



The Week In Washington

Congress was busy this week with other matters and the FCC took the headlines in broadcasting news.

The commission issued new rules on international broadcasting, among these being one to require stations to broadcast internationally only such programs "which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation."

The commission's television committee issued a report recommending against adoption of standards proposed by the Radio Manufacturers Association for fear of freezing television.

So far, the commission has failed to supply an interpretation of its May 16 statement regarding Section 317 of the Federal Communications Act of 1934, despite persistent efforts of the NAB to obtain such.

Neville Miller appeared before a senate subcommittee to endorse legislation that would permit televising of prize fights.

The NAB Research Committee met in Washington. Next week both the accounting and code committees will meet in New York. The code committee is expected to whip into shape the code of program standards to be presented to the NAB convention in July.

FCC FAILS TO CLARIFY RELEASE ON SECTION 317

The FCC to date has failed to supply an interpretation of Section 317 of the Communications Act of 1934, requested by the NAB as soon as the Commission called the broadcasting industry's attention to the section on May 16.

Neither oral requests nor the NAB's letter brought an interpretation. A special bulletin will be sent to the membership as soon as word is received from the FCC.

The NAB letter:

May 23, 1939

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

Please permit me to refer to the Commission's release No. 34075 of May 16, which called attention to the requirements of Section 317 of the Communications Act of 1934, reading as follows:

"Sec. 317. 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."

It is my understanding this release was occasioned by reports from the Commission's field representatives that in several instances a few stations had neglected to sufficiently identify sponsors, particularly in connection with time purchased for talks.

Heretofore we have interpreted the provisions of Sec. 317 as follows: "The station is required to announce the sponsor of the program in such language as will acquaint the listener with the fact that the program is being broadcast as an advertisement if such is the case. The Federal Radio Commission ruled that advertising must be presented as such and not disguised, applying the same principle which has been applied to newspapers to prevent an advertisement from appearing on the surface to be a news item (see Third Annual Report, Federal Radio Commission, page 35). The plain intent of the Section is to prevent a fraud being perpetrated on the listening public. Therefore, reference to the sponsor in such manner as to indicate to the listener that the program is paid for by the sponsor should be sufficient without the necessity of specifically using the words "paid for." An announcement of the fact that the program is presented by the "X" company or that it

(Continued on page 3498)

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*

FCC FAILS TO CLARIFY RELEASE ON SECTION 317

(Continued from page 3497)

is sponsored by the "X" company would appear to satisfy the provisions of the statute, since these terms have been publicized to such an extent by radio that the public understands such programs are paid for and are for the purpose of advertising the product of the sponsor. On the other hand, if the name of the sponsor is mentioned in such manner that it might be construed as an editorial comment on the part of the station or as an item of news, it would be contrary to the provisions of the Section."

In view of the number of requests for information received as a result of the Commission's release, it will be greatly appreciated if you will advise whether the foregoing interpretation is in accord with that of the Commission.

Sincerely,

ANDREW W. BENNETT, *Counsel*.

MILLER URGES APPROVAL OF PRIZE FIGHT TELEVISIONING

Neville Miller urged a Senate Interstate Commerce subcommittee this week to approve the Barbour bill to eliminate the federal ban on the television broadcast of prize fights across state lines.

Mr. Miller made the following statement:

There have been many changes in American life and American opinion since 1912 when Congress enacted the present law making it unlawful to ship in interstate commerce films of prize fights. Since that time broadcasting has been developed as a medium of public entertainment and as a means of dissemination of news and information. Sports of all kinds have become more popular, and the American people have become more sport minded and interested in sporting events.

Today many sporting events, such as football games, baseball games, prize fights and horse races are broadcast, and these programs are listened to by large nationwide audiences. No distinction, as far as I know, has been drawn between broadcasting of prize fights and the broadcasting of other sporting events, and all today are an accepted form of entertainment.

Television is now in the process of being developed, and a number of broadcasters possess the necessary Government licenses to operate television transmission stations. Television receiving sets are now being manufactured, and sold to the public in areas where service is available. The program service in television is being developed, and, unless prohibited by law, will include the transmission of pictorial representation of prize fights.

Many of such transmissions will be across state lines, and therefore will fall within the category of interstate commerce. Although no court as yet has been called upon to decide whether the Act of 1912 would apply to a telecast of a prize fight, it is conceivable that the question may be raised, and no broadcaster desires to run the risk of violating the law, even though the possibility of his act being a violation may be remote.

Programming is one of television's most difficult problems, and it must depend upon special events as a major source of material. As prize fights have proved to be very acceptable to the public as broadcast program material, they will undoubtedly prove to be very acceptable for television program material. A prohibition of the use of prize fights for television programs would deprive

the industry of very valuable program material, and accomplish no good purpose.

Speaking on behalf of the broadcasting industry, I desire to urge the passage of Senate Bill 2047, introduced by Senator Barbour of New Jersey.

DISTRICT 2 MEETING

The meeting of the NAB members in the Second District, comprising the State of New York, was held Friday, May 19, in the studios of WGY at Schenectady. Harry C. Wilder, District Director, presided.

The morning session was devoted to the sales managers' conference, which was followed at noon by an inspection of WGY's new studios. After luncheon at the Van Curler Hotel, the television division of the General Electric Company gave a demonstration of General Electric's experimental work.

The afternoon session was devoted to a discussion of industry problems, particularly copyright, state and federal legislation, NAB-RMA campaign, and other NAB activities. At the close of the afternoon session, many of those present went to Albany for an inspection of the new Albany Radio Center, housing WOKO and WABY.

Andrew Bennett, NAB Counsel, represented headquarters. Those present were:

William I. Moore, WBNX, New York City; Richard E. O'Dea, WNEW, New York City; M. J. Weiner, WNEW, New York City; Jack Kennedy, WHAM, Rochester; Phil Hoffman, WSYR, Syracuse; George Bissell, WMFF, Plattsburgh; Martin Traynor, Jr., WMFF, Plattsburgh; Cliff Taylor, WBEN, Buffalo; B. W. Bullock, General Electric Co., Schenectady; Edgar H. Twamley, WBEN, Buffalo; Joe M. Clark, WIBX, Utica; Nathan Cook, WIBX, Utica; Samuel Woodworth, WFBL, Syracuse; W. J. Purcell, WGY, Schenectady; H. A. Woodman, WEA, New York City; Charles Phillips, WFBL, Syracuse; Mr. Al. Sardi, WOKO, Albany; James Carey, WABY, Albany; Morris Clark, WHEC, Rochester; Harold E. Smith, WOKO, Albany; Sidney Kaye, Columbia Broadcasting System, New York City; John Gude, Columbia Broadcasting System, New York City; Kolin Hager, WGY, Schenectady; M. M. Boyd, WJZ, New York City; Fred Keese, WMBO, Auburn; Ken Johnson, WCKO, Albany; Harry Goldman, WABY, Albany; W. T. Meenan, WGY, Schenectady; A. O. Coggeshall, WGY, Schenectady; G. E. Markham, General Electric Co., Schenectady; I. R. Lounsberry, WGR-WKWB, Buffalo; L. H. Avery, WGR-WKWB, Buffalo; Allan Taylor, WGY, Schenectady; Harry C. Wilder, WSYR, Syracuse; William Fay, WHAM, Rochester.

DISTRICT 15 MEETING

Howard Lane, business manager of the McClatchy Broadcasting Company, was elected NAB director, to succeed Ralph R. Brunton, KJBS, at a District 15 meeting in San Francisco on May 17. Tax free music, copyright, legislation and affiliation of state broadcasters' associations with NAB were discussed. Those present:

KARM, George Harm; KFBK, Howard Lane; KFRC, Wilbur Eickelberg; KGDM, Edith Smith; KJBS, Ralph Brunton; KLX, Preston D. Allen; KPO-KGO, Lloyd Yoder; KROY, Will Thompson; KSAN, S. H. Patterson; KSFO, Philip G. Lasky; KSRO, C. L. Finley; KTKC, Charles A. Whitmore; KQW, C. L. McCarthy.

KIRBY ADDRESSES WOMEN

Ed Kirby, NAB public relations director, talked to the National Council of Women in New York this week about

self-regulation in the broadcasting industry. The women, leaders in widely varied fields, appeared to be enthusiastic about the program standards Mr. Kirby discussed.

Monopoly Hearing

MAY 18

Marks Levine, manager of the concert division of the NBC Artists Bureau, testified about the division's activity.

MAY 19

De Quincy V. Sutton, FCC accountant, introduced a number of commission exhibits regarding network operation. This brought to a close the long hearing, which started November 14, 1938. The committee announced it would prepare a report.

FCC Short Wave Rules

The FCC this week issued the following rules on international broadcast stations:

Part 42. International Broadcast Stations

Sec.

- 42.01 Defined
- 42.02 Licensing requirements; necessary showing
- 42.03 Service; commercial or sponsored programs
- 42.04 Frequency assignment
- 42.05 Power requirement
- 42.06 Supplemental report with renewal application
- 42.07 Frequency control

Sec. 42.01 *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned [between 6,000 and 26,600 kilocycles] for broadcasting by International Agreement.)

