

MERRY CHRISTMAS

More Broadcast Music, Inc., Pledges As Miller Continues Trip

Continuing the drive to free the industry from the strangle hold of the ASCAP monopoly, Neville Miller, president of the NAB, held district meetings in Omaha, Denver, Minneapolis and Tulsa in the past week, following those held in Dayton and South Bend, to acquaint NAB members and non-member stations with the prospectus of Broadcast Music, Inc., and to receive stock subscriptions in the new corporation being set up to develop sources of usable music independent of ASCAP.

In Tulsa, 21 out of 18 stations present subscribed. In Denver the 14th NAB District passed the following resolution:

"Resolved that the membership of the 14th District adopt and approve the plan for the subscription of stock in Broadcast Music, Inc., as presented by President Neville Miller, and sign up immediately the agreements for the purchase of stock and license contracts submitted to stations."

Of the 23 stations present, 21 approved the resolution and signed the subscription. Ed Craney, KGIR and KPFA, did not vote on the resolution and voiced objections to the plan. He also spoke against the plan in Omaha, where 16 out of 27 present signed. In

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AN IMPORTANT NOTICE

In order to expedite the subscriptions to Broadcast Music, Inc., the following three important points are called to the attention of all stations in those districts where meetings have been held:

1. Sign one copy of the stock agreement, giving the figure which represents 10% of your 1937 ASCAP payment. This is important as stock is sold in \$5.00 per share units.
2. Make checks for the above stock subscription payable to Broadcast Music, Inc., and mail in to NAB Headquarters in Washington, D. C.
3. Sign two copies of the license agreement. Under paragraph two thereof, the figure should be 40% of your 1937 payments to ASCAP. This figure constitutes the license fee, no part of which is due at the present time.



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*; Andrew W. Bennett, *Special Copyright Counsel*

MORE BROADCAST MUSIC, INC., PLEDGES AS MILLER CONTINUES TRIP

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Minneapolis 16 station out of 21 present signed the agreement at the meeting.

In the columns below is printed a list of those stations which have already bought the stock or which have actually committed themselves to do so. Because every mail brings in more signed subscriptions, it is impossible to give a complete list in this week's bulletin. The list published, however, is complete up until noon, Thursday, December 14.

In Omaha, Rev. W. A. Burk, manager of WEW, vigorously attacked the NAB Code. Don Searle, KOIL, Omaha, a member of the Code Compliance Committee, replied. In a show of hands the members present voted their approval of the Code, four to one.

Mr. Miller's trip to the south, southwest, the Pacific Coast and the northwest will be resumed immediately after the Christmas holidays.

Stations which have already signed stock subscriptions or which have actually committed themselves to sign:

KABR—Aberdeen, South Dakota
KADA—Ada, Oklahoma
KANS—Wichita, Kansas
KATE—Albert Lea, Minnesota
KCRC—Enid, Oklahoma
KDAL—Duluth, Minnesota
KDFN—Casper, Wyoming
KDYL—Salt Lake City, Utah
KELO—Sioux Falls, South Dakota
KFAM—St. Cloud, Minnesota
KFBI—Wichita, Kansas
KFEL—Denver, Colorado
KFEQ—St. Joseph, Missouri
KFH—Wichita, Kansas
KFSD—Nampa, Idaho
KFXJ—Grand Junction, Colorado
KFYR—Bismarck, North Dakota
KGGU—Mandan, North Dakota
KGFF—Shawnee, Oklahoma
KGFV—Kearney, Nebraska
KGGF—Coffeyville, Kansas
KGHF—Pueblo, Colorado
KGHL—Billings, Montana
KGKY—Scottsbluff, Nebraska
KGLO—Mason City, Iowa
KGNF—North Platte, Nebraska
KGNO—Dodge City, Kansas
KGOV—Missoula, Montana
KHAS—Hastings, Nebraska
KHBG—Okmulgee, Oklahoma
KIUL—Garden City, Kansas
KIUP—Durango, Colorado

KLO—Ogden, Utah
KLZ—Denver, Colorado
KMA—Shenandoah, Iowa
KMOX—St. Louis, Missouri
KOA—Denver, Colorado
KOBH—Rapid City, South Dakota
KOCY—Oklahoma City, Oklahoma
KOMA—Oklahoma City, Oklahoma
KORN—Fremont, Nebraska
KOVO—Provo, Utah
KROC—Rochester, Minnesota
KSEI—Pocatello, Idaho
KSL—Salt Lake City, Utah
KSO—Des Moines, Iowa
KSOO—Sioux Falls, South Dakota
KTFF—Twin Falls, Idaho
KTOK—Oklahoma City, Oklahoma
KTSW—Emporia, Kansas
KTUL—Tulsa, Oklahoma
KUTA—Salt Lake City, Utah
KVOD—Denver, Colorado
KVOO—Tulsa, Oklahoma
KVOR—Colorado Springs, Colorado
KVRS—Rock Springs, Wyoming
KWYO—Sheridan, Wyoming
KYSM—Mankato, Minnesota
WAAB—Boston, Massachusetts
WAAF—Chicago, Illinois
WABC—New York, New York
WATR—Waterbury, Connecticut
WAVE—Louisville, Kentucky
WBBM—Chicago, Illinois
WBEN—Buffalo, New York
WBNS—Columbus, Ohio
WBNX—New York, New York
WBOW—Terre Haute, Indiana
WBRK—Pittsfield, Massachusetts
WBZ-WBZA—Boston, Massachusetts
WCCO—Minneapolis, Minnesota
WCKY—Cincinnati, Ohio
WCLO—Janesville, Wisconsin
WCMI—Ashland, Kentucky
WCOL—Columbus, Ohio
WDAY—Fargo, North Dakota
WDGY—Minneapolis, Minnesota
WDZ—Tuscola, Illinois
WEAF—New York, New York
WEAN—Providence, Rhode Island
WEBQ—Harrisburg, Illinois
WEEI—Boston, Massachusetts
WENR—Chicago, Illinois
WEOA—Evansville, Indiana
WFAM—South Bend, Indiana
WFBL—Syracuse, New York
WFDF—Flint, Michigan
WGAR—Cleveland, Ohio
WGBF—Evansville, Indiana
WGL—Fort Wayne, Indiana
WGY—Schenectady, New York
WHAS—Louisville, Kentucky
WHB—Kansas City, Missouri
WHBC—Canton, Ohio
WHBF—Rock Island, Illinois
WHBL—Sheboygan, Wisconsin
WHEC—Rochester, New York
WHFC—Cicero, Illinois
WHIO—Dayton, Ohio
WHIZ—Zanesville, Ohio
WHKC—Columbus, Ohio
WHLS—Port Huron, Michigan
WHO—Des Moines, Iowa
WIBC—Indianapolis, Indiana
WIBW—Topeka, Kansas
WICA—Ashtabula, Ohio
WICC—Bridgeport, Connecticut
WIL—St. Louis, Missouri
WING—Dayton, Ohio
WJAG—Norfolk, Nebraska
WJAR—Providence, Rhode Island
WJBK—Detroit, Michigan
WJR—Detroit, Michigan
WJW—Akron, Ohio

WJZ—New York, New York
WKBZ—Muskegon, Michigan
WKRC—Cincinnati, Ohio
WKY—Oklahoma City, Oklahoma
WKZO—Kalamazoo, Michigan
WLAP—Lexington, Kentucky
WLLH—Lowell, Massachusetts
WLOK—Lima, Ohio
WLS—Chicago, Illinois
WMAQ—Chicago, Illinois
WMAS—Springfield, Massachusetts
WMBD—Peoria, Illinois
WMEX—Boston, Massachusetts
WNAC—Boston, Massachusetts
WNAX—Yankton, South Dakota
WOC—Davenport, Iowa
WOWO—Fort Wayne, Indiana
WPAY—Portsmouth, Ohio
WQXR—New York, New York
WRJN—Racine, Wisconsin
WROK—Rockford, Illinois
WSAR—Fall River, Massachusetts
WSBT—South Bend, Indiana
WSPD—Toledo, Ohio
WSYR—Syracuse, New York
WTAG—Worcester, Massachusetts
WTAM—Cleveland, Ohio
WTCN—Minneapolis, Minnesota
WTIC—Hartford, Connecticut
WTMJ—Milwaukee, Wisconsin
WTMV—East St. Louis, Illinois
WTRC—Elkhart, Indiana

SUPREME COURT GRANTS WRIT

Supreme Court of the United States this week granted a writ of certiorari to the Federal Communications Commission in the case of Sanders Brothers Radio Station against the Commission.

