

## FCC ANNOUNCES PROPOSED ALLOCATION

Proposed allocations for the portion of the spectrum above 25 megacycles were announced by the Federal Communications Commission on Tuesday, January 16. Members of the press were given an advance preview at a press conference conducted jointly by the FCC and the Interdepartmental Radio Advisory Committee on Monday, January 15.

### Broadcast Services

According to the proposed plan, FM broadcasting will be moved up from 42-50 to 84-102 megacycles. Commercial television will have twelve 6 megacycle channels beginning at 44 mc and ending at 216 mc. Experimental television on the higher frequencies will be assigned channels between 480-920 megacycles. Broadcast relay pickup frequencies are moved from the 30-40 mc region to the 25-28 mc band. Provision is made for the control of standard broadcast satellite transmitters through the use of ultra high frequency radio connecting links in the experimental bands above 1900 mc. Provision is also made for studio-transmitter links to be used by aural broadcast stations. The allocations proposed for the various broadcast services will be set forth in detail under the sub-heads for each service.

### Further Proceedings

The Commission has announced that oral argument on the proposed allocations will be heard by the Commission beginning 10:30 A. M., February 14. All persons desiring an opportunity to appear before the Commission for oral argument have been requested to file a written request with the Commission on or before January 29, 1945. The Commission order further states, "All persons who have filed a request to be heard in such oral argument shall file with the Commission on or before February 9, 1945, twenty-five copies of a brief. As early before the date of the oral argument as possible, the Commission will issue a notice setting forth the order in which the persons may be heard and length of time allotted for the argument."

During the Monday press conference Commissioner Jett called particular attention to a paragraph appearing in the introduction of the proposed report which reads as follows:

"A word of caution should be added. Most, if not all, of the allocations which we propose at this time cannot be placed into effect until after transmitter, receiver and other materials, facilities and manpower again become available for civilian use. The recent trend of events indicates that it will be necessary for the Commission to continue indefinitely, and perhaps strengthen its present policies restricting the use of critical materials and manpower for civilian radio purposes. The Commission, however, does believe that it is in the public interest to announce its proposed allocations at this time so that broadcasters, manufacturers of radio equipment and persons desirous of entering the radio field may be in a position to make whatever advance planning is necessary as soon as possible and so that adequate preparation may be made

for future international conferences. In the meantime, the full efforts of the radio industry and the Commission must continue to be devoted to the prosecution of the war."

### Television

Commercial television is permitted to remain roughly where it is in the lower portion of the spectrum. Specifically, it now has 18 channels six mc wide at intervals from 50 to 294 mc. The new allocation gives it six channels, also six mc wide, from 44 to 84 mc and six from 180 to 216 mc. This gives television the same number of channels—12—below 225 mc as heretofore. No additional frequencies can be assigned to television between 225 and 300 mc because all these frequencies are required for government services.

However, to permit the development of a system for color pictures and higher definition monochrome pictures through the use of wider channels, the Commission proposes space for experimental television between 480 and 920 mc in the ultra high frequency portion of the spectrum.

Whether television should stay "downstairs" or go "upstairs" was one of the most controversial questions discussed at the allocation hearings.

Explaining this decision, the report says: "The Commission does not believe that broadcast service to the public through the use of a 6-mc channel with the improvements now available over pre-war developments should be abandoned and commercial television held in abeyance, until a wide channel system in the ultra-high frequencies can be developed to operate on wider channels in these ultra-high frequencies is indefinite and primarily dependent upon the resourcefulness of the industry in solving the technical problems that will be encountered."

It was pointed out by the Commission that twelve channels are considered "inadequate for a nationwide television service." However, due to the interspersing of other services between certain television channels, it will be possible to accommodate a maximum of seven 6 mc television channels in some of the large metropolitan market areas. In the congested northeastern region of the country there will be an insufficient number of television channels below 225 mc to provide even a single television station in some of the secondary market areas. But it was pointed out that due to geographical separation, many of the smaller communities in the central and western regions of the country would find it possible to obtain television channels in the lower frequency bands. The Commission expressed the hope that the limited facilities available to television below 225 mc, due to the demands of other important services, might encourage the development of color television in the higher frequency band between 480 and 920 mc.

