. Bell	WBRC

COMING EVENTS—JUNE

June 3	—Confederate Memorial Day (Louisiana, Tennessee)
June 8-11	—King and Queen of England will be in the United States
June 9	—John Howard Payne, author "Home, Sweet Home" born 1791
June 10	—National Flower Shut-in Day
June 11	—Children's Day celebrated in churches
June 14	—Flag Day
June 15	—Franklin's kite experiment, 1752
June 17	—Children's Day (for commercial purposes)
June 18	—Father's Day
June 26-July 1	—National Swim for Health Week

All through the month:

The NAB-RMH Campaign
 Theme "Listen While You Play!"

RADIO REPORTERS ELECT

Fulton Lewis, Jr., MBS reporter, was elected president of the newly organized Radio Correspondents Association on May 11 following Congress' decision to set aside special galleries for radio reporters.

Other officers: Albert L. Warner, CBS, vice-president; William McAndrews, NBC, secretary, and Frank Morrison, Transradio News, treasurer.

Radio reporters now are admitted to White House press conferences, from which they were barred before Mr. Lewis, assisted by the NAB and the networks, won the congressional privileges.

STATE LEGISLATION

CALIFORNIA:

A. 913 (Williamson) PUBLIC WORK—WAGE RATES—Relating to wage rates on public work. Referred to Labor Committee.

A. 2004 (Thurman) ADVERTISING—Adding a new section to the Civil Code regarding the use of name, portrait or picture of any living person. Passed by both houses. Sent to Governor 5-8-39.

FLORIDA:

H. 122 (Clements, et al) Same as S. 65. OPTOMETRY—Define and regulate and practice of optometry. Referred to Public Health Committee.

H. 1400 (Inman) AMUSEMENT TAX—Amending section 23, Chapter 18011 of the 1937 Act, imposing certain license taxes and providing for the collection thereof, providing that the tax shall be lien on property under certain circumstances, and providing for an additional license tax on dance halls where music is furnished by one or more musicians. Referred to Public Amusement Committee.

S. 65 (Kelley) Same as H. 122. OPTOMETRY—Defines and regulates the practice of optometry and declares same a profession; providing for Board of Examiners and Duties. Referred to Public Health Committee.

S. 527 (Murphy) MECHANICAL MUSICAL INSTRUMENTS—LIQUOR SALES PLACES—Prohibiting the use of mechanical musical instruments in any place outside of any incorporated city or town, where intoxicating liquor is sold.

S. 551 (Beacham) HIGHWAY DISTRIBUTION OF ADVERTISING—Prohibiting distribution of advertising information in public street or highway to any vehicle or occupant thereof. Referred to Judiciary B Committee.

PENNSYLVANIA:

H. 1130 (Brunner) INSURANCE ADVERTISING—Amending section two (Pamphlet Laws nine hundred eighty-one), prohibiting the publication, printing or radio broadcasting of advertisements or notices of insurance companies, associations, exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the insurance department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties by permitting the use of copies of certificates. Passed by House 5-2.

S. 825 (McGinnis) OIL INVESTIGATION COMMISSION—Creating an Oil Investigation and Control Commission for investigation and regulation of the oil industry and persons engaged in production, refining and distribution of oils and gasoline. Referred to Judiciary General Committee.

S. 928 (Tallman) THEATRICAL AGENCIES—Licensing business of theatrical agencies obtaining employment; providing for registration, bonding and regulation of certain individuals and entities engaged in such business; placing regulation under Secretary of Labor and Industry; providing penalties. Referred to Labor and Industry Committee.

S. 931 (Eral) POLICE RADIO EQUIPMENT—Amending Section 251 of Pamphlet Laws 1278 to authorize the district attorneys in counties of the fourth and fifth classes to purchase and maintain police radio equipment. Referred to Judiciary General Committee.

RHODE ISLAND:

H. 803 (McLeod) OPTOMETRY—Defining and regulating the practice of optometry and repealing Chapter 161 of the general laws. Referred to Judiciary Committee.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission has announced its Proposed Findings of Fact and Conclusions in which it proposes to grant the application of Station WSNJ, Bridgeton, New Jersey, for authority to install a new transmitter and increase its facilities to operate with 100 watts night, 250 watts LS, unlimited time. The

station now operates on **1210 kilocycles**, with 100 watts, daytime only.