The Communications Commission on July 2, 1937, entered an order granting the application of the Telegraph Herald (call letters KDTH) for a new broadcast station at **Dubuque, Iowa**, to operate on **1340 kilocycles**, 500 watts, daytime.

Sanders Brothers, licensee of Station **WKBB, East Dubuque, Illinois**, in appealing the decision to the Court of Appeals of the District of Columbia claimed expected economic injury from the grant to the Telegraph Herald, which contention was sustained by the Court of Appeals. The Communications Commission asked for review of the lower court's decision which has just been granted by the Supreme Court.

COURT DISMISSES APPEALS AGAINST FCC DECISIONS

The Court of Appeals of the District of Columbia on Monday dismissed the appeals of **WOKO** and **Adirondack Broadcasting Co.** from the decision of the Federal Communications Commission granting the application of **Troy Broadcasting Co.** for a permit to construct a broadcast station at **Troy, N. Y.**

The reason assigned for appeal was that: "The Commission in erroneously granting the application of the **Troy Broadcasting Company, Incorporated**, illegally deprives appellant of a large portion of its listening audience, talent, program material and advertising revenue, with resultant deterioration of program service now rendered

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by appellant's station." The Court held that this was not sufficient to bring appellants within the terms of section 402 (b) (2) of the Communications Act, as persons aggrieved, or whose interests are adversely affected by the Commission's decision. In its opinion the Court laid down the rule that no showing of injury, suffered or threatened, would be sufficient unless it also appeared that, as a result of such injury, the public interest, convenience or necessity would suffer.

The Court cited as authority, *Yankee Network v. Federal Communications Comm.* (decided August 14, 1939, **NAB REPORTS**, August 25, 1939), wherein the Court was able to spell out a sufficient statement of reasons for appeal to present the issue. It distinguished *Tri-State Broadcasting Co. v. Federal Communications Comm.*, (decided November 13, 1939, **NAB REPORTS**, November 17, 1939) where it did not appear that the expected competition would immediately or ultimately result in such a reduction of income to *Tri-State* as to require deterioration of its service to the listening public, saying that "it by no means follows that an appealable interest is necessarily shown even though an existing licensee may suffer such a reduction in income as will cause deterioration of its service. The question in each case is one of public interest . . . It is quite possible that the public interest may be better served by the coming of a new broadcasting station into the community, even though the result may be some reduction in income and some deterioration in the service of the appellants' stations."

In *Florida Broadcasting Co. v. Federal Communications Comm.*; *The Metropolis Company*, intervener, decided the same day, the Court denied the Commission's motion to dismiss *Florida Broadcasting Co.*'s appeal on the ground that the statement of reasons for appeal was sufficient, denying the Commission's argument that the statement of reasons for appeal must be in the nature of a bill of particulars.

FCC CONCLUSIONS CHANGED IN PHOENIX CASE

The Federal Communications Commission has ordered that the Proposed Finding of Fact and Conclusions issued

December 1 in the application of M. C. Reese for a construction permit for a new broadcast station at Phoenix, Arizona, to operate on 1200 kilocycles, 100 watts night, 250 watts until local sunset, unlimited time, be recalled and set aside and that new Proposed Findings of Fact and Conclusions be issued.

FREE OFFERS

All members are asked to read carefully the Bureau of Radio Advertising bulletin dated December 12, covering the recent "free offer" activities of the American Express Company and Macfadden Publications.

Other free offers reported by member stations during the past two weeks include:

The American Booksellers Association.

The American Bible Society.

COST-PER-INQUIRY

The following agencies have recently sought to place radio advertising with member stations on a percentage basis:

Harry M. Miller, Inc.

Weill & Wilkins (on behalf of Air Conditioning Training Corporation).

The Bureau of Radio Advertising has advised the above firms that NAB stations consider acceptance of their propositions bad business practice, and has invited their use of radio on a regular basis. The advertisers, the Bureau stated, will then find that stations are willing to cooperate 100% and that the improved results will more than justify the expenditure.

812 STATIONS

The Federal Communications Commission issued operating licenses to five stations during the month of November, 1939. One operating station was deleted and four construction permits were issued for the construction of new stations. A comparative table by months, giving the number of operating stations and number of construction permits issued, follows:

| | Jan. | Feb. | Mar. | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
|--------------|------|------|------|-------|-----|------|------|------|-------|------|------|------|
| Operating | 722 | 727 | 729 | 732 | 734 | 735 | 735 | 738 | 739 | 743 | 751 | 755 |
| Construction | 42 | 39 | 37 | 37 | 38 | 38 | 43 | 56 | 59 | 57 | 58 | 57 |
| | 764 | 766 | 766 | 769 | 772 | 773 | 778 | 794 | 798 | 800 | 809 | 812 |

LABOR NOTES

The Labor Relations Board has ordered an election among the technicians of Station WQXR, New York City, to determine whether they wish to be represented by the International Brotherhood of Electrical Workers (A. F. of L.) or the American Communications Association (C. I. O.)

Broadcasters negotiating labor contracts for the first time, as well as veteran negotiators, could read with profit "The Collective Labor Agreement" by Elias Leiberman. (Harper and Brothers, \$3.) Although the author is counsel for the International Ladies Garment Workers Union and the book must be read in that light, there are many valuable suggestions, especially in Chapter IV. The "sample clause" section is an invaluable aid.

NAB BUREAU OF ADVERTISING'S THIRD SUCCESS STORY

Vol. 1, No. 3 of "Results from Radio" has been released to NAB members by the Bureau of Radio Advertising. This is the third in the series of success stories and trade studies planned by the Bureau for local sales and promotion use.

The 4-page folder outlines the case history of Burt's, in Cleveland, Ohio, who have employed radio advertising extensively for 9 years to build a unique business consisting of jewelry and optical department, furniture shop, and men's and women's clothing. Mr. L. O. Klivans, President of Burt's, documents the story with the statement that "Radio has built Burt's into the only store of its kind in the world." Extra copies of the first three studies in the "Results from Radio" series are available to members at cost, on request to the Bureau of Radio Advertising. Previous releases covered department stores and laundries.

Radio Christmas Promotion Successful in All Sections

The radio industry's Christmas promotion has caught on in every section of the country with many station managers resorting to additional exploitation measures.

The last of the extra supply of scripts for the three 15-minute NAB Christmas programs were exhausted last Wednesday when WGAR, Cleveland, wired for additional copies.

The Christmas promotion in Syracuse over WSYR is proving highly satisfactory to station and public, according to Arnold Schoen, service director. Everyday for the three weeks preceding Christmas the station is using part of its space in the Syracuse Herald to plug "Give a Radio This Year." The campaign is supported with an ample announcement schedule over the air.