Since theater television is still in the experimental stage, the Commission has not allocated any specific frequencies for the service but announces that it will consider applications for experimental authorization, in bands being allocated for that purpose. During the hearing it was

(Continued on page 18)

J. H. Ryan, *President*

C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of Government Relations*; Lewis H. Avery, *Director of Broadcast Advertising*; Helen A. Cornelius, *Asst. Director of Broadcast Advertising*; Willard D. Egolf, *Director of Public Relations*; Howard S. Frazier, *Director of Engineering*; Dorothy Lewis, *Coordinator of Listener Activity*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*; John Morgan Davis, *General Counsel*.

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stated that the major motion picture companies at the end of the war will begin experimentation with the production and exhibition of theater television programs in specific local theaters and with the transmission of such programs to distant cities.

### FM

FM Broadcasting, notable for high fidelity and freedom from static, is proposed to be moved from its 42-50 kc space in the spectrum up to 84-102 kc on the grounds that skywave interference in the lower region would be severe enough to impair the utility of FM to such an extent that its full development might be retarded. "Public interest," the report reads, "requires that FM be established in a permanent place in the radio spectrum before a considerable investment is made by the listening public in receiving sets and by the broadcasters in transmitting equipment."

Holding that the present FM allocations—35 commercial channels and 5 non-commercial educational channels—are not adequate, the Commission proposes to assign 90 channels beginning at 84 mc and continuing to 102 mc, of which 20 (84 to 88 mc) will be reserved for non-commercial educational stations. The remaining 70 channels from 88 to 102 mc are assigned for regular commercial use. To provide room for expansion should this space not prove adequate, the space 102 to 108 will be left unassigned for the present and if a need arises in the future, FM stations can be considered along with other services for assignment in these additional 6 mc or in such portions of the space as may be necessary.

In regard to channel width, the Commission stated, "The Commission is of the opinion that an integral part of FM will be lost if the present standards of high fidelity are lowered, or the present signal to noise ratio reduced. The economy of spectrum utilization urged by the advocates of the narrower channel, will be far less than the significant advantages that will be lost by such a change, and accordingly, the Commission proposes to retain the present 200 kc channel." The Commission proposes to make available for immediate assignment only 70 of the 90 proposed channels. The remaining 20 channels will be held in reserve and will be assigned when additional spectrum space is required for FM service in accordance with a licensing policy yet to be determined.

The Commission asserts that the service the non-commercial educational FM stations propose to render "may profoundly affect not only American education but our democratic institutions as a whole."

Five non-commercial educational FM stations were in operation, four under construction, and eight applications on file at the time of the hearing. Approximately

160 educational institutions have written to the Commission expressing interest in this service.

No specific allocation is made for subscription radio, the service which would carry no advertising but would be supported by rental of a device to eliminate a superimposed "pig squeal". If this service proves technically feasible and the Commission decides to license stations of this type, applicants will be permitted to apply for channels in the regular FM commercial band.

As of October 1944, 46 commercial FM stations were in operation, seven were under construction and 248 applications were on file.

### Facsimile

To provide for the future growth of facsimile broadcasting—the sending of script, printed or typed matter, sketches, drawings or pictures—the Commission will permit it to use the regular FM channels and also a band between 470 to 480 mc.

### Standard Broadcasting

The Commission made no announcement or proposed decisions in connection with proposals to extend the broadcast band to 520 kilocycles. It was pointed out that the allocations now proposed are only for that portion of the spectrum above 25 mc. It is expected that a proposed allocation for the lower portion of the spectrum below 25 mc, including standard broadcasting, will be released in about five or six weeks. The proposal of Panel 4 on Standard Broadcasting that satellite broadcast transmitters be controlled through the use of ultra high frequency radio control circuits received favorable action from the Commission. It is proposed to authorize this service on experimental frequencies above 1900 mc in order that the industry may have an opportunity to develop standards and prove the practicability of such service.