The Commission's Proposed Conclusions stated that there is need for additional service in the area proposed to be served and that the operation of the station as proposed will not cause objectionable interference to any existing station.

Chairman McNinch did not participate in this case.

The application of Powell and Platz, Assignor of Station KGGF, and Hugh J. Powell, Assignee, for voluntary assignment of the station license to Hugh J. Powell is proposed by the Commission in a Proposed Findings of Fact. The station operates on **1010 kilocycles**, 1000 watts day and night, specified hours.

The Commission found that the Assignee is in all ways qualified to continue the operation of the station. He already owns, the Commission stated, an undivided two-thirds interest and has been operating manager of the station for the past eight years.

Chairman McNinch did not participate in this case.

In a Proposed Findings of Fact, the Commission proposed to grant the application of the M. & M. Broadcasting Company for a construction permit to erect a new station at **Marinette, Wisconsin**, to use **570 kilocycles**, 250 watts, daytime only.

It was stated by the Commission in its Proposed Findings that a public need exists for the service proposed by the applicant. The Commission found also that there is sufficient economic support and talent for program material available for the operation proposed.

DECISIONS OF COMMISSION

The Federal Communications Commission, this week, denied the application of the Alabama Polytechnic Institute for the voluntary assignment of the license of Station WAPI, **Birmingham, Alabama**, to the Voice of Alabama, Inc. The Commission held that the transfer of the license from the present licensee of the station "will not be in the public interest."

Chairman McNinch did not participate in this decision.

The application of F. W. Meyer for a construction permit for a new station at **Denver, Colorado**, has been denied by the Commission. The Meyer application asked to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The Commission stated in its opinion that the applicant "has not sustained the burden placed upon him by showing that the existing stations in the city are not ade-

quately supplying the local needs of the community as to program service, and that the proposed station would fill said need." The Commission found that the granting of the application would not serve public interest.

Chairman McNinch did not participate in this decision.

The following notice was sent by the FCC to all interested parties on standards of good engineering practice concerning standard broadcast stations:

In accordance with the memorandum to the Commission from the Committee on Proposed Rules governing Standard Broadcast Stations and Standards of Good Engineering Practice, dated April 1, 1939, beginning at 9:30 a. m., June 5, 1939, at the offices of the Commission in Washington, D. C., an informal engineering conference will be held on the proposed standards of good engineering practice.

At this conference, engineering questions involved in the exceptions filed relative to the proposed rules and suggested changes in the proposed standards will be discussed.

All interested parties are invited to attend this conference and it is requested that all parties planning to attend so advise the Chief Engineer of the Commission not later than May 28, 1939.

Any parties who are not able to attend, but desire to offer suggestions, may do so by letter which will be given due consideration in preparing the final draft of the "Standards of Good Engineering Practice."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 22. They are subject to change.

Tuesday, May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.; Proposed Studio, Kansas City, Mo.; Proposed Transmitter, Kansas City, Kans.—C. P., 1220 kc., 1 KW, 5 KW LS, shares KFKU (DA for day and night). Present assignment: 1220 kc., 1 KW, 5 KW LS, shares KFKU.

Wednesday, May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, May 25

Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., 620 kc., 1 KW, unlimited time (DA night).

NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., 1500 kc., 100 watts, unlimited time.

May 19, 1939

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW, unlimited time (DA night). Present assignment: 620 kc., 250 watts, daytime.

NEW—M. L. Medley, Cookeville, Tenn.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

June 9

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

June 12

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, daytime.

June 15

Further Hearing

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

June 26

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P. to install new antenna and move transmitter and studio locally; 1290 kc., 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

June 30

KALE—KALE, Incorporated, Portland, Ore.—C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1300 kc., 1 KW, unlimited time.

July 10

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., 1230 kc., 250 watts, unlimited time.

July 11

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.

July 12

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., 570 kc., 1 KW, unlimited time (DA night and day). Present assignment: 1500 kc., 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WWL—Loyola University, New Orleans, La.—Granted modification of special experimental authority to operate with 50 KW power, unlimited time, for the period ending August 1, 1939.