Sec. 42.02 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That there is a need for the international broadcast service proposed to be rendered.
2. That the necessary program sources are available to the applicant to render an effective international service.
3. That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.¹
4. That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.
5. That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.
6. That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.
7. That the public interest, convenience and necessity will be served through the operation of the proposed station.

¹ See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, Article 7. Prior to September 1, 1939 and thereafter see Cairo General Radio Regulations, Article 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

INDEX

	Page
The Week in Washington.....	3497
FCC on Section 317.....	3497
Miller on Televisioning Fights.....	3498
District 2 Meeting.....	3498
District 15 Meeting.....	3498
Kirby Addresses Women.....	3498
Monopoly Hearing.....	3499
FCC Short Wave Rules.....	3499
FCC Television Report.....	3500
New Legislation.....	3504
FCC Procedure Change.....	3504
Experimental Licenses.....	3504
FCC Measurements.....	3505
Sbips Get Programs.....	3505

Sec. 42.03 *Service; commercial or sponsored programs.*

- (a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.
- (b) Such international broadcast service may include commercial or sponsored programs provided that,
 1. Commercial program continuities gives no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.
 2. In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with subsection (c) of this section.
 3. In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with subsection (c) of this section.
 4. In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.
 5. In case of, any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with subsection (c) of this section and is consistent with the purpose and intent of this section.
- (c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries. The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).
- (d) An international broadcast station may transmit the program of a standard broadcast station or network system provided the conditions in subsection (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency, and provided further that in the case of chain broadcasting,² the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.
- (e) Station identification, program announcements, and oral continuity shall be made with international significance

² See Section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

(language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

Sec. 42.04 *Frequency assignment.*

- (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

Group A	Group B	Group C	Group D
6020 kc	9510 kc	11,710 kc	15,110 kc
6040	9530	11,750	15,150
6060	9570	11,770	15,170
6080	9590	11,790	15,190
6100	9650 ³	11,810	15,210
6140	9670 ³	11,830	15,230
6170 ³		11,850	
6190 ³		11,870	
		11,890	

Group E	Group F	Group G	Group H
15,250 kc	17,760 kc	21,460 kc	25,600 kc
15,270	17,780	21,480	25,625
15,290	17,800	21,520	25,650
15,310	17,830 ³	21,540	25,675
15,330		21,570 ³	25,700
		21,590 ³	25,725
		21,610 ³	25,750
		21,630 ³	25,775
		21,650 ³	25,800
			25,825
			25,850

- (b) A separate license and call letter designation will be issued for each frequency except that where frequencies in two or more groups are required to maintain a particular international broadcast service to certain foreign country or countries, one frequency from each of the groups required may be authorized by one license and one call letter designation. In such cases these frequencies shall be used consecutively during a day as required and they shall not be used simultaneously either on the same transmitter or different transmitters.
- (c) Not more than one frequency in any one group in subsection (a) of this section will be assigned to a station.

Sec. 42.05 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.⁴

Sec. 42.06 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. The number of hours operated on each frequency.
2. A list of programs transmitted of special international interest.
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

Sec. 42.07 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 per cent of the assigned frequency.⁵

³ Any operation on this frequency prior to September 1, 1939, shall be in compliance with Article 7, Cairo General Radio Regulations as adopted at the International Telecommunications Conferences, Cairo, Egypt, 1938.

⁴ This provision shall become effective as applying to existing stations July 1, 1940.

⁵ See Section 40.01 page 1. This provision shall become effective as applying to existing stations January 1, 1941.

STANDARDS

The matters referred by the Commission to the Television Committee present two distinct questions, each requiring separate consideration.

The first of these questions involves action by the Commission upon the request of the Radio Manufacturers Association for approval of the technical standards for television proposed by that Association. The second involves the disposition to be made of several applications for construction permits to erect television stations.

The Television Committee will submit reports dealing with these two questions separately under the title of (1) Standards, and (2) Applications, respectively. This report covers only the first, namely, STANDARDS.

The Television Committee has held several meetings for the purpose of discussing the problem presented by the effect of standardization upon the development of television. In addition thereto the Committee has visited various television laboratories, and has conferred with several organizations concerned in the development of television from both the manufacturing and the operating standpoint. These conferences with the industry were primarily for the purpose of securing information as to the nature of the standards as well as the necessity therefor, and the effect of such standards upon the future development of television as a service in the interest of the public.

The Television Committee is of the opinion that any jurisdiction which the Commission may have lawfully in the matter of television standards is solely that arising from its specification of external performance requirements for transmitting stations which the Commission may license in the future.

However, a serious question of public interest would arise in the future if the Commission should specify external transmitter performance capabilities differing from the operating capabilities of receivers in the hands of the public. This is because of the resultant possibility that the public's receivers would be incapable of receiving programs emanating from transmitters licensed by the Commission. Thus, while the Commission has no legal authority to specify standards for the radio manufacturing industry, there is involved in any such standardization a question of public interest which makes it necessary for the Commission to keep itself actively informed of technical progress in television in greater detail than might be necessary otherwise in regular forms of radio communication.

The Federal Communications Commission is assigned by law a most complex problem of engineering, economics and sociology. It is doubtful if the full meaning of this is thoroughly understood by the general public.

In this matter of television, the Commission must decide not only positive issues such as the ultimate technical standards of performance, but negative ones, such as what radio services shall be displaced or denied in favor of television. In this, it must be admitted, the Government can only proceed with the best evidence available and make as scientific an estimate as possible. Nobody can foresee the progress of scientific invention, nor can anyone predict safely what the public will or will not accept. Therefore, it would appear to be absurd for the Commission or the industry at this time to take the position that they know precisely what the future holds.

We feel that television technology stands at approximately the same point on its road of development as did the automobile business immediately prior to the advent of mass production. At that time, with the Selden patents controlling the industry, automobiles were expensive, few and hand-tooled. It appeared they would remain a luxury attachment to the wealthy household.

Had the Government been asked at that time to fix standards of performance for the automobile industry as the Federal Communications Commission is asked to do for television, it would have been very unlikely that any agency of the Government could have foreseen the changes which swept over automobile engineering in a few short years as a result of free private enterprise and uncontrolled competition between engineers and manufacturers. Generally speaking, the history of the emergence of the automobile industry is the record of all improvement in machine operations. Conscious of this, the Television Committee is extremely hesitant to recommend anything which might later prove to hamper the orderly development of the industry.

We wish to facilitate, and not delay, the speedy emergence of television as a mass production industry. Fundamentally, there is little we believe the Government should do except to keep order and insure protection of the public's interest as set forth in general terms in this report. The technical ingenuity of American inventive genius must solve the problem and indicate the road television de-

FCC Television Report

The FCC Television Committee made the following report to the Commission this week:

velopment ultimately will follow. The Committee is firmly of the opinion that it would be hazardous to both the best interests of the industry and the public to attempt by administrative fiat to freeze the art at this stage of its development.¹

GENERAL FACTORS OF INTEREST TO THE PUBLIC

(1) *Stages of Development Defined*

In order that the consideration of the complicated situation in television may be simplified, the Committee has divided arbitrarily the development of television into three broad stages, namely,

(A) *Technical Research*

This stage includes fundamental research, the initial development of manufacturing processes and design of all equipment and the adoption of a procedure for continuing improvements in accordance with the demands of the public.

(B) *Experimental Operation*

This stage includes the initial testing of television as a service to the public on a limited scale, and the ascertaining of the requirements of the public for types of programs and character of service as well as securing experience in the production of such service including the training of talent therefor. It also includes the securing of information concerning propagation characteristics from transmitters in actual service, as well as information concerning the improvements to be made in the design of receivers in accordance with the demands of the public. It will be necessary for the public to participate to a limited degree in this stage. Therefore, caution should be taken not to give impetus to a rapid purchase by the public of large quantities of receivers, because in this stage it may be discovered that considerable changes in the recent technical design may have to be made as the result of practical experience. Also included in this phase of development is the commencement of construction of facilities to insure an efficient distribution system for a program service on a regional scale.

(C) *The Construction of Transmitting Stations throughout the Nation and the Operation of Television as a Service to the Public on a Sound Economic Basis*

In this stage the public will be expected to purchase receivers with the expectancy of a stable television service of good technical quality without too rapid an obsolescence of the instruments it has purchased. Television transmitting stations linked in a network system by appropriate electrical means for program distribution will be constructed in various parts of the country, and operated as a service to the public on a national scale.

There can be no sharp line of demarcation between each of the three stages. Also, there are of necessity many progressive steps which must be taken within each stage before the developments can be considered logically to have definitely reached each stage's objective.

(2) *Present Status of Technical Development*

The Committee is of the opinion that credit is due the engineers of the Radio Manufacturers Association for their contribution and honest efforts in the interests of orderly progress in the development of the technical aspects of television. It is entirely possible that the technical quality of television produced in accordance with the proposed standards may be accepted by the public as a practical beginning, provided the public is also informed that improvements in quality and reduction in cost of equipment are possible as a result of future progress in scientific and engineering research.