Major Edney Ridge of WBIG, Greensboro, gladdened the hearts of radio dealers throughout the area served by his station by furnishing huge Window displays on which were displayed large photographs of twenty-four artists.

Ellis Atteberry, general manager, KCKN, struck gold in Kansas City, Kans., and Kansas City, Mo. He scheduled all three Christmas scripts and additionally a mini-

mum of four 1-minute daily announcements for the three weeks preceding Christmas.

A letter to every radio distributor and dealer in the two cities asked only that they exert every effort to sell the maximum number of radio sets during December.

Four network shows per week over National Broadcasting Company—Red and Blue stations are carrying the story of Radio Christmas to millions of people. Dr. O. H. Caldwell, editor, RADIO TODAY, who is featured on NBC Red, Friday evenings, at 7:45, began his discussion of radios as Christmas gifts as early as December 1 and plans to continue this discussion right through the December 22 broadcast.

In a number of cities member stations and local chapters of the Radio Servicemen of America are engaged in a joint endeavor to provide radio sets for the unfortunate. Parts and tubes needed to put the used sets into operating condition are contributed by the local jobbers.

In Cleveland according to Carl George, WGAR program director, the sets after being repaired by the servicemen are distributed through the Cleveland Welfare Federation to institutions and shut-ins.

A similar campaign is in progress in Minneapolis. Initial announcements soliciting new sets for listeners began December 1, according to C. T. Hagman, of WTCN.

Additional impetus to the December promotion was given by public utilities which included in their December bills a stuffer suggesting that radio sets be purchased as Christmas gifts.

With all of the varied and diverse promotions that are being carried on to increase radio listening, it is certain that radio is scoring a sharp advance over the preceding year.

With judicious exploitation on portable sets and automobile radios during early 1940 and assuming good programs, it would seem that the summertime radio audience would closely coincide with the winter audience.

"RADIO'S RICHES" ENTHUSIASTICALLY RECEIVED

As the spear-head of the industry's 1940 public relations campaign, the sixteen-page rotogravure booklet "Radio's Riches" has been enthusiastically received by stations throughout the country.

Members who contemplate an early New Year use of the booklet are requested to send in their orders as quickly as possible in order to be included in the first printing run.

The booklet is billed at \$11 per thousand, and individual changes of copy for station promotion and advertising may be secured at the following price: Your individual copy imprinted over tint block on back cover with copy equivalent to name and address—base price \$11 per thousand—plus \$1.50 per order for composition and lockup—plus \$1.25 per thousand for running. For

your own copy on entire back cover, base price of \$11 per thousand—plus \$5.50 per order for composition and lockup—plus \$1.25 per thousand for running. If halftones are used, supply 85-line screen.

BROWN REPORTS ON GREAT LAKES RADIO NEEDS

Present radio communication facilities of shipping on the Great Lakes and coastal waters do not adequately protect life and property, Commissioner Thad H. Brown reported to the FCC this week in recommending legislation and other regulation to insure better safeguards.

For ships on the Great Lakes, a uniform system of radiotelephony is proposed. This would be established by formal agreement between the United States and Canada, supplemented by legislation of the respective countries, to take effect for the 1942 navigation season.

George Harm

George Harm, owner of Station KARM, died suddenly at his home in Fresno, California, on Monday, December 11. Mr. Harm was well known in the broadcasting industry on the Pacific Coast and his sudden death was a great shock to his many friends.

CLEVELAND TO GET FCC FIELD OFFICE

Establishment of a permanent field office at Cleveland, Ohio, effective January 1, has been ordered by the Federal Communications Commission. It will be located in quarters used for the Commission's Great Lakes and Inland Waters Survey, now completed. This office will be a sub-office of the main district headquarters office at Detroit, and will be manned by one inspector and an assistant to be transferred there.

The Cleveland office is made necessary by the fact that in the past fiscal year inspectors from the Detroit office, besides making regular inspections of broadcast, police, aeronautical, and other radio stations in the Cleveland area, made regular trips to Cleveland to examine 734 applicants for radio operator licenses.

JAMES C. YOUNG

Information is desired concerning the present whereabouts of James C. Young. Mr. Young was formerly connected with WSAL, Salisbury, Maryland. Any one having information, please communicate with Headquarters Office.

MECHANICAL REPRODUCTIONS

Radio Transcription Producers Association of Hollywood, Inc., has filed a petition with the Federal Communications Commission to amend Rule 3.93, dealing with mechanical reproductions. The petition signed by Gerald King, president of the association is as follows:

"Comes now, Radio Transcription Producers Association of Hollywood, Inc., by their attorney, and respectfully petitions

the Commission to amend Rule 3.93 by: (1) eliminating the said rule entirely or (2) amend the same as follows:

3.93 (a) Eliminate therefrom the following words, "At the beginning of the program, at each 15 minute interval and"

3.93 (b) Eliminate therefrom the following words, "Beginning and"

3.93 (c) Eliminate therefrom the following word, "Preceding" and substitute in its place, "Following"

In support of this petition, it is respectfully submitted that this section has grown obsolete and is of no value to the listening public and should be entirely eliminated.

The public is only interested in the substance and quality of the program broadcast and whether it comes from a transcription made by live talent or comes by means of mechanical devices such as a transmitter and wire line of live talent, makes no difference to the listening public.

The more recent perfection of mechanical transcriptions tended to make the quality of both types of programs similar and the effect upon the listening public would be almost indistinguishable.

In event the Commission feels that the entire elimination of Rule 3.93 would be inadvisable at this time, then the aforesaid amendment should be adopted, thereby giving the public notice of the type of program which it has just received. There appears to be no good reason at this time to continue to notify the public in the beginning of all transcriptions to the effect that the following program is a transcribed program.

This places a handicap upon the transcription that is unfair and unnecessary and works to the disadvantage of transcription over live talent programs for which there is no sound reason.

The public has the privilege of listening to the program of its choice and whether it be live talent or transcription, the latter should not be penalized by reason of the fact that the broadcasting station has chosen this type of program as being superior to live talent. This amendment, if adopted, would also inform the public as to speeches and other spot announcements of important events which were taken at one time and broadcast at a later date.

It is, therefore, respectfully requested that the Commission give serious consideration to these amendments in their coming report on the monopoly hearing (Order No. 37, Docket No. 5060) and that the said Rule 3.93 be entirely eliminated or amended as proposed hereinbefore."

FCC APPROPRIATIONS

Federal Communications Commission officials appeared before the House of Representatives' Appropriations Committee in Executive Session on Wednesday in connection with appropriations for the coming fiscal year beginning July 1, 1940.

The Commission asked the Bureau of Budget for \$3,115,000 for the new fiscal year but was allowed only \$2,100,000, which is \$300,000 more than the current appropriation. Of the \$300,000 additional \$150,000 will be for personnel and the other \$150,000 for modernizing its monitoring system.

FCC RULES AND REGULATIONS

Parts of Federal Communications Commission Rules and Regulations are now available in printed form at the Superintendent of Documents, Government Printing office, Washington, D. C.

Only certain parts have been printed and when the other parts will be available is not yet known. Part 1, dealing with Rules and Practice and Procedure, and part 61, Tariff—Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Commerce, are available at 10 cents each, and the following parts are available at 5 cents each: part 3, Rules

Governing Standard Broadcast Stations; part 10, Rules Governing Emergency Radio Services; part 11, Rules Governing Miscellaneous Radio Services; part 14, Rules Governing Radio Stations in Alaska (Other than Amateur and Broadcast); and part 41, Telegraph and Telephone Franks.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDER

The Federal Communications Commission has announced a final order denying the application of KROC, Rochester, Minnesota, to change its operating assignment from 1310 kc. to 920 kc., and increasing its power from 250 watts day, 100 watts night, to 1,000 watts day, 500 watts night, unlimited time, using a directional antenna at night. The Commission found that the granting of the application would not serve public interest.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, December 18. It is subject to change.