WGRM—P. K. Ewing, Grenada, Miss.—Granted C. P. to move station from Grenada to Greenwood, Miss., subject to compliance of Rules 131, 132 and 139.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted C. P. to make changes in composite equipment and increase in day power from 100 watts to 250 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending December 1, 1939:

WFAS, White Plains, N. Y.; KVSO, Ardmore, Okla.; KDON, Monterey, Calif.; KFPW, Fort Smith, Ark.; KFXJ, Grand Junction, Colo.; KOOS, Marshfield, Ore.; KPMC, Bakersfield, Calif.; KSUN, Lowell, Ariz.; WAYX, Waycross, Ga.; WCAX, Burlington, Vt.; WCOU, Lewiston, Me.; WFTC, Kinston, N. C.; WGCM, Gulfport, Miss.; WKBO, Harrisburg, Pa.; WPAX, Thomasville, Ga.; WTHP, Hartford, Conn.; WWAEE, Hammond, Ind.; KITE, Kansas City, Mo.; KTUL, Garden City, Kans.; KOCA, Kilgore, Tex.; WJHL, Johnson City, Tenn.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WMBO—WMBO, Inc., Auburn, N. Y.—Application for modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission.) Application was designated for hearing because pending applications involve increase in service and interference.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Application for modification of high frequency broadcast station license to use frequency 42180 kc., listed as available for high frequency broadcast stations under Sec. 44.04. Application designated for hearing because of pendency of the renewal application of this station and the issues raised thereby, and to determine if applicant has complied in all respects with the rules and regulations in re high frequency broadcast stations.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Application for C. P. to erect a new station to operate on frequency 680 kc., clear channel, with 250 watts power day, limited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

MISCELLANEOUS

WBBM—Columbia Broadcasting System, Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of station WENR at Downers Grove, for the period May 15 to June 13, until new antenna can be put up at WBBM's location.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to rebroadcast program material received from Relay Station WOEG, operated by General Electric Co., located aboard Union Pacific train, from 10 to 11 p. m., CST, on May 12.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 3:30 p. m., CST, on May 20, in order to broadcast Upper Peninsula District Track and Field Meet.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied special temporary authority (unless Rule 15.15 is complied with) to operate from 5 to 6 a. m., CST, for a period not to exceed 30 days.

WBGH—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate relay broadcast experimental station W9XSM on the frequencies 1606, 2022, 2102 and 2758 kc., with power of 10 watts, in lieu of the normal licensed frequencies, on May 12 and 13.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Granted special temporary authority to operate station WRVA on one antenna only of two antenna array during daylight hours only, for the period May 11 to May 16, in order to conduct tests.

W9XFN—American Broadcasting Corp. of Kentucky, Lexington, Ky.; W9XFO—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate WQOB, Fayette County Police Radio Patrol fixed station (25 watts, 37,100 kc., and two WQOB Fayette Patrol mobile units) (5 watts, 37,100 kc.) on frequency of 37,020 kc., as a relay

broadcast station, from 1:30 to 1:45 p. m., CST, on May 11, for the purpose of rebroadcasting over station WLAP and WHAS the inaugural program of the Fayette County Police Radio Patrol.

NEW—C. T. Sherer Co., Inc., Worcester, Mass., and NEW—North Shore Broadcasting Co., Salem, Mass.—Granted applicants' petition for continuance of hearing now scheduled for June 1, for approximately 30 days, new date to be fixed by Docket Section, in re applications for new stations, both requesting frequency 1200 kc., Sherer Co. for 100 watts night, 250 watts LS, and North Shore Broadcasting Co. for 100 watts, unlimited time for both applicants.

WSPA—Virgil V. Evans, Spartansburg, S. C.—Granted petition for extension of 10 days time to file proposed findings (for all parties), due May 17 to and including May 27.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted motion to dismiss without prejudice application for modification of license to increase night power from 1 to 5 KW.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Denied petition for order to take depositions with reference to citizenship of three parties connected with applicant corporation, and to reopen the record for that purpose.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Dismissed motion to deny above petition for order to take depositions and reopen the record in re application of Presque Isle Broadcasting Co.

KITE—First National Television, Inc., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to move transmitter and studio, install directional antenna.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted petition to accept amendment to application in re directional antenna and antenna site; cancelled hearing date of June 20 involving applications of KXOK, KFRU and WGBF, new date to be fixed by dockets, all three cases to be heard on the same date.