While the technical standards proposed by the Radio Manufacturers Association represent a consensus of expert engineering opinion in that organization that television operated in accordance with the standards includes the best latest known practical developments, it also appears that the technical development of television has now reached a fork in the road of scientific progress. It is universally agreed that the ultimate objective is to obtain standard

¹ A careful study of the available data furnished the Committee by various sources would indicate that even under the most favorable conditions as to geographical location and distribution of population, supported as it is by government subsidy, the British public has not shown itself to be particularly responsive in its acceptance of television performance by the British Broadcasting Corporation. Under the standards of the art prescribed by the British Broadcasting Corporation, optimistic estimates indicate that in a population of approximately 14,000,000 not more than 14,000 receivers have been sold.

performance from licensed television transmitting stations so that every receiver operated by the public will be capable of receiving every transmitting station within range everywhere in the United States. However, there are two different schools of thought concerning the method of attaining this objective. One advocates standardization as recommended in the proposals of the Radio Manufacturers Association as being the best method to obtain orderly progress. The other advocates further technical research before the adoption of any standards which might tend to hamper practical progress because of the inflexibility inherent in any standardization at such an early stage of development.

The Television Committee considers that from the broadest standpoint television is now barely emerging from the first or technical research stage of development. At this time considerable patience, caution and understanding are required. Careful coordinated planning is essential not only by various elements of the industry, but also between the industry as a whole and the Federal Communications Commission.

The Committee feels that there is some merit to the proposals of the Radio Manufacturers Association as an initial step to obtain orderly progress by an industry in the second or experimental operation stage of development of television. However, there should be no lessening of incentive to undertake research leading toward further improvements. In addition, the Television Committee is of the opinion that future progress in television might be more stabilized if basic performance requirements are developed in new transmitters which permit applying the results of future scientific and technical research without rendering totally unworkable the public's receivers in general usage.

Furthermore, if standards are to be adopted by anyone, they should be sufficiently flexible to permit not only improvements in quality but also radical reduction in price. Unless the television receiver of the future is to be within the pocketbook capabilities of the average American citizen, television as a broadcasting service to the general public cannot thrive as a sound business enterprise for any extended period.

(3) *Television as a Future Industry*

Television presents the future possibility of developing a new and important industry, particularly if such development is planned logically on sound economic principles. There are pitfalls of an economic character which should be avoided if television is to become a sound business enterprise capable of rendering a sustained and acceptable service to the public of the nation. Undue haste and lack of coordination between the various elements of the industry are undesirable because of the inevitable retardation of orderly development. While television as a major industry may have distinct social advantages through the creation of new employment, it appears necessary that all concerned exercise caution to minimize disadvantages which could result in unnecessary displacement of labor in industries which may be adversely affected by television service on a national scale. These disadvantages are susceptible of being minimized.

Thus in the development of television as a major industry, it again appears that cooperative coordination between the manufacturers of receiver apparatus, the operators of licensed transmitting stations, and the Federal Communications Commission might be desirable in the development of television as a national service in the interest of the public. While this coordination may be an ideal objective, the continuous exchange of information and the discussion of mutual problems would at least be practical and might enhance farsighted planning.

(4) *Limited Number of Channels*

The extreme limitation of available channels presents a serious problem, particularly in the early stages of television service, because only 7 channels are now developed from a technical standpoint. At first these 7 channels will probably be utilized in cities having large population and areas. The remaining 12 channels which have been reserved and which are not yet developed technically, will be useful for smaller communities as well as for additional stations in the larger communities. The experience gained in the technical phases of the earlier use of the 7 channels which have been developed to date should be utilized to advantage for the service to be rendered on the remaining 12 channels.

It is necessary that television service on a nation-wide scale be operated ultimately on a competitive basis. At present, by reason of the high cost of operation, it appears that cities of less than 100,000 population may have difficulty in supporting one television station, and that in cities of population less than 1,000,000 it may be difficult to operate two television stations on a profitable basis

if reliance for financial support must be placed upon advertising as the only source of income.

Thus with the combination of scarcity of channels and the estimated high cost of operating the transmitting stations which will render television program service to the public, it appears highly essential that the industry be encouraged to undertake further practical research leading toward the development of methods which will permit more stations to be accommodated in the limited space in the radio frequency spectrum as well as facilitating lower costs in the production of good quality program service to the public.

(5) *Future Progress*

In the opinion of the Committee, practical television service to the public on a nation-wide scale cannot be expected for some time in the future. Much development remains to be accomplished from both a technical and organization standpoint. Facilities for the distribution of programs from one center to another have yet to be developed, financed and constructed. Much has yet to be learned concerning program production as well as financing and reducing the cost thereof. Primarily because of the large cost of construction of transmitting stations as well as the high cost of operation thereof in a national competitive system, it is expected that for the next few years the largest metropolitan centers will be the only centers receiving television service and that the smaller centers of population will not have transmitting service available for several years. The cost of receivers will be high during the first years of development, and this in turn may have an additional retarding effect upon the construction of television transmitting stations, particularly in smaller communities.

This high cost of service as well as the relatively high cost of television receivers may be a retarding factor in the development of television as a service on a national scale. It may also act as a deterrent upon early mass production of receivers at low cost. In the opinion of the Committee, these natural economic factors of delay are not undesirable because they will enable a more sound development ultimately of an improved television service to the public, particularly when mass production of receivers at lower cost may become more of a reality than a hopeful probability.

In view of the foregoing, it seems safe to conclude that the establishment of a television service on a national scale will be a process of gradual development, beginning progressively with the larger cities and, over a period of years, finally becoming available to smaller communities.

(6) *Financing*

The financing of television requires courageous pioneering efforts on the part of American investors. Extreme caution should be taken to avoid investment in unproven enterprises. There are many organizations which now have sound basic plans for the development of certain phases of the television art. There may be others which are not equipped from the standpoint of either basic facilities or organization, but which will nevertheless attempt to secure financial support from the investing public. Such enterprises are doomed to ultimate failure. Therefore, good business acumen should be exercised by all concerned and exhaustive scrutiny of every television financial prospectus should be undertaken to insure adequate protection of the investing public.

(7) *Action Necessary*

The Committee believes that if television service on a national scale is to become a practical reality, positive and active steps must be taken to promote its development. It should not be permitted to die in the laboratory merely because more research is necessary. The public interest will not properly be served by those who attempt to minimize the possibilities of television.

In other countries the development of television has been fostered by governmental assistance. In the United States private industry has shouldered all the burden of such development. Credit is due the inventive genius and organization of private American enterprise for the scientific achievement of making available for the public of the United States this remarkable development of television in its present state. It is imperative, therefore, that our Government take no action which retards logical progress in the further development of television as a service in the interest of the public. In fact, the Communications Act requires that the Commission encourage the larger and more effective use of radio in the public interest.

While there are many problems yet to be solved and many obstacles yet to be overcome, the Committee sees no reason for an assumption that these problems will not be solved and that

these obstacles cannot be overcome by encouraging inventive genius organized and financed by private American enterprise to proceed with the second of the three broad stages of television development.

Private industry has already spent millions in developing the technical aspects of television to the point that this new art is more than a dream of inventive genius. From a scientific standpoint, television is now practical, even though its quality is susceptible of improvement.

It appears useless to expect private enterprise to continue to pour additional capital in the further development of the technical aspects of this new art, unless there can be foreseen some hope of an eventual return on the investment. Consequently the time is fast arriving when it will become necessary to ascertain public reaction to the service potentialities of television. This can be accomplished only by limited public participation through the purchase of receivers, manufactured in the earlier stages of technical development.

Part of the industry has agreed upon certain standards in order that all manufacturers may participate to a greater degree by sharing the responsibility for the initial quality of television without placing too much of the burden of the choice upon the public.

The Television Committee sees no harm in this process, provided the public is made fully aware of facts regarding the potentialities of obsolescence of the television receivers they purchase. However, it should be understood thoroughly that the Federal Communications Commission in complying with the law must be prepared to grant licenses for experimental television stations when a showing is made that public interest will best be served by the granting of such licenses.

FACTORS INVOLVED IN STANDARDIZATION

The Committee is of the opinion that inherent in the consideration of any technical standards are the following important factors. Other important factors are present in the television problem, but these are not related directly to the subjects referred to the Television Committee.

- A. *Premature acceptance* of technical standards tending to retard the attainment of the ultimate refinements which the public may need and demand in television.
- B. *Flexibility*, so as to protect the public investment in receivers while accomplishing desired and necessary technical improvements in transmission service.
- C. *Scarcity of channels* for television transmission resulting in extreme limitation of the number of stations which may be licensed in any specified area.
- D. *Patents*.
- E. *Cost of Receivers*.
- F. *Interference*.

A. *Premature Acceptance of Standards*

The danger involved in the premature adoption of any standards during the early stages of any technical development is one of retarding scientific progress. This is particularly true if such standards are inherently inflexible.

Undoubtedly the public will desire to avail itself of future technical improvements as rapidly as inventive genius makes them possible. Thus, it would not be in the public interest for the Commission to specify rigid transmission requirements at an early stage of technical development, because to do so might result in a retardation of such development.