Studio-transmitter links will be moved from the present band, 330-344 mc, to a new proposed band of 900-960 mc. Frequency modulation would be used for this type of service.

Relay broadcast frequencies used to transmit programs from points where wire facilities are not available will be moved from the 30-40 mc region. Sixteen channels are currently assigned in this band and it is proposed to provide twenty-two channels between 25 and 28 mc. These channels will be shared with other services having intermittent operation. At the present time relay broadcast operation is also permitted on eight frequencies in the range 156-162 mc. It is now proposed to reduce this number to four channels. The Commission stated further that the subject will be reviewed if at some future time the needs of this service indicate the necessity of assigning additional channels.

### Some Present Services Expanded

#### Aviation

Heavy demands of the aviation industry for radio channels above 25 mc in the post-war period were granted by the Commission almost exactly as specified. Commission comment on this service: "The importance of aviation to our present and post-war transportation and economy does not require elaboration. Aviation operations are wholly dependent upon the use of radio for insuring the safety of life and property in the air."

#### Amateur

The allocation plan boosts the number of channels allotted to amateurs, pointing out that this service is one of the oldest in radio and its development closely parallels that of the entire radio art. The Amateur Service is a vast training school and constitutes a huge reservoir of skilled radio operators, experienced in handling radio com-



munications through terrific interference and radio technicians skilled in the building, operation and maintenance of radio equipment; and also renders valuable public service during periods of natural disaster, the report states.

#### *Police Radio*

Criminals of the future will find the way of the transgressor harder as the police build up radio communication networks with the greatly-increased number of frequencies allotted by this allocation. The number of channels in the 30 to 44 mc band is increased from 29 to 56. In addition a band from 152 to 156 mc was assigned. With suitable equipment likely to be available in the near future, the Commission has provided channels which will make possible facsimile networks for transmitting photographs and fingerprints from one police department to another and to the FBI in Washington.

#### *Fire Service*

Channels are provided for much wider use of radio by fire departments which hitherto have largely depended on an outgrown arrangement of sharing police radio systems. Ninety-two cities of over 100,000 population have indicated their intention of using radio for fire service.

#### *Emergency and Miscellaneous Services*

Increased channels are allotted for forestry and conservation radio systems; for electric, gas and water companies, for buses, streetcars, trucks and highway maintenance departments; for oil companies drilling in inaccessible areas, for the location of oil by seismograph recording, for motion picture crews out on location and for press associations and newspapers reporting events at places where regular facilities are not available.

### **New Radio Services**

#### *Railroad Radio*

Its week-long hearing in September on the use of radio on railroads having shown that it will contribute to the safety of life and property and should be of almost universal benefit to the public, the Commission has set aside a sizeable number of channels for that purpose.

#### *Citizens Radiocommunications Service*

The success of the "walkie-talkie" on the battlefield and the possibilities for its varied uses in peacetime have induced the Commission to allocate the band from 460 to 470 mc for a new radio service to be known as the "Citizens Radiocommunication Service." Small portable radios can be used, for example, to establish a physicians' calling service, for communication to and from trucks and tractors operating in and around large plants, on farms and ranches, on board harbor and river craft, in mountain and swamp areas. Sportsmen and explorers can use them to maintain contact with camps. Department stores, dairies, laundries and other business organizations can use the service to communicate with their delivery vehicles.

Common carrier operation will not be permitted and no charge can be made for messages. Only the minimum requirements of the Communications Act plus a few minimum traffic rules will be set up. No technical knowledge will be required.

#### *Rural Telephone Service*

Provision is made for a Rural Telephone Service to furnish a radio-telephone link for isolated communities, farmers, ranchers, miners and others who cannot be or are not served by wire line facilities. The Commission does

not set aside specific frequencies for this service but will permit it to share the band of frequencies allocated to television, most of which will be concentrated in urban areas.

#### *Industrial and Medical Service*

Three bands are assigned for industrial and medical radio equipment to prevent interference with other radio services.