NEW—John F. Arrington, Jr., Valdosta, Ga.—Denied petition for order to take depositions; hearing date of May 26 cancelled and case continued to July 10. This is an application for C. P. for new station to operate on 1230 kc., 250 watts, unlimited time.

WPAX—H. Wimpy, Thomasville, Ga.—Denied request for order to take depositions in re application of Arrington.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted petition to intervene in the hearing on the application of KFIO, Spokane, Wash., to change frequency from 1120 kc. to 950 kc., and power from 100 watts daytime to 1 KW unlimited.

KXL—KXL Broadcasters, Portland, Ore.—Granted petition to withdraw without prejudice application for C. P. to change frequency and power from 1420 kc., 100 watts, 250 watts LS, shares KBPS, to 1110 kc., 5 KW, unlimited, DA for day and night.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Granted petition to intervene in the hearing on the application of the Neptune Broadcasting Corp. for a new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited.

NEW—North Shore Broadcasting Co., Salem, Mass.—Granted motion to accept amendment describing type of antenna and transmitter site, in re application for new station to operate on 1200 kc., 100 watts, unlimited time, now scheduled for hearing on June 1.

WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate with power of 1 KW daytime, using directional pattern, in order to facilitate the establishment of the directional pattern of the antenna authorized by C. P. granted on November 1, 1938, for the period ending no later than June 1, 1939.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate, subject only to full compliance with Rule 15.15, from local sunset (May 6:30 p. m. and June 7 p. m., CST) to the conclusion of baseball games to be played on May 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, and June 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted special temporary authority to operate crystal controlled 100-watt unmodulated transmitter between hours 1 and 6 a. m., EST, in vicinity of Bristol, for the period May 15 to June 7, in order to conduct site survey.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency 38.65 megacycles, pending definite arrangements to be made in