Monday, December 18

To Be Heard Before Commissioner Thad H. Brown

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of station license of WSAL.

FUTURE HEARING

During the week the Commission has announced the following tentative date for a broadcast hearing. It is subject to change.

February 12

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—C. P., 1310 kc., 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted modification of construction permit to change name of station from Honolulu Broadcasting Co., Ltd., to Hawaiian Broadcasting System, Ltd., and increase in night power from 1 KW to 5 KW.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted construction permit to install new equipment and increase power from 100 watts to 250 watts.

WRPM—Radio Air Service Corporation (Cleveland, Ohio—WHK area), Portable-Mobile.—Granted voluntary assignment of construction permit for relay broadcast station WRPM from the Radio Air Service Corp. to the United Broadcasting Company.

KHBG—Okmulgee Broadcasting Corporation, Okmulgee, Okla.—Granted construction permit to make changes in equipment and increase in power and time of operation from 100 watts, daytime only, to 250 watts, unlimited time.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Granted construction permit to install new equipment and increase power from 100 watts to 250 watts.

WBOS—Westinghouse Electric and Manufacturing Co., Millis, Mass.—Granted modification of license of international broadcast station WBOS for additional frequencies 6140, 15210, and 21540 kc., sharing time on all frequencies with WPIT.

WSB & WEGG—The Atlanta Journal Co., Atlanta, Ga.—Granted authority to transfer control of the Atlanta Journal Company, licensee of broadcast station WSB (operating on 740 kc., with 50 KW, unlimited time), and relay broadcast station WEGG, from 29 stockholders who now own all of the common voting stock, to (1) James M. Cox, (2) Springfield Newspapers, Inc., and (3) The Evening News Publishing Co., for a total consideration of \$1,826,125. (In addition Mr. Cox also agrees to purchase 100% of the preferred non-voting stock—1,175.6 shares of \$100 par value per share now held by 36 stockholders, for a consideration of \$117,560.)

KOIN—KOIN, Inc., Portland, Ore.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for night operation.

KTUC—Tucson Motor Service Co., Tuscon, Ariz.—Granted modification of license to increase night power from 100 watts to 250 watts.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of license to increase day power from 500 watts to 1 KW.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted modification of license to increase night power from 1 KW to 5 KW.

RENEWAL OF LICENSES

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

KERN, Bakersfield, Cal.; KFIZ, Fond du Lac, Wis.; KIDW, Lamar, Colo.; KIUN, Pecos, Texas; KOKO, La Junta, Colo.; KUJ, Walla Walla, Wash.; KVRs, Rock Springs, Wyo.; KWYO, Sheridan, Wyo.; KPLT, Paris, Tex.; KVGB, Great Bend, Kans.; WACO, Waco, Texas; WDNC, Durham, N. C.; WLEU, Erie, Pa.; WMBS, Uniontown, Pa.; KCMC, Texarkana, Tex.; KFAM, St. Cloud, Minn.; KNEL, Brady, Texas; KWEW, Hobbs, N. Mex.; WNLC, New London, Conn.; WOC, Davenport, Ia.; WOMI, Owensboro, Ky.; WOPI, Bristol, Tenn.; WRDW, Augusta, Ga.; WSAU, Wausau, Wis.; and WWSW, Pittsburgh, Pa.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted renewal of license for the period ending October 1, 1940.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Granted renewal of license for the period ending October 1, 1940.

WJHL—WJHL, Inc., Johnson City, Tenn.—Granted renewal of license for the period ending October 1, 1940.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted renewal of license for the period ending August 1, 1940.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Application for construction permit to install new equipment and increase power from 250 watts daytime only to 1 KW, on 780 kc.

MISCELLANEOUS

WPAD—Paducah Broadcasting Co., Paducah, Ky.—Granted construction permit to install a new transmitter.

WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted modification of construction permit to make changes in equipment.

WKAR—Michigan State College, East Lansing, Mich.—Granted modification of construction permit to extend completion date to January 30, 1940.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover construction permit authorizing move of auxiliary transmitter from present main transmitter site to studio location and installation of new antenna for auxiliary purposes only.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted license to cover construction permit authorizing move of transmitter site locally.

KXOK—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted license to cover construction permit authorizing erection of a new station to operate on 1210 kc., 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.

KFDA—Amarillo Broadcasting Corp., Amarillo, Texas.—Granted license to cover construction permit authorizing installation of new equipment and increase in power to 250 watts. Also granted authority to determine operating power by direct measurement of antenna input.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted modification of license to change corporate name from Keystone Broadcasting Company to: WKST, Inc.

KVGB—Helen Townsley, Great Bend, Kans.—Granted authority to determine operating power by direct measurement of antenna input.

Station KFI, and others referred to as "Clear Channel Group"—Dismissed without prejudice the petition and supplemental petition to intervene (in the matter of the application of WHDH to increase power to 5 KW on its present frequency 830 kc.), the motion to dismiss the application or eliminate Issue No. 3 filed by such Group, and the motion to dismiss application filed by the National Broadcasting Co., Inc. (Station KOA).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Directed that the hearing previously designated for December 11, 1939, will be held in the offices of the Commission, Washington, D. C., on January 15, 1940, at 10 a. m., in re application for construction permit to increase power from 1 KW to 5 KW and operate unlimited time instead of daytime (KOA), on frequency 830 kc.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

KFAM—The Times Publishing Co., St. Cloud, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

KEIL—KMTR Radio Corp., Hollywood, Calif.—Granted construction permit for relay broadcast station to be used with applicant's standard broadcast station KMTR, frequencies 30820, 33740, 35820 and 37980 kc., 25 watts; 50 watts on 33740 kc. for the transmission of orders only.

WENX—Brown Radio Service and Laboratory, Rochester, N. Y.—Granted reinstatement of construction permit for high frequency relay broadcast station, using new equipment and increase in power to 50 watts; to be used with applicant's standard broadcast station WSAY.

WEHX—United Broadcasting Co., Cleveland, Ohio.—Granted modification of relay broadcast station license to increase power to 100 watts.

Ralph M. Lambeth, Greensboro, N. C.—Granted petition to accept amendment to application for construction permit to change frequency to 1380 kc. and power to 500 watts, day only.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., to change frequency and power, install new transmitter and use directional antenna at night.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted petition to intervene in the hearing on the application of Chilton Radio Corporation for a new station in Dallas, Texas.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted petition to intervene in the hearing on the application of V. O. Stamps, for a new station in Dallas, Texas.

V. O. Stamps, Dallas, Texas.—Granted motion for order to take depositions in re application for new station.

K. E. Schonert & Oscar L. Turner, d/b as Olney Broadcasting Co., Olney, Ill.—Granted motion to withdraw and dismiss without prejudice the application for a new station.