#### *General Mobile Service*

Certain frequencies have been designated for ultimate use by urban and interurban mobile units such as trucks, buses, taxicabs, doctors' cars, ambulances, etc. Before assigning any frequencies in this band, however, the Commission will determine the most efficient plan by which they may be employed.

### **Demand Bigger Than Supply**

Proof of how precious spectrum space has become was the fact that requests for frequencies far exceeded the supply.

Recommendations of the radio industry as to allocations were formulated and presented to the Commission largely by the Radio Technical Planning Board sponsored by non-profit associations and societies interested in radio. The Commission expressed its gratitude to the RTPB "and to those who participated in its studies for the conscientious and thorough way in which this work was done."

As the result of a series of meetings between Commission representatives and the Interdepartment Radio Advisory Committee, there are no conflicts between the allocations proposed in this report for non-governmental services and those which the IRAC considers necessary for the government services. A revised report of the IRAC was released simultaneously with the FCC's report. Both reports are being forwarded to the Department of State for use at international conferences.

### **PORTER CONFIRMED**

The Senate on Thursday confirmed the nomination of Paul A. Porter as a member of the Federal Communications Commission, succeeding James Lawrence Fly. He had been favorably reported by the Senate Committee on Interstate Commerce on Monday.

### **RADIO BILLS REPORTED**

Senate Resolution 24 which was introduced by Senator McFarland on behalf of himself and Senators Wheeler and White was favorably reported to the Senate by the Committee on Interstate Commerce. The resolution authorizes the continuance of authority for the committee to investigate International Communications by wire and radio and increases the authorization limiting the expenditure by \$10,000.

The committee also favorably reported S. 63 reintroduced at this session by Senator Vandenberg of Michigan. This bill deals with the Petrillo situation and the bill is the same as passed by the Senate during the closing days of the last Congress but not passed by the House. It prohibits interference with cultural or educational programs. The resolution has been referred to the Senate Committee on Audit and Control.



## XXV SPECIAL BULLETIN NUMBER TWO ENCLOSED WITH THIS ISSUE

Special Twenty-Fifth Anniversary Bulletin Number Two is enclosed with this issue of NAB REPORTS.

This Bulletin presents the full script of a thirty-minute broadcast over WBNX, New York City, New Year's Day, which catches the spirit of our Anniversary and gives valuable historical data. Since the Bulletin went to press, scripts from other stations are coming in showing how the Anniversary theme has been given local application. As the collection grows, it will be published. Please send yours.

The Bulletin reports on a most interesting visit with "Mac" McGill, Advertising Manager of Westinghouse Stations, Inc., who is throwing open to the industry his vast photo and information files going back to the 1920 founding of KDKA, Pittsburgh. "Mac" promises to handle any requests which come in now and he is preparing considerable material for distribution.

An appeal to the industry to incorporate the "XXV" banner and microphone illustration in house organ title cuts, station schedules, newspaper, magazine and outdoor advertising, stationery and printed matter is supported by the quick action of WCCO, Minneapolis, in that direction.

A digest of the RCA-NBC broadcast of December 2, highlighting events of human interest nature, should provide stations with ideas for reminiscent public event and personality shows.

Announcement of KMBC's year long trade paper campaign saluting pioneer broadcasting stations on their part in building American radio strikes a new note in industry relations and strengthens our Anniversary observance.

### Program Idea

Hearing of our Twenty-Fifth Anniversary year, a woman said recently: "I remember when they let school out in 1925 so the children could go home and listen to the inauguration of President Coolidge over the radio." That word picture of early radio could be built into a complete program, ending on the expanded educational theme of "D-Day" broadcasts in schools all over America—an excellent application of our Anniversary theme to the war effort. Program ideas such as this one should exist abundantly in every community in this country, obtained right from the listeners who have been with us through the years. *Talk to them. Ask for their stories by mail.* Give prizes for the best and most significant stories of early day radio listener experiences.

### XXV Musical Signature

If you want to hear how the "XXV" Musical Signature might be built into a complete symphonic movement, listen to the "March and Scherzo" from Dmitri Prokofiev's Opera, "The Love for Three Oranges." By a coincidence in composition, the "XXV" Musical Signature bears remarkable resemblance to the basic movement in "March and Scherzo."