On the other hand, a wide diversification in transmitter performance, particularly in a single locality, will place upon the purchasing public the entire burden of selection of the best system for future expansion. This obviously has disadvantages and likewise may result in severe retardation of development. Nevertheless, mere technical progress which outmodes equipment is not ordinarily an inhibition to the American public because the public recognizes that in the long run it benefits by technical advances.

However, the situation in television is made more acute than in the ordinary case by reason of the fact that the public invests its individual capital in receivers and has a right to receive information concerning the probabilities of future changes in the transmitting system upon which the usefulness of receivers is dependent. Therefore, adoption of transmitter performance specifications by the Commission may encourage the public to purchase receivers in the expectation that changes in Commission specifications of transmitter performance would not be forthcoming if such changes had the effect of rendering receivers in current use unworkable. Hence, it is incumbent upon the Commission to keep the public informed of the intentions of the Commission with respect to television performance specifications.

In this connection it appears advantageous for the Commission to adopt a policy which requires future applicants for television transmitters at least to equal accomplished practical performance as to quality, and in addition thereto to prove that any method for obtaining the performance proposed in the application, differing from that generally accepted previously thereto, would be in the public interest. This procedure would protect the public in so far as is practicable, and at the same time would permit technical progress to be made toward the ultimate objective without outmoding completely receivers which may be in current use in the future.

There have been 19 channels reserved for television in the frequency range between 30,000 kilocycles and 300,000 kilocycles. Seven of these channels are grouped in the frequency band below 150,000 kilocycles. The remaining 12 are grouped in the frequency band above 150,000 kilocycles. Considerable progress has been made in the lower frequency band containing the 7 channels, but very little progress has been made in the upper band containing the 12 channels. Most of the designs for receivers which will appear soon on the market are capable of receiving only the lower frequency band and some are capable of receiving only 5 of the 7 channels in this frequency band, and some have even less capabilities than this. It is the opinion of the Committee that much more information is required with respect to this upper frequency band and that it is entirely premature for anyone at this time to adopt or authorize standards for either transmitters or receivers in this upper band.

B. Flexibility

The Committee is of the opinion that ultimately it will be desirable in the interest of the public for the Commission and the industry to adhere to broad standards of minimum performance for television transmitters so that every receiver, by whomever manufactured, will be capable of receiving any licensed television transmitter within range wherever located in the United States.

The Committee is further of the opinion that a television system operated under such standards should be sufficiently flexible to permit radical improvements in the technical quality of television transmission without rendering inoperative receivers in current use by the public.

The standards as proposed by the Radio Manufacturers Association do not contain a maximum degree of flexibility, and while they permit a limited degree of such flexibility the Committee is of the opinion that additional research may prove advantageous. Naturally there are advantages as well as disadvantages in the current standards proposed by the Radio Manufacturers Association. Nevertheless, there may be additional advantages in furthering investigation of developments now under way before impetus is given to the sale of receivers on a large scale. This investigation, however, should not preclude the initial sale of receivers which will aid in the development of television through partial public participation therein. Such participation is necessary to a limited extent in order to secure reaction of the public as to the technical quality of television in practical operation. However, it should be obvious that a responsibility rests upon the manufacturers selling early receivers to undertake a service to insure against radical and rapid obsolescence of the receiver purchased by the public.

C. Scarcity of Channels

From the standpoint of the Commission, the greatest need for technical development in television appears to be the discovery of any method which will permit all of the inherent improvements in quality and at the same time conserve the radio frequency spectrum from which all types of services, including television, must be allotted separated channels. In the frequency spectrum between 30,000 kilocycles and 300,000 kilocycles, there have been reserved 19 television channels occupying a total frequency band of 114,000 kilocycles, which is 38 per cent of the total useful radio spectrum available today for all radio services, including national defense, aircraft, ships, safety of life and preservation of property and transoceanic communications. At the present state of development 1 television channel requires a frequency band width of 6000 kilocycles, which is 600 times greater than that required for ordinary sound broadcasting as we know it today, and which is $5\frac{1}{2}$ times greater than the entire standard broadcast band accommodating nearly 800 broadcast stations. There is a potential dearth of channels for television broadcasting stations in any given area because of the great width of frequency space required for each television transmission. Thus, potentially at least, it now appears that the number of television broadcasting stations in any given section of the country will be limited.

This situation will affect the licensing policy of the future and this is a factor of importance because of the effect of television

upon existing industries and the social consequences involved in such effects.

The present proposed standards, while taking into consideration some of the factors involved in an "ether conservation" policy, do not appear to exhaust the possibilities of developments tending toward such conservation. Therefore, until all available information has been exhausted, it would appear to be premature for the Commission to commit itself at this time to specifying rigid transmitter performance requirements, particularly when such action would have the implication, in the minds of the public, that no changes would be required in the event of developments leading to a better solution of the allocation problem.

The Committee is none too optimistic of the practicability of obtaining substantial gains in this direction in spite of the fact that there are certain proponents claiming a practical solution of this channel question. The present conception of natural physical laws indicates that only a definite amount of information can be transmitted in a given time within a specified frequency band. Until it can be proved that the conception of this natural physical law is erroneous, the Commission cannot expect an appreciable gain in the number of channels available for television broadcasting. However, any gain would be helpful and the industry and inventive genius should be encouraged to continue efforts in research.

D. Patents

Inherent in the adoption of any standards of performance requirements is the question of patents. No one manufacturer seems to be in a position to place into service a complete radio television system without infringing issued or pending patents.

The patent situation is chaotic and no aggregate estimate can be made of the ultimate holder of any essential patent to a complete radio television system. However, all patentees or potential claimants to essential patents appear to recognize the necessity of coping with the situation in a common sense manner either by universal cross-licensing or by some other method. Such a cross-licensing policy might insure a desirable degree of competition in the manufacturing field provided the industry as a whole will recognize the economic impracticality of excessive accumulative royalty percentages.

The patent question is not a matter directly within the scope of the Commission's jurisdiction and requires the attention and co-operation of other agencies of the Government. Nevertheless, transmitter performance requirements which insure broad patent bases are preferable to those which narrow the base to a few patents, provided proper quality and improvements will be possible.

Therefore, before the Commission prescribes any minimum performance requirements for transmitters licensed by it, the Commission should assure itself that the resultant patent base is as broad as practicable and at the same time is consistent with good quality technical transmission to the public. However, the Commission should not permit the patent situation to become an obstacle in its encouragement of further technical developments in television. Also, the Commission should utilize caution to the end that its actions may not favor unnecessarily the patents of one person over those of another.

E. Cost of Receivers

Before television can become a service to the public on any scale, it is essential that the distribution of receivers in the hands of the public be general. This objective cannot be accomplished if television receivers are too costly. Consequently any standards which may ultimately be adopted should, if possible, permit simplification in the design and manufacture of receivers in order that the cost may be reduced as far as practicable. While the standards proposed by the Radio Manufacturers Association represent probably the accumulation of some of the best methods to obtain the highest practical quality consistent with the technical development existing today, the cost of manufacturing the receivers and the resulting sales prices are in the higher brackets, thus precluding purchase by large portions of the public. While mass production may reduce these costs somewhat, there is inherent in the standards this high-cost factor as compared to regular broadcast receivers of today. It is to be expected that after the initial test of television as a service on a limited scale, the manufacturing laboratories of the country will concentrate energies toward simplification and lowering cost, at the same time maintaining quality in the received picture.

In view of the fluidity and recent rapidity in technical development, it is perhaps fortunate that the initial costs of television receivers are relatively high because in so far as numbers of the public are concerned, any changes or radical improvements in transmission of television may be accomplished without inconvenience to large portions of the public generally.

F. Interference

One of the problems which must be faced in the development of television as a practical service to the public is the effect of electrical interference from such devices as electric razors, refrigerators, X-ray machines, diathermy machines, automobile ignition, etc. Under certain conditions these devices may have the effect of blurring or blotting out the received television picture. Insufficient information has been accumulated to date regarding the practical effects of this type of interference in actual service under various conditions. Not much is known of the public reaction to such effects in so far as is concerned the acceptability of television as a service. It is possible that one of the remedies may be a change in the design of receivers as well as the method of transmission of television. On the other hand, there may be other remedies which will become practical. Therefore, until television has been operated as a practical service to a greater extent than at present, it seems premature for the Commission to fix rigidly any requirements for transmitter performance which might have the implication of permanence.

RECOMMENDATIONS

Based upon the considerations discussed herein, the Television Committee recommends as follows:

1. That the Federal Communications Commission neither approve nor disapprove the standards proposed by the Radio Manufacturers Association. This recommendation is made first because the Commission by law is required to grant licenses to applicants for television stations who prove that the granting of such applications would be in the public interest, and, second, because it appears undesirable to take any action which discourages private enterprise or which decreases the incentive for undertaking research to effect further improvements.

The Committee suggests that in taking this action the public be informed that in failing to approve the standards the Commission does not believe the proposed standards to be objectionable as a phase of a rapidly developing service. The public should also be informed that the Commission desires to be free to prescribe better performance for the transmitters it may license in the future when and if such improvements are proved to be in the interest of the public.

Also, in making this recommendation the Committee suggests that it be made clear that the proposed standards do not at this time appear to be suitable for the 12 undeveloped higher frequency channels reserved for television.