- KORN**—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted modification of construction permit for approval of transmitter site at East Sixteenth St., Fremont, Nebr., and studio site at 6th and Broad Streets, Fremont, Nebr.; installation of vertical radiator and new equipment.
- Monocacy Broadcasting Co., Portable-Mobile** (area of WFMD, Frederick, Md.)—Granted construction permit for new low frequency relay broadcast station, to relay programs where wire facilities are not available, to operate on **1622, 2058, 2150, 2790 kc.**, power 40 watts.
- KWHB**—WHB Broadcasting Co., Portable-Mobile (area of WHB, Kansas City, Mo.)—Granted license to cover construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts.
- KEJJ**—National Broadcasting Co., Inc., Portable-Mobile (area of KOA, Denver, Colo.)—Granted license to cover construction permit for high frequency relay broadcast station KEJJ, for changes in equipment and addition of A1 and A2 type of emission.
- KEJK**—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.)—Granted license to cover construction permit for high frequency relay broadcast station KEJK for changes in equipment.
- KEJL**—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.)—Granted license to cover construction permit for high frequency relay broadcast station KEJL for changes in equipment.
- WEJN**—National Broadcasting Co., Inc., Portable-Mobile (area of WJZ and WEA, N. Y.)—Granted license to cover construction permit for high frequency relay broadcast station WEJN for changes in equipment and addition of A1 and A2 emission.
- WEJQ**—National Broadcasting Co., Inc., Portable-Mobile (area of WTAM, Cleveland, Ohio)—Granted license to cover construction permit for high frequency relay broadcast station WEJQ for changes in equipment.
- WEJW**—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.)—Granted license to cover construction permit for high frequency relay broadcast station WEJW for changes in equipment.
- WTAW**—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 7:30 p. m. to 10:30 p. m., CST, on December 12, 1939, in order to broadcast the Houston Symphony Orchestra concert.
- WLOK**—The Fort Industry Company, Lima, Ohio.—Granted special temporary authority to operate from 5:15 p. m. to 10:30 p. m., EST, on December 8, 1939, in order to broadcast speeches in connection with annual football dinner and a basketball game only; to operate from 8:00 p. m. to 10:30 p. m., EST, on December 9, 16, 21, 29, 1939, and January 4, 5, and 6, 1940, in order to broadcast basketball games only.
- KWFC**—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted modification of construction permit for approval of transmitter and studio site, installation of new equipment and vertical radiator, upon express condition that said grant is not to be construed as a finding in the appeal proceedings filed by C. E. Palmer in the United States Court of Appeals for the District of Columbia, Cause No. 7542 from the grant of the application of KWFC (B3-P-2380) nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WSYB**—Philip Weiss, tr/ as Philip Weiss Music Co., Rutland, Vt.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts, unlimited time.
- WLTH**—Voice of Brooklyn, Inc., New York, N. Y.—Granted license to cover construction permit to move transmitter site locally and install vertical radiator, upon express condition that this grant shall not be construed as a finding by the Commission in the matter of the Order to Show Cause issued to Voice of Brooklyn, Inc. (WLTH), Brooklyn, N. Y., on July 26, 1939, Docket No. 5711, nor upon the application for renewal of license of Station WLTH, nor upon the application of Station WBBC (File No. 1-MLB-1095A), nor upon any of the issues involved therein; nor that the Commission has found that the operation of this station is, or will be, in the public interest beyond the express terms hereof.
- WENY**—Elmira Star Gazette, Inc., Elmira, N. Y.—Granted license to cover construction permit and modification thereof, for erection of new station to operate on **1200 kc.**, 250 watts, unlimited time.
- WENY**—Elmira Star Gazette, Inc., Elmira, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 with certain additional power specifications.
- WTAR**—WTAR Radio Corp., Norfolk, Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 with certain additional power specifications.
- WEOC**—South Carolina Broadcasting Co., Inc., Portable-Mobile (area of Charleston, S. C.)—Granted license to cover construction permit, as modified, for new high frequency relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's standard broadcast station WCSC, to operate on frequencies **30820, 33740, 35820, 37980 kc.**, with 10 watts power.
- Valley Broadcasting Co., West Point, Ga.**—Granted motion for continuance of hearing now scheduled for January 9, 1940, new date to be fixed by office of the Secretary.
- WBOW**—Banks of Wabash, Inc., Terre Haute, Ind.—Granted extension of special temporary authority to operate on frequency **1200 kc.** at present transmitter site for the period December 13, 1939, to not later than December 21, 1939, in order to complete construction at approved site.
- WILL**—University of Illinois, Urbana, Ill.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1939, and New Year's Day, January 1, 1940, in order to observe holidays.
- WPRO**—Cherry and WEBB Broadcasting Co., Providence, R. I.—Granted extension of special temporary authority to operate new transmitter in accordance with modification of construction permit during daytime, using 1 kw directional, for the period December 13, 1939, to not later than December 22, 1939, in order to complete proof of performance measurements.
- WFMD**—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from local sunset (December 4:45 p. m., EST) to the conclusion of the football game between the New York Giants and the Green Bay Packers on December 10, 1939, in order to broadcast football game only.
- WTAD**—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to conduct field test measurements for new transmitter site with equipment described in letter dated November 25, 1939, on frequency **900 kc.**, between the hours 1:00 a. m. to 6:00 a. m., for a period not to exceed 10 days.
- W2XWI**—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit for high frequency broadcast station W2XWI for approval of transmitter site.
- W8XVB**—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted license to cover construction permit for high frequency broadcast station for assignment of frequency **43200 kc.**, on an experimental basis only, conditionally, power 1000 watts.
- KDKA**—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penn.—Granted license for auxiliary transmitter to be located at approximately 1.2 miles south of Saxonburg, Saxonburg-Culmerville Road, Bulter County, Pa.; frequency **980 kc.**, 50 KW, auxiliary purposes only.
- KNOW**—Frontier Broadcasting Co., Inc., Austin, Texas.—Granted license to cover construction permit, as modified; frequency **1500 kc.**, power 250 watts, unlimited.
- WMPS**—Memphis Broadcasting Co., Memphis, Tenn.—Granted construction permit to make changes in transmitting equipment.
- KALE**—KALE, Incorporated, Portland, Ore.—Granted modification of construction permit for changes in antenna and make changes in transmitting equipment and extend completion date from February 20, 1940 to 90 days after grant.
- WKAR**—Michigan State College, East Lansing, Mich.—Granted modification of construction permit to install new transmitter and extend completion date to January 31, 1940.
- WTSP**—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted license to cover construction permit and modification thereof; frequency **1370 kc.**, 100 watts night, 250 watts daytime, unlimited time.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

W2XBT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate Television Broadcast Station (experimental) W2XBT on frequency band 156-162 mc., for the period December 11, 1939, to not later than January 9, 1940, pending adjustment of the license to conform with the provisions of Section 4.74.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to perform site survey tests from sunrise to sunset on frequency 1500 kc., with a portable crystal controlled transmitter as described in letters dated December 6 and 9, 1939, for the period December 11, 1939, to not later than December 20, 1939, in accordance with construction permit.

KADA—C. C. Morris, Ada, Okla.—Granted modification of license to change location of main studio from 115½ South Rennie St., Ada, Okla., to Highway No. 48, 1 mile north of Ada, Okla.

KNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted supplement to petition for reconsideration and grant of application for new station, which was designated for hearing on June 20, 1939. The application for construction permit to erect a new station in Ponce, P. R., to operate on 1340 kc., with 1 KW, unlimited time was granted, subject to condition that permittee shall file application for modification of construction permit specifying transmitter location and antenna system within two months after effective date of order.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Dismissed petition for rehearing in re application of KMPC, Beverly Hills, Cal., for construction permit to change site locally and operate with power of 1 KW night, 5 KW day, on 710 kc., which was granted by the Commission, without a hearing, on November 14, 1939.

KFBI—Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit approving transmitter and studio sites and installation of vertical radiator.

WDLF—Panama City Broadcasting Co., Panama City, Fla.—Granted modification of construction permit approving studio and transmitter sites, and installation of vertical radiator.

W9XBA—WHB Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit, as modified, for new high frequency broadcast station to operate on 26100 kc., 100 watts, to be located at 9th and Grand Ave., Kansas City, Mo.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted license to cover construction permit as modified, for high frequency broadcast station to operate on 43200 kc., 1 KW, to be located at 3104 Northern Blvd., Long Island City.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of construction permit as modified, to make changes in equipment of high frequency broadcast station.