## WAR MANPOWER COMMISSION CONTINUES BROADCASTING ON ESSENTIAL LIST

The War Manpower Commission has announced a list of essential and critical activities to be used by selective service as a guide for the induction of men in the 26-29 age group in connection with the directive recently issued by Director of War Mobilization and Reconversion James F. Byrnes.

In May 1944, the old List of Critical Occupations was abolished (NAB Selective Service Handbooks Supplement Number 22). At that time the List of Essential Activities was reaffirmed. The recent War Manpower Commission action re-established the former policy of maintaining both essential and critical classifications for the guidance of the selective service system.

Men engaged in activities appearing on the critical list will be the last to be inducted in the 26-29 age group. Those engaged in activities included in the essential list will be scheduled for induction after the supply of men engaged in non-essential activities has been exhausted.

Broadcasting is included on the essential list under Section 29, Communications Services, reading as follows:

"29. *Communication Services.*—Magazines of general circulation which are devoted primarily to the dissemination of public information; newspapers and news syndicates; military, naval, and technical charts and maps, instructional and technical manuals, and training literature; production of motion pictures (including industries); motion picture film processing, news reels; development of sensitized films; protective signal systems which supplement fire and police protection to military, public and private industrial and commercial establishments; *radio broadcasting*; radio communications (radiotelephone and radiotelegraph); cable service (land or submarine); telegraph; telephone; television; production for essential activities of continuous forms with or without one-time carbon, and produced on rotary equipment; and production of salesbook-type forms contracted for by governmental agencies."

According to the War Manpower release, all technical, scientific and research personnel engaged in any of the activities either critical or essential are regarded as being engaged in critical activities. This provision should aid materially in the securing of occupational deferments for technical personnel of broadcast stations in the 26 through 29 age group.

Included on the list of critical activities under Section 28 is the following:

"28. *Production of Communication Equipment.*—Radios and radio equipment; radar; telephone, telegraph, cable, television, signalling apparatus; electrical sound equipment."

The lists were drafted after consultation with the Army, Navy, Selective Service, War Production Board and War Manpower Commission. We are informed government claimant agencies such as the Office of Defense Transportation, Federal Communications Commission, etc., were not invited to participate in the preparation of the new lists. At the present time there is some uncertainty as to the effect the new regulations will have on the induction of men now employed in the broadcast industry. New regulations are promulgated from day to day and the situation is being followed closely. Attention is directed to NAB Selective Service Handbook Supplements Numbers 23, 24 and 25 recently mailed to the NAB membership. Additional Selective Service Supplements will be issued just as soon as authoritative information can be secured.

### 6TH DISTRICT MEETS

Memphis, Tenn., January 16. The most attended and most spirited meeting ever held in the Sixth District



closed here this afternoon. During the two-day meeting, station managers and sales managers, government officials and NAB executives explored the present problems and immediate and future possibilities of broadcasting from every angle.

The meeting was called to order at 10:30 a. m. on Monday, January 15, by Hoyt B. Wooten of WREC, Director of the Sixth District. J. Harold Ryan, NAB president, was unable to attend the opening sessions through the necessity of remaining in Washington to introduce Basil O'Connor on the CBS Sunday afternoon broadcast to inaugurate the "Mile of Dimes" campaign. In his stead, C. E. Arney, Jr., NAB secretary-treasurer, reviewed the labor problems facing the industry with special reference to the Petrillo platter-turner demands. He then brought the members up to date on the latest directives of Selective Service and voiced a sincere warning in connection with men now in a deferred status.

Robert Atherton of WMC, District chairman of the Program Managers Committee, presented a very provocative talk on programming, with special emphasis on the need for better programming in connection with government campaigns of war information. Using C. E. Hooper ratings for Memphis, he pointed out the need for more intelligent program planning to achieve greater use of sets as well as larger audiences for individual programs.