2. That the Commission require future applicants for television station licenses proposing external transmitter performance differing from those previously in general use, to prove that such proposed performance not only equals the established quality but also will be in the public interest in view of the changed situation thus created.

3. That the Commission adopt a policy of cooperation with the industry as a whole and that it immediately arrange a procedure by which it can keep abreast of current developments in the technical phases of television and at the same time acquaint the industry with the problems inherent in the current allocation phases of television. For this purpose it is suggested that the Commission authorize its Television Committee to undertake further studies of the development of television as it progresses and to report from time to time to the Commission the status of such development, as well as to recommend any action which may appear appropriate at the time.

4. That the Commission announce that it will not hold a formal public hearing on the subject of proposed standards at this time. This recommendation is made because it does not appear that constructive results will be obtained at this early stage of development. After experimental operation has proceeded to the point where public reaction to television development can be gauged more accurately, a more opportune time for such a public hearing might then be presented.

Legal

NEW LEGISLATION CONGRESS

S. 2466 (Senator Sheppard, D.-Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses

in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

FLORIDA:

H. 1493 (Griner) AMUSEMENT TAX—SCHOOL SUPPORT—Imposing certain privilege taxes for the operation of places of amusement, and for the relief and benefit of free schools. Referred to Finance and Taxation Committee.

S. 809 (Dame) AMUSEMENT TAX—Provides for distribution of any moneys which may be allocated to Citrus County as result of enactment of any amusement tax; that such moneys shall be expended on and for completion of certain projects herein mentioned. Passed Senate 5-19.

S. 827 (Rose) COOPERATIVES—AGRICULTURAL—Amending Chapter 7388, Acts 1917, as amended relative to the creation and incorporation of associations not for profit to conduct public fairs and expositions for the development of agricultural, horticultural, livestock and other resources. Referred to Finance and Taxation Committee.

MASSACHUSETTS:

H. 2224 (Reported on H. 337) EMPLOYMENT OFFICES—Providing for the regulation of private employment offices. Referred to Ways and Means Committee.

S. 525 (Reported on H. 648) ADVERTISING—Provides regulations for signs and advertising devices not now subject to regulation.

PENNSYLVANIA:

H. 415 (Bretberick) TAX—PHONOGRAPH MACHINES—Imposing a \$10 annual tax on all coin operated phonographs or machines for reproducing music from records. Referred to Ways and Means Committee. Reported with amendment 5-16.

FCC PROCEDURE CHANGE

The FCC has amended Section 12.80(f) of the Rules of Practice and Procedure designed to clarify the procedure on unopposed cases.

Section 12.80 (f) now provides:

"(f) *Proposed decision of Commission.* The Commission will thereafter enter its proposed report of findings of fact and conclusions."

The Proviso to be added to the end of Section 12.80(f), is as follows:

"Provided, however, that if the Proposed Findings of Fact and Conclusions filed by the parties present no substantial conflict, and the Commission is in accord with the ultimate conclusions proposed, it will, if it deems such action will best conduce to the proper dispatch of business and to the ends of justice, issue a final order with or without Findings of Fact and Conclusions in lieu of issuing its Proposed Findings of Fact and Conclusions in accordance with this paragraph."

EXPERIMENTAL LICENSES

The FCC has sent the following announcement to licensees of all stations in the experimental service:

The new rules governing the experimental service which were adopted today, are effective immediately in so far as all classes of stations in the broadcast service and all applicants for new experimental stations are concerned.

Existing licensees of general and special experimental stations, that is, all classes of experimental stations now authorized, except those operating in the broadcast service, are requested to submit applications for renewal by July 1, 1939. These applications would normally be filed on August 1, 1939, since they involve existing licenses which expire on October 1, 1939. In order to properly classify the existing experimental stations which desire renewal licenses under the new classes of experimental stations provided in the new experimental rules, applicants are requested to file with their application for renewal of license, the complete experimental report in conformity with the new experimental rules and regulations (Rules 52.05 or 53.05). Submission of the report by July 1

is necessary in order that the Commission may have sufficient time to study the research program of individual stations with a view to reclassification of the station in accordance with the new plan. In this connection, the Commission after study of individual applications for renewal will specify the class of experimental station, i.e., Class 1 or Class 2 as the case may be, in renewal licenses which may be granted.

For the information of those who are authorized to operate experimentally under the provisions of former Rule 320 as a station in a service recognized in the Commission's plan of allocation, individual instructions will be given as to the process of conversion of these experimental licenses to regular service licenses. The Rules and Regulations of the Commission governing individual services are being modified to include the frequencies allocated by Order 19 as rapidly as possible. The revised rules governing stations in the fixed service have already been issued and it is expected that revised rules governing aviation and maritime services will be issued in ample time to permit the conversion of experimental licenses to regular service before October 1, 1939.

FCC BROADCAST MEASUREMENTS

During the month of April, experts of the Federal Communications Commission made measurements of 716 stations with 48 stations not measured.

Of this number the maximum deviation within 0-10 cycles was recorded for 648 stations, while 58 stations showed a maximum deviation of 11-25 cycles, with 10 stations showing a deviation of 26-50 cycles. None of the stations showed a deviation of over 50 cycles.

SHIPS GET SHORT-WAVE PROGRAMS FROM UNITED STATES

The range of reception of American short-wave radio programs was recently extended when the Electrical Division of the Department of Commerce expanded its world-wide distribution of advance schedules of American short-wave broadcasts to include steamships operating between the United States and foreign countries.

This service enables radio operators aboard ship to readily select radio programs for the entertainment of their passengers from the wide variety of broadcasts transmitted by all the United States short-wave stations. The offer of the Electrical Division to make these programs available to ocean liners was accepted by the European and eight United States steamship lines operating more than 100 of the largest passenger vessels now in service.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Service Organization, Inc., licensee of WORL, **Boston**, to operate the station unlimited time with 1000 watts, using a directional antenna at night. The station now operates on **920 kilocycles**, with 500 watts LS at Boston.

The Commission stated that the operation of the station as proposed would not provide a full-time "local service for metropolitan Boston because of objectionable interference during nighttime hours which would be caused by existing licensed radio stations, particularly WPEN at Philadelphia, Pa."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission granted the application of KFBI to move the station from **Abilene**, to **Wichita, Kansas**, and to install a new transmitter and vertical antenna. The station operates on **1050 kilocycles**, 5000 watts power LS at Los Angeles, Cal.

The Commission found that the applicant is in all ways qualified to move and operate the station. It was stated by the Commission that "there is no evidence in the record from which the Commission can conclude that the granting of this application would prevent either Station KANS or Station KFH in Wichita from continuing to operate in the public interest, convenience and necessity." It was further found by the Commission that the granting of the application will not result in increased objectionable interference to any existing station "nor are there any pending applications with which objectionable interference can be expected."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission granted the application of Mary P. Martin, Administratrix of the estate of George W. Martin, deceased, to transfer the control of Station WGAN, **Portland, Maine**, to the Gannett Publishing Company, Inc. The station operates on **640 kilocycles**, 500 watts power, limited until sunset at KFI, using a directional antenna.

Chairman McNinch and Commissioner Thompson did not participate in this decision.

Application of the KTSA Broadcasting Company, **San Antonio, Texas**, for consent to assignment of license for Station KTSA from the present licensee to the Sunshine Broadcasting Company. The station operates on **550 kilocycles**, 5000 watts LS, 1000 watts night, unlimited time.

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission has granted the application of Sweetwater Radio, Inc., for a new station at **Sweetwater**,

Texas, to use **1210 kilocycles**, 250 watts, daytime only, upon the expressed condition that:

"The permittee herein shall file an application for modification of construction permit specifying the exact transmitter location and antenna system within two months after the effective date of this order. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 29. They are subject to change.

Monday, May 29

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., **990 kc.**, 1 KW, daytime.

Thursday, June 1

Oral Argument Before the Commission

Report of the Committee:

RULES GOVERNING STANDARD BROADCAST STATIONS

Thursday, June 1

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.**, 100 watts, unlimited time.

Friday, June 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

FUTURE HEARINGS

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

June 15

Further Argument Before the Commission

Examiner's Report No. I-664:

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., **1010 kc.**, 250 watts, unlimited time.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., **1010 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1360 kc.**, 500 watts, shares WGES.

Oral Argument Before the Commission

Commission's Proposed Findings B-6:

NEW—Pillar of Fire, Zarephath, N. J.—C. P., **6080, 11830, 17780 kc.**, 5000 watts, 5000 watts LS, Emission A-3, unlimited time.

June 19

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

May 26, 1939

June 30

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

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.**, 500 watts, Emission A-3, unlimited time, according to Rule 983.

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.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

July 24

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.**, 100 watts, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WHAT—Public Ledger, Inc., Philadelphia, Pa.—Granted authority to transfer control of corporation from Public Ledger, Inc., to Bonwit-Teller and Company. Station operates on **1310 kc.**, 100 watts, shares WTEL.