- the ultra high frequency bands, for the period May 19 to June 17.
- NEW—WJMS, Inc., Ashland, Wis.—Granted request for change in notary public to take depositions on May 15 in re application for new station, subject to proper objection on the part of the other parties in this proceeding.
- NEW—Mollin Investment Co., Huntington Park, Calif.—Denied as in cases of default application for C. P. for new station at Palm Springs, Calif., to use 1200 kc., 100 watts, daytime, because applicant failed to file written appearance.
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Denied as in cases of default application for C. P. to change equipment and increase day operating power, because applicants failed to file written appearance.
- W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Denied as in cases of default application for renewal of television broadcast experimental license, for failure to file written appearance.
- WICA—WICA, Inc., Ashtabula, Ohio.—Granted in part petition of WICA authorizing operation of station with 500 watts daytime, and denied request to operate with 1 KW.
- NEW—William F. Huffman, Wisconsin Rapids, Wis.—Granted petition for rehearing, said rehearing to be on further issues to be determined by the Commission. (On January 3 the Commission denied Huffman's application for a new station to operate on 580 kc., with 250 watts, unlimited time, DA nighttime hours.)
- WSBT—South Bend Tribune, South Bend, Ind.—Denied petition for rehearing in re Docket 3763, and set aside its Statement of Facts, Grounds for Decision and Order of February 6, 1939, and set the matter for further argument before the Commission upon the following: (1) what the effect would be, if any, upon the operation of these stations as proposed, of putting into operation the allocation established by the North American Regional Broadcasting Agreement; (2) whether on the basis of the pendency of such Agreement both applications should be denied; and (3) which, if either, of the two applications should be granted. (The applications involved are for WSBT to move transmitter and change frequency from 1360 kc. to 1010 kc., and increase power from 500 watts, sharing time with WGES, to 1 KW, unlimited, using DA; and application of King-Trendle Broadcasting Corp. for C. P. to erect a new station at Grand Rapids, Mich., to use 1010 kc., with 250 watts power, unlimited time. Both applications were denied by the Commission on February 6.)
- NEW—Summit Radio Corp., Akron, Ohio.—Denied petition to revise issues and postpone rehearing in re application for new special broadcast station to use 1530 kc., 1 KW, unlimited time, with DA at night, and ordered that hearing stand postponed indefinitely.
- NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—On May 8 the Commission granted a petition for further hearing on the application of Pawtucket Broadcasting Co. for a new station to use frequency 1390 kc., 1 KW, unlimited time, on issues to be specified. Pursuant to this action the Commission today approved the bill of particulars, the further issues to be: (1) to determine whether there is available a frequency which will provide service to the area proposed to be served in keeping with the Commission's plan of allocation. (2) To determine whether or not the use of the frequency 1390 kc., with 1 KW power, unlimited time, will provide adequate service for the area proposed to be served, and would be consistent with sound principles of allocation.
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of C. P. to install new equipment.
- WBAC—New Jersey Broadcasting Corp., Portable-Mobile (New York and New Jersey area)—Granted license to cover C. P. for new relay broadcast station, frequencies 1646, 2090, 2190, 2830 kc., 2 watts.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted amended C. P. to move transmitter and studio sites locally, install vertical radiator and new equipment, upon the express condition that this grant shall not be construed as a finding by the Commission upon the application for renewal of license of KLCN nor upon any issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted authority to determine operating power by direct measurements of antenna input in compliance with terms of Rule 137.
- WWL—Loyola University, New Orleans, La.—Granted license to cover C. P. authorizing change in transmitter site, installation of directional antenna system for both day and night operation, and increase in power from 10 KW to 50 KW.
- WCAX—Vermont Broadcasting Corp., Burlington, Vt.—Granted modification of license to change name from Vermont Broadcasting Corp. to Burlington Daily News, Inc.
- WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and installation of vertical radiator, provided towers are marked according to specifications.
- WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Granted modification of C. P. extending completion date to November 20, 1939.
- KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted modification of C. P. extending completion date to December 11, 1939.
- WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 to 250 watts.
- KVOS—KVOS, Inc., Bellingham, Wash.—Granted license to cover C. P. authorizing move of transmitter site locally and installation of vertical radiator, subject to the express condition that this grant shall not be construed as a finding by the Commission upon application of Bellingham Broadcasting Co. for C. P. nor upon the application for renewal of license of KVOS, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WJR—WJR, The Goodwill Station (Detroit, Mich.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 250 watts.
- NEW—Miami Valley Broadcasting Corp. (Dayton, Ohio, Montgomery Co.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 18 watts.
- NEW—Florida West Coast Broadcasting Co., Inc. (Tampa, Fla., also Clearwater), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.
- NEW—Red River Broadcasting Co., Inc. (Duluth, Minn.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 10 watts.
- WNYN—City of New York, Municipal Broadcasting System (New York, N. Y.), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 3 watts.
- WNYO—City of New York, Municipal Broadcasting System (New York, N. Y.), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 3 watts.
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted license to cover C. P. authorizing new station to operate on 1210 kc., 250 watts, daytime only.
- W2XJI—Bamberger Broadcasting Service, Inc., New York.—Granted special temporary authority to operate high frequency broadcast experimental station W2XJI on the frequency 25300 kc. in lieu of normal licensed frequencies, for a period not to exceed 30 days, pending Commission action on application for modification of license.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW night, for a period not to exceed 30 days, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc. or reduces power so that additional interference is not involved.
- KSAL—R. J. Laubengayer, Salina, Kans.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG operated by General Electric Co. aboard new streamline train of Union Pacific at approximately 8:15 p. m., CST, on May 15.
- KTEM—Bell Broadcasting Company, Temple, Tex.—Granted special temporary authority to operate from 7:30 to 11 p. m., CST, on May 23, in order to broadcast proceedings of Chamber of Commerce Banquet, using 100 watts only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate all hours except those assigned to station WSVS, which are 8:30 to 10 a. m., and from 2 to 3 p. m., EDT, instead of EST, for the period ending no later than July 1, 1939 (provided WSVS remains silent).

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period May 21 to June 19.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army airplane, call letters DU-1, in connection with Blackout Exercises on May 18.

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army airplanes, call letters VR2, SF7 and DU1, in connection with Blackout Exercises on May 18.

W3XO—Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authority to operate high frequency broadcast station W3XO on frequency of **43.2 megacycles**, with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services, for the period May 30 to June 28.