Following luncheon, Lewis H. Avery and Miss Helen A. Cornelius presented the report of the Department of Broadcast Advertising, using charts and tables. Mr. Avery reviewed the proposed revision of the NAB-AAAA Standard Contract for Spot Broadcasting and obtained the District opinion on the contemplated changes. Miss Cornelius outlined many of the factors that have retarded the use of radio by department stores and suggested means of overcoming objections on the part of the retail trade to the increased use of the medium by retailers.

On the morning of the second day, Mr. Ryan, who had arrived the previous evening, reviewed the activities of NAB in several fields and introduced Hugh M. Feltis, president of Broadcast Measurement Bureau. (The complete report of the first presentation of BMB appears in BMB Bulletin No. 3, which is being mailed with this issue.)

The morning meeting was closed with a report from Robert T. Bartley, NAB director of Government Relations, on the regulatory and legislative situation, urging stations to better acquaint their congressmen with the service they render.

After luncheon, the following resolutions were proposed and adopted unanimously:

1. WHEREAS the Sixth District Meeting of the National Association of Broadcasters in Memphis has been a success due largely to the untiring efforts of the broadcasting stations of Memphis, therefore,

BE IT RESOLVED this convention go on record as extending its sincere thanks and appreciation to Hoyt Wooten, Director of the Sixth District of NAB, and the Memphis radio stations for the splendid arrangements and the delightful hospitality.

2. WHEREAS an effort is being made to induce radio stations to change their present method of basing net rates for broadcasting on yearly contracts in order that extended periods beyond one year would enjoy the same discounts as the business used within said year, and

WHEREAS a majority of the members of the Sixth District of NAB feel that such a change in the rate structure would not be in the best interests of the radio industry at this time, therefore,

BE IT RESOLVED that the Sixth District of NAB go on record as opposing such a change in the standard contract form now in use.

3. WHEREAS the radio industry has for years felt that a standard method of measuring radio circulation was not only desirable but necessary, and

WHEREAS the several methods now in use tend to confuse and mislead buyers of radio time, and

WHEREAS, as a result of the diligent and efficient work of the Research Committee of NAB, there has been submitted to the industry a plan known as the Broadcast Measurement Bureau which has been tried and proven in Canada; which has the approval of the AAAA and the ANA; therefore,

BE IT RESOLVED that the members of the Sixth District of NAB in convention assembled at Memphis do hereby heartily endorse the Broadcast Measurement Bureau and urge that all other broadcasters assure the success of this bureau by pledging their support.

4. WHEREAS the radio industry possesses one of the most powerful influences for the moulding of public opinion and the dissemination of information, and

WHEREAS the industry to date has made practically no use of its own medium in acquainting the public with accomplishments and problems, and

WHEREAS radio has been generous in its contribution of time to other organizations and media for similar purposes, therefore,

BE IT RESOLVED that the time has come when serious consideration shall be given to the use of our own medium to the extent that requests be made of the four major networks for time to present a series of programs under the guidance of NAB, designed to acquaint the American people with radio's achievements and contributions to the civic life of the nation and to seek to offset the dangerous influences that are from time to time directed against the industry through unfavorable legislation, arbitrary regulation, and uneconomic practices.

5. WHEREAS the radio industry in 1945 is observing its 25th Anniversary, and

WHEREAS radio has been recognized as having rendered outstanding accomplishment in the war effort before and since Pearl Harbor, therefore,

BE IT RESOLVED that the industry will reaffirm its faith in the American way of life and will redouble its efforts to serve more fully our nation to the end that the war may be more speedily concluded.

The Sixth District also passed the following resolution:

BE IT RESOLVED that the Sixth District go on record as recommending that discussions be had at all District meetings to the end that NAB, through its Engineering Committee, co-operate with manufacturers in establishing minimum standards for receiver production; all receivers meeting such standards earning an official NAB stamp of approval.