WQDM—Regan and Bostwick, St. Albans, Vt.—Present license further extended on a temporary basis only, for a period of one month from June 1, pending receipt of additional information requested by the Law Department.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—The Commission having under consideration the application for renewal of license of station WHOM for the period November 1, 1938, to May 1, 1939, and a petition to grant same without hearing, today granted said application and petition (Commissioner Payne voting "No"), and renewed the license of WHOM for the period ending November 1, 1939.

KVNU—Cache Valley Broadcasting Co., Inc., Logan, Utah.—Present license extended on a temporary basis for a period of 30 days, pending receipt of application for consent to transfer control of station.

WAAB—The Yankee Network, Inc., Boston, Mass.; WAAB (Auxiliary)—The Yankee Network, Inc., Boston, Mass.—Granted renewal of license upon a temporary basis only upon the express condition that it is subject to whatever action may be taken upon pending applications for renewal and for C. P. Renewal application was designated for hearing to be heard with the Mayflower Broadcasting Corp. application which is applying for facilities of WAAB.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license extended on a temporary basis for period of one month, upon condition that (a) hours of operation comply with Rules 151 to 163 inclusive, (b) equipment and operation comply with Rules 125 to 143 inclusive, and (c) frequency control and check comply with Rules 144 to 147 inclusive.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted assignment of license of station WCOV to the Capital Broadcasting Co., Inc.

KRQA—J. Laurence Martin, Santa Fe, N. Mex.—Granted voluntary assignment of license from J. Laurence Martin to New Mexico Broadcasting Company; station operates on frequency **1310 kc.**, 100 watts, unlimited.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted authority to transfer control of corporation from its present stockholders to Mrs. Hugh M. (Nancy) Curtler; station operates on **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

DESIGNATED FOR HEARING

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

- WCBS—WCBS, Inc., Springfield, Ill.—Application for C. P. already in hearing docket amended so as to request move of transmitter site locally from 2200-06 S. Sixth St. to 3.5 miles southeast of city, Route 24; install new equipment and DA system, and change frequency from 1420 kc. to 1290 kc.; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, employing DA for nighttime operation. Application designated for hearing because of pending applications which involve increase in service and interference.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Application for modification of license to change time of operation from S.H. (all hours not used by WSVS) to unlimited time. Application designated for hearing to determine whether it would better serve public interest, convenience and necessity to grant to applicant herein the facilities now licensed to WSVS as requested in instant application, and to determine the need for additional service in the area proposed to be served.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Special experimental authorization to rebroadcast WLW facsimile signals between the hours 1:05, CST, and 2:15 a. m., CST, to be broadcast over applicant's regular broadcast station WLAP, using 250 watts night. Designated for hearing (1) to determine whether the applicant will comply in all respects with the rules and regulations of the Commission governing the operation of facsimile broadcast stations, particularly Sec. 43.31, and (2) to determine whether the applicant has complied with the order of the Commission on January 31, 1938, governing the monitoring schedule of broadcast stations.
- NEW—Union Broadcasting Company, Scranton, Pa.—Application for C. P. for new station to operate on frequency 1370 kc., with 100 watts night, 250 watts day, unlimited time. Designated for hearing to determine if interference would result with existing stations and pending applications involve increase in service and interference.

RENEWAL OF LICENSES

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

KAND, Corsicana, Tex.; KASA, Elk City, Okla.; KBND, Bend, Ore.; KCKN, Kansas City, Kans.; KFJI, Klamath Falls, Ore.; KFPL, Dublin, Tex.; KFVS, Cape Girardeau, Mo.; KFYO, Lubbock, Tex.; KGEZ, Kalispell, Mont.; KGFV, Kearney, Neb.; KGY, Olympia, Wash.; KHBG, Okmulgee, Okla.; KLAH, Carlsbad, N. Mex.; KOCY, Oklahoma City, Okla.; KPDN, Pampa, Tex.; KPFA, Helena, Mont.; KRMD, Shreveport, La.; KRQC, Rochester, Minn.; KRQA, Santa Fe, N. Mex.; KRRV, Sherman, Tex.; KSRO, Santa Rosa, Calif.; KTSM, El Paso, Tex.; KVOL, Lafayette, La.; KVOX, Moorhead, Minn.; KWOC, Poplar Bluff, Mo.; KWOS, Jefferson City, Mo.; KXRO, Aberdeen, Wash.; WAML, Laurel, Miss.; WBEO, Marquette, Mich.; WBOW, Terre Haute, Ind.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WCLS, Joliet, Ill.; WCPO, Cincinnati, Ohio; WEBR and auxiliary, Buffalo, N. Y.; WEMP, Milwaukee, Wis.; WFDF, Flint, Mich.; WGAU, Athens, Ga.; WGH, Newport News, Va.; WGTW, Wilson, N. C.; WHAT, Philadelphia, Pa.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WLNH, Laconia, N. H.; WJAC, Johnstown, Pa.; WMBO, Auburn, N. Y.; WMFF, Plattsburg, N. Y.; WNBH, New Bedford, Mass.; WRAW, Reading, Pa.; WROL, Knoxville, Tenn.; WSAJ, Grove City, Pa.; WSIX, Nashville, Tenn.; WTEL, Philadelphia, Pa.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WCMJ, Ashland, Ky.; WLBC, Muncie, Ind.

- KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted renewal of license for the period ending November 1, 1939.
- WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Granted renewal of license for the period ending November 1, 1939.

Licenses for the following stations were extended upon a temporary basis only, pending receipt of and determination upon applications for renewal, but in no event longer than July 1, 1939:

KAST, Astoria, Ore.; KHUB, Watonsville, Calif.; WBBZ, Ponca City, Okla.; WBRV, Waterbury, Conn.; WRBL, Columbus, Ga.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted renewal of license on a temporary basis only for the period ending December 1, 1939, upon the express condition that it is subject to whatever action may be taken upon pending application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon the pending application for renewal of license of KVOS and pending application of the Bellingham Broadcasting Co., Inc.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

WJBW—Charles C. Carlson, New Orleans, La.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

WJRD—Thomas R. Doss, Jr., Tuscaloosa, Ala.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only pending determination upon the application for renewal, but in no event longer than July 1, 1939.

WTAQ—WHBY, Inc., Green Bay, Wis.—Present license further extended upon a temporary basis only pending determination upon the application for renewal, but in no event longer than July 1, 1939.

KSUB—Leland M. Perry, Cedar City, Utah.—Present special temporary authorization to operate station KSUB was extended upon a temporary basis only for the period ending July 1, 1939, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to station KSUB, and subject further to the condition that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

WOLS—O. Lee Stone, Florence, S. C.—Granted renewal of license on a temporary basis only for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal and upon the application of the Pee Dee Broadcasting Company for C. P. to erect a new station.

W1XCS—Connecticut State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W1XEV—Connecticut State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W3XDD—Bell Tel. Labs., Inc., Whippany, N. J.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license was further extended on a temporary basis only for the period ending July 1, 1939, pending determination upon application for renewal.

Licenses for the following high frequency broadcast (experimental) stations were further extended on a temporary basis to July 1, 1939, pending determination upon applications for renewal:

W8XWJ, Detroit, Mich.; W9XLA, Denver, Colo.; W2XQO, Flushing, N. Y.; W4XCA, Memphis, Tenn.; W4XBW, Chattanooga, Tenn.; W5XAU, Oklahoma City, Okla.

MISCELLANEOUS

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station on frequency 25700 kc. only, pending correspondence with applicant to determine past and proposed use of facsimile authorization, not to exceed 30 days.