WMGA—Frank R. Pidock, Sr., Moultrie, Ga.—Granted license to cover construction permit authorizing a new station to operate on frequency 1370 kc., 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 5:45 to 6 p. m., EST, on December 17, 24 and 31, in order to broadcast to its conclusion the Rosary Hour. Station operates on 1140 k., 500 watts, limited time.

Hampden-Hampshire Corp., Holyoke, Mass.—Set aside its decision of December 23, 1938, in so far as it denies the application of Hampden-Hampshire Corp., for the use of frequency 1240 kc., with power output of 1 KW day, 500 watts night, with directive antenna; dismissed petition for rehearing in re this application, and granted petition only in so far as it requests the Commission to accept amendment of application B1-P-1701 so as to seek the use of the frequency 1370 kc., with 250 watts power, unlimited time, non-directive antenna, instead of the frequency 1240 kc., with power output of 1 KW day, 500 watts night, with directive antenna.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted modification of construction permit approving transmitter and studio site in Yuma, and installation of vertical radiator.

WCAT—South Dakota State School of Mines, Rapid City, So. Dak.—Granted special temporary authority to remain silent for the period beginning December 21, 1939 and ending no later than January 3, 1940, in order to observe Christmas vacation.

APPLICATIONS FILED AT FCC

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authority for transmission of facsimile signals from 12 midnight to 6 a. m., EST, using 50 KW power, for period 2-1-40 to 2-1-41.

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Modification of construction permit, B5-P-2388, for changes in hours of operation, increase in power, new equipment, antenna, and move of transmitter, further requesting authority to use antenna and transmitter formerly used by station KECA and move transmitter from Moynier Lane, between Adams Blvd. and Higuerra St., Culver City, Calif., to 1418 East 81st St., Los Angeles, Calif., KECA's former site.

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to 6 a. m., CST, using 50 KW power, for period 2-1-40 to 2-1-41.

740 Kilocycles

WSB & WEGG—Atlanta Journal Co., Atlanta, Ga.—Authority to transfer control of corporation from James R. Gray, Inman Gray, Mrs. James R. Gray, Cordelia Gray Brumby, Frances Gray Yankey, Mary Inman Pearce Smylie, Jennie Gray Pearce, John A. Brice, J. L. Williford, John Morton Smith, to James M. Cox, Springfield Newspapers, Inc., and The Evening News Publishing Co.

770 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Authority to transfer control of corporation from Sidles Company to Star Printing Company, 1 share common stock.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, period 2-1-40 to 2-1-41.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authority for unlimited time for period 2-1-40 to 2-1-41.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special experimental authority to operate on 1100 kc., 50 KW power, directional antenna for night use, unlimited time, for period 2-1-40 to 2-1-41.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit to install new transmitter and increase power from 1 to 5 KW, using directional antenna at night.

930 Kilocycles

NEW—The Valley Broadcasting Co., Steubenville, Ohio.—Construction permit for a new broadcasting station on 930 kc., 1 KW power, daytime. Amended: Re corporate structure.

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to increase power from 250 watts, 500 watts day, to 250 watts, 1 KW day. Amended to request power of 500 watts, 1 KW day, and make changes in directional antenna (no construction necessary).

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate simultaneous with WTIC unlimited time for period from 2-1-40 to 2-1-41.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authority to operate simultaneous with KRLD, unlimited time on **1040 kc.**, directional antenna at night, for period 2-1-40 to 2-1-41.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts, 1 KW day, to 500 watts, 1 KW day.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Extension of special experimental authority to operate unlimited time, using directional antenna after sunset at Tulsa, Okla., for period 2-1-40 to 2-1-41.

1200 Kilocycles

WJHL—WJHL, Inc., Johnson City, Tenn.—Construction permit to make changes in transmitting equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from **1200 kc.** to **880 kc.**, and move transmitter 500 feet east of present location, from Kingsport Highway (3 miles north) to Kingsport Highway 11 E, 3 miles from Johnson City, Tenn.

WMOB—S. B. Quigley, Mobile, Ala.—License to cover construction permit (B3-P-1983) as modified for a new station. Amended: Hours of operation.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Authority to transfer control of corporation from Sidles Company to Star Printing Company, 1 share common stock.

NEW—Van Curler Broadcasting Corporation, Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts power, unlimited time.

1240 Kilocycles

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Construction permit to install new transmitter, make changes in antenna, increase power from 250 watts to 500 watts night, 1 KW day.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Authority to determine operating power by direct measurement of antenna power.

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Construction permit to install new transmitter, increase power from 1 to 5 KW. Amended to install directional antenna for day and night use.

1310 Kilocycles

KARM—George Harm, Fresno, Calif.—License to cover construction permit (File No. B5-P-2542) for changes in equipment and increase in power.

NEW—Oscar Kronenberg, Steubenville, Ohio.—Construction permit to erect new broadcast station on **1310 kc.**, 250 watts power, unlimited time.

NEW—John B. Bedingfield and Parker Bedingfield, d/b as Dublin Radio Broadcasting Co., Dublin, Ga.—Construction permit for a new station to be operated on **1310 kc.**, 250 watts power, unlimited time.

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—License to cover construction permit B3-P-2398 to replace tower demolished by hurricane, and make changes in antenna.

1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-1912) for increase in power, equipment changes, and change in directional antenna, requesting further authority to install new transmitter.

1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical

antenna; increase power from 500 watts to 500 watts night, 1 KW day; change hours of operation from share with WSBT to unlimited time; and move transmitter from 128 North Pulaski Rd., Chicago, Ill., to site to be determined. Contingent on WSBT going to **930 kc.**

WFBL—Onondaga Radio Broadcasting Corporation, Syracuse, N. Y.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night.

1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—License to cover construction permit (B2-P-2121) as modified for a new station.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Authority to determine operating power by direct measurement of antenna power.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—License to cover construction permit (B3-P-2330) as modified for a new station. Amended: Section 5.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—License to cover construction permit (B3-P-2562) for equipment changes and increase in power.

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of construction permit, B4-P-2042, as modified, for a new station, requesting increase in power from 100, 250 watts day, to 250 watts day and night.

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—Ralph M. Lambeth, Greensboro, N. C.—Construction permit for a new station on **1370 kc.**, 250 watts, unlimited time. Amended to request **1380 kc.** 500 watts power, daytime operation; equipment changes.

1420 Kilocycles

WSPB—WSPB, Inc., Sarasota, Fla.—License to cover construction permit B3-P-2416, as modified, for a new station.

1450 Kilocycles

WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J.—Construction permit to install new transmitter and increase power from 250 watts to 250 watts, 1 KW day. Amended to make changes in antenna and request power of 500 watts, 1 KW day.

1500 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Tex.—Modification of construction permit (B3-P-947) for a new station, requesting authority to change site from 900 Hammett Blvd. to 2,250 feet south of Spruce St., on line of Boone St., extended southward, El Paso, Tex. Amended: Antenna changes, new transmitter, increase power from 100 to 250 watts, move studio from 200 San Francisco St. to Mesa and Mills Sts., El Paso, Tex., and move transmitter .5 mile (same address), extend commencement and completion dates 30 and 180 days respectively.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit to use old RCA 250-watt transmitter as auxiliary transmitter for auxiliary purposes only, at new site, 341 Rising Main St., Pittsburgh, Pa.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

WRTD—Times Dispatch Radio Corporation, Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

KAWM—A. W. Mills, Gallup, N. Mex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts, and change hours of operation from daytime to unlimited time.