W2XMN—Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency **42.8 megacycles**, power output 40000 watts, for the period June 14 to July 13, pending definite arrangements to be made in the ultra high frequency bands.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency experimental station W8XWJ, to be received from relay broadcast experimental station W8XIG, in connection with Police Field Day activities, from 10 a. m. to 6 p. m., EST, on May 26.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XPW authorized by modification of C. P., on frequency **42.4 megacycles**, with power of 1000 watts, for the period May 24 to June 22, pending definite arrangements to be made in ultra high frequency bands.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m. until midnight, EDST, on May 16, 24, June 1, 8, in order to broadcast baseball games.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authorization to operate unlimited time on **1180 kc.**, using 10 KW power, employing directional antenna system after sunset at Portland, Ore (May 7:30 p. m. and June 8 p. m., PST), for the period May 23 to June 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period May 23 to June 21.

APPLICATIONS FILED AT FCC

570 Kilocycles

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW.

760 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Modification of construction permit (B5-P-1702) as amended for changes in equipment, increase in power, new antenna, and move of transmitter and studio. Amended: Equipment and antenna changes and give transmitter site as Atlantic St., Dock "A", Seattle, Wash., and studio site as 314 Bigelow Bldg., Seattle, Wash.

1200 Kilocycles

NEW—North Shore Broadcasting Company, Salem, Mass.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: Antenna changes, and give transmitter site as Naugus Ave., Marblehead, Mass.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Construction permit to install new transmitter and vertical antenna.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit (B3-P-2002) for approval of

antenna, and give studio site as Main St., McColgan Hotel, McComb, Miss., and transmitter site as U. S. Highway 51, McComb, Miss.

1250 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Construction permit to install new transmitter; make changes in directional antenna (for use both day and night); change frequency from **1250 kc. to 630 kc.**; power increase from 1 KW to 1 KW night, 5 KW day; move transmitter from ½ mile northwest of Venice, Ill., to near Washington Park, Ill. (contingent on B4-P-2321—WGBF and B4-P-2322—KFRU). Amended: Changes in antenna, and to give transmitter site as near National City, Ill.

1310 Kilocycles

KWOC—Don M. Lidenton and A. L. McCarthy, Poplar Bluff, Mo.—Voluntary assignment of license from Don M. Lidenton and A. L. McCarthy to A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to cover construction permit (B3-P-2250) as modified to install new transmitter and antenna and move of transmitter.

1320 Kilocycles

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in transmitting equipment, install new vertical antenna, and move transmitter from 111 Broadway to corner Lake and Maryland Aves., Pueblo, Colo. Amended to request increase in power from 500 watts to 1 KW.

1340 Kilocycles

NEW—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Construction permit for a new station on **1340 kc.**, 1 KW, unlimited time.

1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Ore.—License to cover construction permit (B5-P-1744) as modified for change in frequency, new transmitter, antenna changes, increase in power, move of studio and transmitter.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Construction permit to install vertical antenna, increase power from 500 watts night, 1 KW day, to 1 KW day and night. Amended: Antenna changes.

1370 Kilocycles

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts night and 250 watts day power, unlimited time.

1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night—directional antenna night.

1390 Kilocycles

NEW—Richard T. Sampson, Riverside, Calif.—Construction permit for a new broadcast station to be operated on **1390 kc.**, 250 watts power, daytime operation.

1420 Kilocycles

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Antenna and transmitter site to be determined, in or near Lawton, Okla.

1500 Kilocycles

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Modification of construction permit (B2-P-1848) for a new

station, requesting approval of antenna, new transmitter, and approval of studio site at 1016 Lee St., Charleston, W. Va., and transmitter site at Kanawha Country Club Road, South Charleston, W. Va. Amended: Antenna changes and give transmitter site as Coal Branch Heights, near city of Charleston, W. Va.

NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Construction permit for new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—Construction permit to install new transmitter and antenna and move transmitter from 134 Miami St. to 341 Rising Main St., Pittsburgh, Pa.

MISCELLANEOUS

W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequencies from 31600, 35600, 38600, 41000 kc. to 25250 kc., to comply with new rules adopted 4-17-39.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequency from 26300 kc. to 25300 kc., to comply with new rules.

W8XCN—Onondaga Radio Broadcasting Corporation, Portable-Mobile, Syracuse, N. Y.—Construction permit for change in equipment, increase power output from 5 watts to 20 watts, change frequencies to 30820, 33740, 35820 and 37980 kc.