- WHLS**—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from local sunset (May 7:45 p. m., CST) to conclusion of ceremonies incident to banquet of the State Convention of the Knights of Columbus on May 21.
- WTAR**—Broadcast Station WTAR, Norfolk, Va.—Granted extension of authority to operate with 1 KW night, non-directional antenna, from May 11 for a period of 30 days. Authority to operate with 5 KW night not effective until directive antenna is reconstructed and proof of performance approved by Commission. (This action supersedes action of May 16 in granting authority to operate with 5 KW night for period of 30 days.)
- KAZW**—Harold Gillam, Fairbanks, Alaska.—Designated for hearing and granted temporary authority pending outcome of hearing, application for C. P. and license for change in equipment and use of green chain frequencies.
- KGLO**—Mason City Globe Gazette Co., Mason City, Iowa.—Denied motion to consolidate application of KGLO for C. P. to change frequency and power, with renewal application of KWLC, Decorah, Iowa, now scheduled for hearing on June 27.
- KWLC**—Luther College, Decorah, Iowa.—Granted motion to accept late appearance in re application of KGLO, mentioned above.
- KWK**—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of WGBF, Evansville, Ind., and dismissed petition to consolidate in a single hearing applications of KXOK, WGBF, KFRU and KWK.
- KWK**—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of KXOK, St. Louis, Mo., and dismissed petition to consolidate in a single hearing applications of KXOK, AGBF, KFRU and KWK.
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for order to take depositions in re application for C. P. to change frequency, power, and time of operation.
- NEW**—Lawrence J. Heller, Washington, D. C.—Granted petition for extension of time for filing proposed findings of fact and conclusions from May 22 to on or about June 12, 1939, in re application for new station in Washington, D. C., and special experimental authorization.
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for continuance of hearing now scheduled for June 5, for approximately 60 days, new date to be fixed by Secretary's Office, on application for C. P. to change frequency and power.
- W9XTA**—E. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted petition requesting change in date of hearing on application for renewal of license for high frequency broadcast station, from May 29, pending amendment of application.
- WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted petition for order to take depositions in re application for C. P. to change frequency, power and time of operation.
- NEW**—Central Broadcasting Corp., Worcester, Mass.—Granted petition to intervene in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester, Mass.
- WSPA**—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Denied petition to hold application for modification of license to change frequency, power, and time of operation, in the pending files. (Hearing on this application now scheduled for June 21.)
- NEW**—Edwin A. Kraft, Fairbanks, Alaska.—Denied motion to dismiss application for C. P. to operate on 610 kc., 1 KW, unlimited time, without prejudice, and dismissed same with prejudice.
- KINY**—Edwin A. Kraft, Juneau, Alaska.—Granted petition in part to dismiss without prejudice application for C. P. to change frequency and increase power. Commission to retain application in its files instead of returning it to applicant as requested.
- WHMA**—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate 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 20, 22, 23, 24, 25, 26, 29, 30, 31 and June 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14, using 50 watts only, and subject to compliance with Rule 15.15.
- WPRA**—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 5 to 6 p. m. and from 10 to 12 midnight, AST, on May 22, in order to broadcast graduation exercises from the College of Agriculture and Mechanical Arts.
- WDGY**—Dr. Geo. W. Young, Minneapolis, Minn.—Granted authority to operate from 8 to 8:30 p. m., CST, on May 30, to broadcast 20th Century Fox program, consents from KOB and KEX having been received.
- KFSM**—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate Relay Broadcast Station KFSM aboard Boeing seaplane "Yankee Clipper" on the frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies for the period May 28 to June 26, for transmission of special program features from newly developed Boeing seaplane on first public service flight to Europe.
- W8XWJ**—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from Relay Broadcast Station W8XIG, in accordance with Police Field Day activities, May 25.
- WMPC**—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period June 1 to June 30, in order to broadcast certain educational programs.
- KFRO**—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST) to 11:05 p. m., on May 29 and 30, in order to broadcast the closing exercises of Longview Public Schools, using 100 watts only.
- KHBG**—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (June, 7:45 p. m., CST), to 10:30 p. m. on June 4, 11, 18, 25, in order to broadcast church services; to operate from local sunset to 10 p. m., CST, on June 5, 12, 19, 26, in order to broadcast "Okmulgee Little Theater of the Air".
- W1XOK**—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test relay broadcast equipment of station W1XOK authorized by C. P. granted January 24, on the frequency 13226 kc. in lieu of authorized frequencies, power 250 watts, for the period May 31 to June 29, pending definite arrangements to be made in ultra high frequency bands (provided all operation is to be on a non-interference basis and in accordance with Sec. 40.04).
- W1XOJ**—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P., on frequency 43000 kc., with power not to exceed 2 KW, for a period not to exceed 30 days, in order to make necessary adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 ft. mast.
- WHLS**—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 10 to 12 p. m., EST, on May 29, in order to broadcast Patriotic Ball.
- WNAD**—Univ. of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on June 11, 18 and 25, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF**—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on June 1, 6 and 8, and from 8:15 to 9:15 p. m., CST, on June 7, in order that WNAD may remain silent for closing of Spring Semester and opening of summer term (provided WNAD remains silent).
- WBEO**—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted extension of special temporary authority to operate on Daylight Saving Time for the period June 1 to September 24, instead of Central Standard Time as specified in license.
- KGCA**—Charles Walter Greenley, Decorah, Ia.—Granted special temporary authority to remain silent for a period not to exceed 30 days, pending KWLC's compliance with Rule 131.
- W3XL-W3XAL**—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COEX for the period June 2 to July 1, 1939.
- NEW**—William F. Huffman, Wisconsin Rapids, Wis.—Pursuant to the Commission's action of May 16, 1939, in designating for further hearing, upon issues to be specified by the Commission the application for a C. P. to erect a new station to operate on 580 kc., 250 watts, unlimited time, DA during nighttime hours, the following Bill of Particulars was today

approved: (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 **580 kc.**, with 250 watts unlimited time, with DA during nighttime hours, will provide adequate service for the proposed area to be served and would be consistent with sound principles of allocation.

WINS—Hearst Radio, Inc., New York City.—Application for C. P. to make changes in transmitting equipment and antenna, granted by the Commission on January 4, 1939, was retired to the closed files as applicant has returned the C. P. to the Commission, since the changes originally proposed are no longer desired.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted petition for rehearing in re application for new transmitter, change in frequency from **1420 to 1120 kc.**, and power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, DA at night; set aside the Statement of Facts, Grounds for Decision and Order of March 27, 1939, and remanded application for further hearing on questions relating to the issue of interference.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted petition for rehearing, in re application for C. P. to increase power from 500 watts to 1 KW on frequency **1120 kc.**, unlimited time (except from 8 to 9 p. m., Mondays); set aside Statement of Facts, Grounds for Decision and Order of March 27, 1939, and remanded for further hearing on questions relating to the issue of interference.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Me.—The Commission, upon its own motion, continued hearing now scheduled for June 2, until further notice, in order that applicant may be given further opportunity to submit additional engineering data in support of application for authority to increase daytime power from 100 watts to 250 watts.

APPLICATIONS FILED AT FCC

1190 Kilocycles

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Modification of construction permit B5-P-2055, to change frequency, increase power, change hours of operation, install new transmitter, and directional antenna (night use), further requesting authority to make changes in directional antenna and change type of transmitting equipment. Extend commencement and completion date 30 and 180 days.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to make changes in hours of operation by adding hours from 8 to 10 p. m., each night (hours to be withdrawn from WCAM and WCAP).

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—Construction permit to replace tower demolished by hurricane and make changes in antenna.

1370 Kilocycles

NEW—Tom M. Bryan, Ft. Lauderdale, Fla.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts night; 250 watts day, unlimited time. Amended: To give transmitter location as site to be determined, Ft. Lauderdale, Fla., and antenna to be determined.

WBLK—The Exponent Co., Clarksburg, W. Va.—License to cover construction permit B2-P-2110, for equipment changes and increase in power.

1420 Kilocycles

NEW—C. L. Weathersbee, W. H. Nichols, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts power, daytime hours of operation. Amended: to change name by adding C. L. Pickler to partnership, change requested frequency to **1370 kc.**, make changes in equipment.

KRIC—Beaumont Broadcasting Association (B. A. Steinhagen, Pres.), Beaumont, Texas.—Voluntary assignment of license

from Beaumont Broadcasting Association (B. A. Steinhagen, Pres.) to KRIC, Incorporated.

KXL—KXL Broadcasters, Portland, Oregon.—C. P. to install new transmitter and directional antenna for day and night use, change frequency from **1420 to 730 kc.**, increase power from 100 watts; 250 watts-LS to 10 KW, change hours of operation from shares-KBPS to unlimited, move transmitter and studio from 4th and Pine Sts., Portland, to Trans-7 mi. S. E. of Portland, Oregon, and studio to 1101 S. W. Washington, Portland, Oregon.

MISCELLANEOUS

W2XVP—City of N. Y. Municipal Broadcasting System, New York, N. Y.—Modification of construction permit requesting extension of commencement and completion dates to 60 days after grant and 180 days thereafter. Amended: change date of required completion of construction to 12-15-39.

NEW—WDAY, Incorporated, Portable-Mobile, area of Fargo, N. Dak.—Construction permit for a new portable-mobile relay station on **30820, 33740, 35820, 37980 kc.**, 25 watts power. A-3 emission.

WNYK—City of New York, Municipal Broadcasting System, Portable-Mobile, New York, N. Y.—License to cover construction permit B1-PRY-164, for a new low frequency relay station.

WNYL—City of New York, Municipal B/c System, Portable-Mobile, New York, N. Y.—License to cover construction permit B1-PRY-165, for new low frequency relay station.

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.

Arlin Tailoring Company—See Strauss Tailoring Company.

Bell Tailoring Company—See Strauss Tailoring Company.

Federal Tailoring Company—See Strauss Tailoring Company.

Gordon-Gordon, Ltd., Chicago, cosmetics manufacturer, and its subsidiary distributing company, Princess Pat, Ltd., have been served with a complaint alleging misleading representations.

In selling their "Princess Pat" line of cosmetics, the respondents are alleged to represent, directly and by implication (1) that competing face powders contain orris root and other irritative ingredients not to be found in "Princess Pat Powder"; (2) that the almond in the respondents' powder is beneficial; (3) that use of this powder keeps the skin soft and pliant; (4) that the powder is non-allergic to all persons; (5) that the respondents' "Muscle Oil" penetrates beneath the surface and beneficially affects underlying facial muscles; (6) that their "Skin Cleanser" will prevent coarse pores and skin eruptions, and (7) that their "Skin Food Cream" or "Anti-Wrinkle Cream" nourishes and feeds the skin, is a tonic for the underlying nerves and smooths out and prevents lines and wrinkles. (3793)

James Heddon's Sons—Alleging misleading representations in the sale of fishing rods a complaint has been issued against James Heddon's Sons, Dowagiac, Mich.