KBKR—Louis P. Thornton, Baker, Ore.—License to cover construction permit (B5-P-1841) as modified for a new station.

MISCELLANEOUS

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with

television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 1646, 2090, 2190, 2830 kc., 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KABB.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 1646, 2090, 2190, 2830 kc., 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KABB.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 1646, 2090, 2190, 2830 kc., 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KAOG; 8 watts.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 31620, 35260, 37340, 39620 kc., 10 watts, and equipment of station KEGQ.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 31620, 35260, 37340, 39620 kc., 2 watts, and equipment of station KEGQ.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—Construction permit for a new television station for portable-mobile operation in area of New York, N. Y., to be operated on 336000-348000 kc., 25 watts visual, 5 watts aural, special and A-5 emission, unlimited time. Amended: To request 10 watts aural instead of 5 watts.

WLWH—The Crosley Corp., Portable.—License to cover construction permit B2-PRE-323, to install new transmitter.

WLWI—The Crosley Corp., Portable-Mobile.—License to cover construction permit B2-PRE-324, to increase power to 15 watts, install new transmitter.

WLWC—The Crosley Corp., Mobile.—Modification of license for Order Relay station, using 25 watts for relaying programs and orders concerning such programs and on 33740 kc., using 50 watts for transmission orders only. Amended: To request increase in power to 50 watts (programs and orders).

WELV—West Virginia Broadcasting Corp., Mobile, Wheeling, W. Va.—Modification of license to increase power from 25 to 50 watts.

WLWD—The Crosley Corp., Mobile.—Modification of license to increase power from 25 to 50 watts.

NEW—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for a new high frequency broadcast station to be operated on 42600 kc., 250 watts power, unlimited time, special emission. Transmitter to be located at Jefferson Standard Life Ins. Bldg., Elm and Market Sts., Greensboro, N. C.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be located at 3615 Olive St., St. Louis, Mo.; 43000 kc., 250 watts power, special emission.

WNEI—WFBM, Inc., Indianapolis, Ind.—License to cover construction permit B4-PRY-157, as modified, to make changes in equipment, and reduce power to 0.15 watts.

NEW—The Outlet Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on 43400 kc., 1 KW power, special emission. Transmitter to be located at Providence, Rhode Island, exact site to be determined.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license to request classification of station as Class III-A.

to show cause why cease and desist orders should not be issued against them.

Kant-Slip Manufacturing Company—Charges that instead of preserving the life of leather as advertised, "Kant-Slip" dressing causes leather to become dry and brittle, are made in a complaint against Samuel Benensohn and L. Benensohn, trading as Kant-Slip Manufacturing Company, 451 East 63d St., Chicago.

The respondents' product allegedly is described in pamphlets and other printed matter as follows: "Kant-Slip Dressing is a positive preservative! Prolongs the life of leather, canvas and fiber belts making and keeping the belt soft and pliable. Water and oil proof."

The complaint charges that the dressing consists principally of rosin and denatured alcohol, neither of which is a preservative, and which have a solvent action on the oils and greases in leather, tending to remove them and cause the leather to become dry and brittle. (3963)

Lowe Brothers Company—See Sherwin-Williams Company.

John Lucas & Company, Inc.—See Sherwin-Williams Company.

Plat-Num Perl Laboratories—See A. Sartorius & Company, Inc.

A. Sartorius & Company, Inc., trading as Plat-Num Perl Laboratories, 80 Fifth Ave., New York, is charged in a complaint with misrepresentation in the sale and distribution of manicure products.

Compounds distributed by the respondent are "Plat-Num Nail Protector" which is advertised to "encourage growth" and "strengthen nails," and "Plat-Num Olive Oil Compound Nail Polish Remover for dry brittle nails."

A further practice of the respondent in connection with the sale of its products, the complaint continues, is the use of the legend "Manufacturing Chemists," which appears on business stationery and other printed and written matter distributed by the respondent to prospective purchasers. Through use of such legend, the complaint charges, respondent represents that it is the manufacturer of the commodities distributed by it.

The quantity of olive oil contained in the polish remover, the complaint alleges, is so small as to be incapable of relieving or improving, to any appreciable extent, the condition of dry, brittle nails. The complaint also charges that use of the nail protector does not stimulate or encourage the growth of nails, nor does it strengthen them. (3966)

Fong Wan—Fong Poy, also known as Fong Wan, Fong Kwongii, Yee Nun Yet, Chan Woon Sheuno, and Lee Bing Lim, copartners trading as Fong Wan, 576 Tenth St., Oakland, Calif., are charged in a complaint with misrepresentation in advertising matter in newspapers and periodicals, and in a booklet designated "Herb Lore," concerning the remedial benefits of Chinese herbs sold and distributed by them.

The complaint charges that in advertising matter the respondents represented that the herbs sold by them are a remedy, cure and effective treatment for heart trouble, high blood pressure, colds, influenza, asthma, pyorrhea, blood disorders, crosseyes and other eye troubles, cancer, stomach troubles, dysentery, pains, dizziness, hardening of the arteries, goiter, bronchial trouble, coughs, sinus trouble, liver and gall bladder troubles, diabetes and other disorders of the kidneys and bladder, nervous attacks and disorders, arthritis, obesity, headaches, neuritis and piles, and that they stop pain and give permanent relief from asthma and other disorders.

Among advertisements distributed the respondents allege: "In a condition of this sort (gallstones), five or six kinds of herbs must be compounded for the Liver and Gall; auxiliary herbs must be added to cleanse the blood and rid it of the fire element (inflammation); some herbs must be put in to cause the air and the blood to circulate properly; other varieties must be used to take away the swelling; and still other herbs must be added for Nerves of the Shoulder Blade."

The complaint alleges that in truth and in fact the respondents' Chinese herbs are not a remedy or cure for any of the ailments

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

or diseases named; that they do not and cannot wash away any diseases from the human body; that Fong Poy or Fong Wan is not able to diagnose or heal diseases or ailments, nor has he restored the health of any persons by the use of Chinese herbs. (3964)

Sherwin-Williams Co., Cleveland, paint and paint products manufacturer, and two of its subsidiaries, The Lowe Brothers Company, Dayton, and John Lucas & Company, Inc., Philadelphia, have been served with a complaint charging price discriminations in the sale of their products in violation of the Robinson-Patman Act.

With annual net sales of over \$17,000,000 the parent company alone distributes its products through 6300 authorized dealers, more than 80 chain lumber yards, approximately 120 wholly owned retail stores and other miscellaneous mediums and controls either directly or through its subsidiaries a number of large paint manufacturing companies operating and distributing in various parts of the country.

Price discriminations are alleged to have resulted from certain practices engaged in by the respondents in connection with the granting of functional discounts and in connection with the granting of per order or volume discounts under their 1938 and 1939 discount plans.

For the purpose of granting and allowing quantity discounts under their respective 1938 plans, the three organizations, particularly Sherwin-Williams and Lowe Brothers, allegedly permitted the main offices of some chain lumber yard buyers to pool the orders of their unit stores and granted to such buyers the quantity discounts applicable to the gallonage represented by the pooled orders. For example, it is alleged, if a pooled order totaled more than 84 gallons, each unit store, through its main office, received a flat 10 per cent off dealers' list prices even though no one unit store may have ordered a sufficient quantity to qualify for any discount.

With respect to other chain lumber yard buyers, the respondent manufacturers, particularly Sherwin-Williams, allegedly granted a flat 10 per cent discount off dealers' list prices, irrespective of the size of the order or whether it represented the pooled requirements of all unit stores of the chain lumber yard or the individual requirements of only one unit store. In either case, it is alleged, the manufacturer granting the pooling privilege or the discount did not customarily make shipment of the full order to the main office of the lumber yard, but shipped to the various units.