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile (area Syracuse, N. Y.)—Construction permit for new relay broadcast station (portable-mobile) on frequencies 1646, 2090, 2190 and 2830 kc., 20 watts power, A-3 emission.

W8XJM—WBNS, Inc., Columbus, Ohio.—License to cover construction permit for facsimile station. Amended to change frequencies from 41000, 38600, 35600 and 31600 kc. to 43540 kc., in accordance with new rules.

W9XEG—Martin R. O'Brien, Portable-Mobile, area of Aurora, Ill.—License to cover construction permit for new experimental station.

NEW—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—Construction permit for a new portable-mobile relay broadcast station on frequencies 1606, 2022, 2102, 2758 kc., 100 watts power, Emission A-3.

NEW—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.)—License for new relay broadcast station (utilizing equipment of station W9XSM, B4-PRE-86) on 1606, 2027, 2102 and 2758 kc., 10 watts power, A-3 emission. Amended to change frequency 2027 kc. to read 2022 kc.

NEW—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.)—License for a new relay broadcast station (utilizing equipment of station WAHJ, PRY-66) on 31100, 34600, 37600, 40600 kc., 100 watts power, 3-A emission. Amended to specify frequencies 30820, 33740, 35820, 37980 kc., 25 watts power.

W2XAK—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-6) as modified to extend completion of construction date from 6-16-39 to 12-16-39.

W8XVA—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Portable-Mobile, area of Rochester, N. Y.—Modification of construction permit (B1-PRE-221) requesting extension of required date of completion from 7-1-39 to 11-10-39.

WIEW—National Broadcasting Co., Inc., Portable-Mobile, area of New York, N. Y.—License to cover construction permit (B1-PRY-172) for new transmitter and increase in power from 20 watts to 25 watts.

W9XTZ—Eugene P. O'Fallon, Inc., Portable-Mobile (vicinity of Denver, Colo.)—License to cover construction permit (B5-PRE-218) for a new relay broadcast (experimental) station.

W9XZV—Zenith Radio Corporation, Chicago, Ill.—Modification of license for changes in authorized frequencies from 42000-56000, 60000-86000 kc. to 44000-50000 kc., in accordance revised rules.

W9XXT—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license to reduce authorized power without new construction from 5 watts to 0.5 watts.

NEW—A. H. Belo Corporation, Dallas, Tex.—License for new facsimile broadcast station utilizing the equipment of high frequency broadcast station W5XD, to be operated on 25250 kc., 100 watts, unlimited time, A-4 emission; Dallas, Tex.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

Buford & Owens College—Misuse of the word "college" and misrepresentation of the efficacy of hair and scalp remedies distributed by them, is charged in a complaint against Buford & Owens College, and its officers, Gussie Buford, President, Mary Owens Boone Wellingham, Vice-President, and George Buford, Secretary, 812 North East Third St., Oklahoma City, Okla.

In newspapers and in other advertising matter distributed by the respondents, the complaint alleges, are statements such as "Buford & Owens College, makers of wonderful B. & O. Hair Oil—Shampoo", and "It stops the hair from falling out, cures many cases of scalp diseases, and causes stubborn hair to grow."

The complaint asserts that a college, as understood by the public, is an institution of higher learning empowered to confer degrees, with a faculty of learned instructors in the various branches of learning, including the liberal arts and sciences. It also alleges that the respondents' preparations are not a cure or remedy for dandruff, falling hair or scalp diseases, and are of no value in promoting the growth of hair or preventing hair from falling out. (3790).

Consolidated Silver Company of America—Unfair trade practices in the sale of a business promotional plan and of silverware to retail merchants and their customers, are alleged in a complaint against William M. Irvine, trading as Consolidated Silver Company of America, 7338 Woodward Ave., Detroit.

Entering into contracts with retail merchants, the respondent is alleged to sell them "advertising trade cards" at \$4.50 a thousand which the merchants distribute to customers who purchase specified amounts of their ware, and with display posters and advertisements to be used in connection with the sales plan.