It is alleged that in violation of the Federal Trade Commission Act, the respondent corporation represented that all hollow steel

fishing rods other than its "Improved Heddon Pal," have a thick wall at the tip and a thin wall at the butt end whereas the new Heddon "Pal" steel rod has a thin wall at the tip end and a thick wall at the butt end.

The respondent further is alleged to have represented that tests have been made by expert testers of casting rods who are independent of the respondent, and that such tests have shown the "Improved Heddon Pal" as being "best-by-test." (3792)

McKesson & Robbins, Inc., manufacturing druggists, with headquarters in Bridgeport, Conn., have been served with a complaint alleging unfair trade practices in the sale of Calox Tooth Powder.

In advertising this product, McKesson & Robbins, it is alleged, have advised that "For teeth that 'shine like the stars' use Calox Powder," this slogan having been used in connection with pictures of popular cinema stars.

Through such advertising, the respondent is alleged to have falsely represented, directly and by implication, that movie stars have white, clear and sparkling teeth because they use Calox Tooth Powder; that Calox alone keeps their teeth in that condition, and that anyone who uses Calox can have teeth as beautiful as those of Hollywood's stars.

The complaint alleges that movie stars do not depend on the respondent's product or any other dentifrice alone but employ the services of dentists who give them regular prophylactic treatments, and that the permitted appearance of the stars' pictures and testimonials in the McKesson & Robbins advertising is the result of a reciprocal publicity arrangement primarily intended for advertising value in promoting the screen careers and popularity of the performers. (3791)

Princess Pat, Ltd.—See Gordon-Gordon, Ltd.

Strauss Tailoring Company—Julius M. Firk, trading as Strauss Tailoring Company, Federal Tailoring Company, Bell Tailoring Company, the Arlin Tailoring Company, 224 South Wells St., Chicago, is charged in a complaint with misrepresenting in price lists, markers and various advertising matter that certain of the fabrics distributed by him are composed entirely of wool, when they are in fact part wool and part cotton, rayon, or other materials, and that the lining materials are composed predominantly of silk when in fact they are composed entirely of rayon. (3788)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Kastar Specialty Manufacturing Company, Inc., 510 Sixth Ave., New York, has been ordered to discontinue representing that it manufactures the automobile accessories it sells unless and until it owns and operates a plant in which such articles are made.

Findings are that the respondent company used on its printed matter the wording: "Mfd. by Kastar Specialty Manufacturing Company, Inc., New York, U. S. A." However, according to findings, this company obtains the products it sells from plants which it does not own, operate or control. (3746)

Novelty Distributing Company—J. C. Robertson, trading as Novelty Distributing Company, 117 West Harrison St., Chicago, has been ordered to cease and desist from lottery methods in connection with the distribution of clocks.

The Commission's findings are that the respondent, in soliciting the sale of and in selling and distributing clocks, supplies merchants with push cards, thus placing in the hands of others the means of conducting lotteries in the sale of his merchandise to ultimate purchasers. (3178)

Richard Rosebury Organization, Inc., 522 Fifth Ave., New York, has been ordered to cease misrepresentation in the soliciting of subscribers for magazines.

The Commission finds that solicitors of the respondent represented to prospective subscribers that they would receive two or more designated magazines at a price and for a period stated by the solicitor, but that this representation was not fulfilled.

The respondent is ordered to cease representing that a subscriber is to receive a greater number of magazines than those actually delivered and from accepting subscriptions for magazines not actually delivered. (3710)

Superyarn Company—Adolph Friedman, trading as Superyarn Company, 353 Grand St., New York, seller and distributor of textile fabrics and knitting yarns, has been ordered to cease and desist from representing that his products are composed of fibers or materials other than those of which they actually are composed.

The respondent was found to have misrepresented the constituent fiber of his products by means of false advertising and by failure to disclose the rayon content of certain articles.

Findings are that the respondent falsely used the terms "Zephyr Tweed" and "Tweed Velenette" on labels, and in advertising material and catalogs, to designate a yarn product composed in part of wool and in part of rayon, the word "Cashmere" to describe products not containing the hair of the Cashmere goat, and the term "Silk Boucle" to designate an all-rayon article.

The Commission ordered the respondent to cease and desist from using the words "tweed" or "wool" or other words of similar import to describe any fabric not composed entirely of wool; from misrepresenting or overstating the quality, grade or character of his products; and from using the word "Cashmere" to describe or designate any fabric or product not composed wholly of the hair of the Cashmere goat. (3753)

Uneeda Underwear Company—Misleading representations in the sale of women's knitted undergarments brought a cease and desist order against Abraham Tabachnick, a manufacturer, trading as Uneeda Underwear Company, 335 Van Sicken Ave., Brooklyn, N. Y.

The order forbids representation that any fabric or other product has a stated percentage of silk and wool or silk or wool unless in fact they are contained in the proportions stated, and prohibits advertisement of fabrics or other products composed wholly or partly of rayon without clear disclosure of this fiber's presence. When such fabrics or products are partly rayon and partly other fibers and materials, such fibers or materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent. (3686)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Addison Sponge Company, Inc., 241 West 4th Street, Cincinnati, engaged in selling sponges and chamois skins, agreed to discontinue certain misrepresentations in the sale of its products under a stipulation.

The respondent corporation will cease and desist from use in its advertising matter or otherwise of statements or representations the effect of which is to convey the belief that Addison Sponge Company, Inc., actually owns and operates or controls a sponge packing house at Tarpon Springs, Fla., or elsewhere; that a business which it purchased from The Jos. Niehaus Co., Cincinnati, was that of a packer and producer of sponges, and that the Addison Sponge Company, Inc., succeeded to such business as a producer and packer of sponges. It will also discontinue use of cuts or pictorial representations of any building together with descriptions implying that the corporation uses or occupies the whole of such building in the conduct of its business, when this is not a fact. (2465)

Bankers & Merchants Stamp Works, Inc.—Unfair trade practices in the sale of signature stamps will be discontinued by Bankers & Merchants Stamp Works, Inc., 3215 Sheffield Ave., Chicago under a stipulation. The respondent company manufactures signature stamps, numbering machines, time stamps, notary seals and other marking devices.

The stipulation recites that Bankers & Merchants Stamp Works, Inc., arranged with The Autograph Engravers, Chicago, to sell the latter's hand-engraved signature stamps, when, in fact, the product actually sold was not the hand-engraved signature stamp of The Autograph Company but a wood-cut product of the respondent's own manufacture. The result was that purchasers received articles they did not intend to buy. (2469)

Blackstone Hosiery Mills, Inc.—Two North Carolina manufacturers have entered into stipulations to discontinue misleading representations in the sale of hosiery. They are Blackstone Hosiery Mills, Inc., and Waldensian Hosiery Mills, Inc., both of Valdese, N. C.

Each manufacturer agrees to cease using on transfers, brands or other markings of its products the phrase "Made in English Fashion" as descriptive of hosiery not so made. They will discontinue characterizing a product in any manner implying that it is an English product or is of a style and quality known as "English Ribbed" hose, when such is not a fact.

"English Ribbed" hose, according to the stipulation, is a distinctive type and quality originating in England and manufactured there under a patented process and in this country under license. (2466-2467)

Imperial Merchandise Company, Inc., 893 Broadway, New York, has entered into a stipulation to cease and desist from the use of lottery methods in the sale of products to ultimate consumers. The respondent company sells merchandise consisting of necklaces and sales cards or boards, through its secretary, Louis Bloom, under the registered trade name "Trans-Pacific Import Company."

The respondent agrees to discontinue supplying or placing in the hands of others punch boards, push cards or other lottery devices to enable such persons to dispose of its merchandise. (2464)

Joseph Levay, Inc.—Misleading representation of the fiber content of fabrics from which women's dresses are made will be discontinued by Joseph Levay, Inc., manufacturer, 498 Seventh Avenue., New York under a stipulation.

The respondent agreed to cease invoicing, branding, labeling, advertising or otherwise representing any product containing rayon, in whole or in part, without making full, proper and non-deceptive disclosure of the fiber content thereof by stating the names of the fibers present in the order of their predominance by weight and by giving the percentages of any fibers which are or may be present in less than a substantial proportion. (2468)

Neonite—A stipulation to discontinue misleading representations in the sale of sign letters, has been accepted from Fred M. Cole, trading as Neonite, Akron, Ohio.

The stipulation shows that Cole advertised "gold * * * sign letters for windows," and represented that "* * * letters are produced * * * in * * * gold and silver."

In his stipulation, the respondent admits that the letters he sells are neither made in whole nor in part of gold or silver and he agrees to cease using in advertisements the words "gold" or "silver" or other words implying that his products are made in whole or in part of those metals, when such is not a fact. (02378)

Waldensian Hosiery Mills, Inc.—See Blackstone Hosiery Mills, Inc.

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against General Concessions Corporation, 6545 Carnegie Ave., Cleveland, manufacturer and distributor of candies, charged with the use of a scheme involving lottery in the sale of its products to ultimate consumers.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts warrant.