It is alleged that the chain lumber yards receiving the flat 10 per cent discount from dealers' list prices were, in certain cases, in competition with other chain lumber yards purchasing from the respondent manufacturers and not receiving the flat 10 per cent discount. In other cases, independent dealers purchasing from the respondents but not receiving either the pooling privileges or such discount allegedly were in competition with chain store lumber yard units getting such privilege or discount. (3965)

STIPULATIONS

The Commission entered into no stipulations during the past week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Arvil Company—Stafford T. Mitchell, Janet M. Mitchell and Otis S. Mitchell, trading as The Arvil Company, 1700 Wilson Ave., Chicago, have been ordered to cease misrepresentations of the efficacy of their hair preparations designated "Arvil" and "Dawn Shampoo".

In publications and advertising matter, the Commission finds, respondents represented that application of their hair restorer, "Arvil", to the skin, is always safe, that it replaces missing pigment in the hair shaft proper, and that both "Arvil" and "Dawn Shampoo" will give permanent relief from dandruff. Both products were represented as competent remedies for conditions responsible for hair falling out, and as encouraging hair growth, and

"Arvil" was represented as having an antiseptic effect on hair and scalp and as causing hair to assume a natural and youthful color.

Findings of the Commission are that the preparation "Arvil" contains lead acetate in an amount which may be injurious when applied to the skin, that use of the preparation over a period of time may result in lead poisoning, and that it does not restore pigment in the hair shaft but acts as a dye to color the surface of the hair.

The respondents are ordered to cease and desist from representations that "Arvil" restores pigment in the hair shaft or causes the hair to assume a natural or youthful color, that it is effective as an antiseptic or astringent when applied to the hair or scalp, and that either "Arvil" or "Dawn Shampoo" is a cure or remedy for baldness or an effective treatment for falling hair or the causes thereof. They also are ordered to discontinue representing (through failure to reveal that the use of "Arvil" on the skin is not wholly safe, particularly if there is any injury, abrasion or inflammatory or eczematous condition thereon) that "Arvil" contains no harmful or dangerous drugs or that the use of it will have no ill effects on the human body. (3472)

Berkeley Studios International Press Service, Inc.—See International Press Service, Inc.

Ford Motor Company—See General Motors Corporation.

General Motors Acceptance Corporation—See General Motors Corporation.

General Motors Corporation—Orders to cease and desist from use of the words "six per cent" or the symbol "6%" in connection with the installment payment plan of purchasing automobiles have been issued against General Motors Corporation, Detroit, and its subsidiaries, including General Motors Acceptance Corporation, and against Ford Motor Company, Dearborn, Mich. (3001 and 3005)

Globe Clock Company—See Sales Stimulators.

International Press Service, Inc., formerly trading as Berkeley Studios International Press Service, Inc., and Fred Friewald, photographers, 36 Newbury St., Boston, have been ordered to cease and desist from representing that they have any connection with International News Service or International News Photos, or that they operate or have any connection with a press photographic service. Fred Friewald is president and treasurer of the organization.

Findings of the Commission are that the corporation has a library of about 12,000 photographs, 97 per cent of which are photographs of residents of Boston. The corporation has no direct connection with any news service or publication. Through "bookers" or salesmen the findings continue, respondents contact by telephone members of the public, soliciting appointments for the taking of their photographs. Usually the persons selected are those who have received publicity by reason of their business, professional or other activities of news interest.

Respondents' employees, in telephone conversations, sometimes state that they are representatives of "International Press Service", "Press Service", or the "International". Persons so solicited are asked to make an appointment for the taking of their photographs which, it is stated, would be without expense to them, the photographs to be filed in respondents' press library for release to newspapers or other news publications desiring photographs. After photographs were taken, the person solicited was told that within two or three days proofs would be submitted for approval. Respondents enclosed a card with the proofs which stated "Enclosed are proofs of the negatives for which you recently posed. Will you kindly approve one for press release and return it to our representative, who will call within the next few days." The respondents' representative, when he called, endeavored to sell prospects quantities of the finished photograph.

Findings are that the respondents have no interest in and take no steps to cause the publication of the photographs taken by them. Whenever a photograph is solicited by a news service such as the International News Service or the Associated Press,

the purpose is primarily to cause the photograph to be published. (3618)

National Employees Training Service—W. R. Young, trading as National Employees Training Service, Detroit, has been ordered to cease and desist from representing that correspondence school instruction conducted by him will guarantee students positions in the United States Government or that he has any connection with the Government or the United States Civil Service Commission.

It was found that as a means of contacting prospective purchasers of his course of instruction, the respondent mailed to numerous boxholders on Rural Free Delivery routes in various States, postal cards on which were printed statements that due to death, retirement and normal Government expansion, many thousands of Government positions are open for trained men or women each year; that American citizens of good health and character could qualify for Government positions; and the request was made that the attached reply card be mailed for free samples of actual questions given in recent Civil Service examinations. Attached to the cards were business reply cards which were to be detached and mailed under the provisions of the United States postal laws, and which were addressed to the National Employees Training Service. On the cards was printed "Government positions \$105 to \$175 per month."

The statement that no postage stamp was necessary, and the address "National Employees Training Service" upon them, the Commission finds, caused many recipients to believe that the respondent was in some way connected with the United States Government.

Concerning the home study course conducted by correspondence, which was sold to applicants, the respondent is found to have made representations to the effect that he and his agents were employed by the United States Government and were representatives of the United States Civil Service Commission; that the business was an old, established one; that students solicited would have to enroll immediately in order to get within the quota of Government positions allotted to the respondent, which quota was practically filled; that jobs with the Government would be secured for students taking the course of instruction, or that money paid for the course would be refunded; that respondent was able to advance information concerning examinations to be conducted by the United States Civil Service Commission, and that students taking the course have preference over other applicants for a position in the classified Civil Service of the United States.

The Commission finds that these representations were false and misleading. With few exceptions, the respondent did not refund the price of tuition after being unable to secure positions for students completing the course.

The respondent is ordered to cease and desist from representing, through use of the word "National," or similar words, that he has any connection with the United States Government; that his business had been in existence for many years; that the enrollment of students is limited by a definite quota, or that only persons with high scholastic attainments are accepted by him as prospective students; that Civil Service positions in the United States Government are guaranteed to students who have completed respondent's course of instruction; that respondent has any advance information with respect to available positions in the Civil Service, which information cannot be secured from the United States Civil Service Commission, or has any additional or confidential information which is not available to the public, or that respondent has any control of positions available in the Civil Service, or that his students are preferred by the United States Civil Service Commission over other students who have not taken respondent's course of instruction. (3331)

Sales Stimulators—Ben Braude, trading as Sales Stimulators and as Globe Clock Company, 337 West Madison St., Chicago, has been ordered to cease and desist from misrepresentations as to possible earnings of agents or salesmen representing him, and from misrepresentation of the value of premiums distributed by him.

The respondent, who is engaged in the sale and distribution of a sales stimulator plan, and of tableware, electric shavers, clocks and other merchandise in connection therewith, represented through advertisements in periodicals and other publications, the Commission finds, that salesmen for his products made up to \$32 daily and approximately \$350 a month in the ordinary course of their business, and that premiums distributed by him had a higher retail value than they actually possessed.

The Commission orders that the respondent cease and desist from representing any specified sum of money as possible earnings or profits of agents, salesmen or distributors, which is not a true representation of average net earnings consistently made by active, full-time agents or representatives under normal conditions, or representing as the customary or regular prices for premiums used by him in connection with any sales stimulator plan, prices or values which are in fact substantially in excess of the actual values of such premiums. (3873)