Among representations alleged to be made by the respondent are: That the merchants' customers can obtain entire sets of silverware or tableware without cost to them by obtaining the advertising cards and sending them to the respondent for redemption; that merchants can purchase and use the respondent's sales promotional plan without cost to them, and that the respondent, trading as Consolidated Silver Company of America, is a representative of, or is connected with, or is conducting an advertising campaign for, the manufacturer of Wm. A. Rogers silverware. (3789)

W. A. Nieuwenhuis & Sons—W. A., John, and Henry Nieuwenhuis, trading as W. A. Nieuwenhuis & Sons, Kalamazoo, Mich., distributors of plants and tulip bulbs grown on farms and nurseries near Kalamazoo, are charged in a complaint issued with misrepresenting, on price lists and other printed matter through the legend "Dutch Bulb Growers", that the bulbs distributed by the respondents are grown in Holland. (3787)

Westminster Tire Corporation—Misrepresentation of the number of plies in the structure of pneumatic tires distributed by it is charged in a complaint issued against Westminster Tire Corporation, 601 West 26th St., New York.

It is a custom and usage in the rubber tire industry, followed by many manufacturers of pneumatic automobile and truck tires, the complaint alleges, to mark such tires with words, figures or phrases so as to truthfully indicate the number of plies existing

in the construction of the tires. Many of the respondent's tires, the complaint continues, do not contain the actual number of plies indicated by the words, letters, figures or insignia depicted on the wrapping or shields of the tires. (3786)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Imperial Sales Company—See Midwest Studios, Inc.

Midwest Studios, Inc.—Misrepresentations in the sale of tinted or colored enlargements of photographs and frames therefor brought an order to cease and desist against a Portland, Ore. organization selling such products throughout the country by means of house-to-house sales crews, "field artists" and other representatives. The respondents are Midwest Studios, Inc., Imperial Sales Company and their president, B. E. Youmans, all of 408 S. W. Avenue, Portland, Ore.

The order prohibits concealment or failure to disclose to customers upon initial contact that a finished picture when delivered will be so shaped and designed that it can only be used in a specially designed, odd style frame obtainable only from Midwest Studios.

The respondents are ordered to cease representing, through use of a "draw" or any other device, that any customer thereby obtains a financial advantage or is entitled to receive any picture free. (3011)

United States Advertising Service—An order to cease and desist from the distribution of pull and push cards and other lottery devices to be used in the sale of merchandise was issued against Meyer Edelsohn, trading as United Advertising Service, 5715 Florence Ave., Philadelphia.

Findings of the Commission are that United Advertising Service distributes clocks, desk lighters, and other merchandise, also supplying customers with the lottery devices and instructions by which the merchandise is distributed to ultimate consumers. (3738)

STIPULATIONS

The Commission has entered into the following stipulations:

General Foods Corporation, 250 Park Ave., New York, distributor of a laundering product designated La France, has entered into a stipulation to cease representing that La France contains or constitutes a cleansing agent superior to or different from pure soap, and that if one uses La France, clothes will not require any rubbing or scrubbing. (02376)

Hychem Laboratories, Inc.—The Commission has accepted from Hychem Laboratories, Inc., 184 West Washington St., Chicago, distributor of diaphragms, rings and a so-called "Hychem Jelly", a stipulation to the effect that it will discontinue use of the word "Laboratories" in connection with its corporate or trade name or in any way which would imply that it owns, operates or controls laboratories, when such is not a fact. (2463)

Proctor & Gamble Co., Cincinnati, has entered into a stipulation to discontinue advertising that the use of Camay Soap will keep the skin young; that no other soap can compare with Camay for cleansing the skin, or that Camay "reaches down to the pores".

While not abandoning its right to claim that its product may be used safely upon sensitive skins generally, the respondent company agrees to cease representing directly or by implication that Camay Soap "can't irritate the most sensitive skin" or using any other claim which may imply that it is nonallergic. (02375)

Tim Lake Laboratories, Inc., Des Moines, Iowa, distributor of "Jermite", a poultry remedy, has entered into a stipulation in which it agrees to cease and desist from representing that "Jermite" guarantees reduced chick loss, rapid chick growth, riddance of disease germs, prevention of coccidiosis, elimination of worm hazard, or control of simple diarrhea; that "Jermite" acts as an antiseptic, appetizer, intestinal cleanser or bone builder; that it increases vitality, egg production, or hatchability of eggs, and that one gallon of "Jermite" will anticepticize and germitize 250 gallons of drinking water, or 32 sacks of feed when fed according to directions. (02377)