The two-day meeting was attended by the following broadcasters, government representatives and NAB staff members:

ARKANSAS: John A. England, Bill Slates, KFPW, Fort Smith; J. O. Floyd, William T. Tappan, J. C. Warren, KFFA, Helena; William E. Ware, KWFC, Hot Springs; Julian F. Haas, Ed Zimmerman, KARK, Little Rock; Roy Judge, KLRA, Pat Walsh, United Press, Little Rock; Jack Parrish, KOTN, Pine Bluff.

WASHINGTON, D. C.—J. H. Ryan, Pres., C. E. Arney, Jr., Lewis H. Avery, Robert T. Bartley, Helen A. Cornelius, NAB; H. M. Feltis, Broadcast Measurement Bureau; Willett Kempton, OWI, Domestic Radio Bureau; Robert K. Richards, Broadcasting Magazine.

GEORGIA—Madelinn Chace, OWI, Stanley Whitaker, United Press, Atlanta.

ILLINOIS—Ralph S. Hatcher, CBS, Chicago.

LOUISIANA—Roy Dabadie, WJBO, Baton Rouge; J. C. Linder, Jr., KMLB, Monroe; J. D. Bloom, Jr., WWL, Harold M. Wheelahan, WSMB, New Orleans; T. B. Lanford, KRMD, John C. McCormack, KTBS, Fred Ohl, KWKH, Shreveport.

MISSISSIPPI—David M. Segal, WROX, Clarksdale; Bob McRaney, WCBI, WELO, WROX, Columbus; Thomas Goldin, Emmet H. McMurry, WJPR, Greenville; F. C. Ewing, WGRM, Greenwood; Wiley P. Harris, WJDX,



L. M. Sepaugh, WSLI, Jackson; D. A. Matison, Hugh M. Smith, WAML, Laurel; P. K. Ewing, Jr., WMIS, Natchez; Gene Tibbett, WELO, Tupelo.

MISSOURI—Jerry A. Deane, OWI, Kansas City; George A. Kercher, Edward Petry & Co., Inc., St. Louis.

NEW JERSEY—Herman H. Rathkamp, Finch Tel., Passaic.

NEW YORK—Claude Barrere, NBC; James H. Connolly, Peter Schloss, Blue Network; Charles Godwin, Mutual; John Mayo, Langworth Library; Burt Squire, SESAC; Ralph C. Wentworth, BMI.

TENNESSEE—W. A. Wilson, WOPI, Bristol; Carter M. Parham, Norman Thomas, Earl Winger, WDOD, Chattanooga; W. E. Williams, WJZM, Clarksville; Jess Swicegood, WKPT, Kingsport; John P. Hart, WBIR, Knoxville; Claude Frazier, Allen Stout, WROL, Knoxville; E. A. Alburty, Eugene Pournelle, John Orr, WHBQ, Memphis; Bob Atherton, E. C. Frase, Jr., Cliff Goodman, H. W. Slavick, WMC, Memphis; Francis Chamberlain, Robert Hobgood, H. R. Krelstein, WMPS, Memphis; William Raney, Hollis R. Wooten, Hoyt B. Wooten, Roy Wooten, S. D. Wooten, Jr., WREC, Memphis; James A. Reid, Dixie Portland Flour Co., Memphis; F. D. Binns, F. C. Sowell, WLAC, Nashville; Jack M. Draughon, WSIX, Nashville; OTS Devine, George Reynolds, Harry Stone, Dean Upson, WSM, Nashville.

TEXAS—Ruth Fulling, OPA, Dave Russell, OWI, W. M. Witty, RCA, Dallas.

The next District meeting will be held at Dallas when 13th District broadcasters from the stations in Texas will get together. The rest of the schedule follows:

### First Section

District 16—Los Angeles, California, Monday and Tuesday, January 22 and 23, Biltmore Hotel.

District 15—San Francisco, California, Thursday and Friday, January 25 and 26, Fairmont Hotel.

District 17—Portland, Oregon, Monday and Tuesday, January 29 and 30, Benson Hotel.

District 14—Salt Lake City, Utah, Thursday and Friday, February 1 and 2, Utah Hotel.

Districts 10-12—Kansas City, Missouri, Wednesday and Thursday, February 7 and 8, Muehlebach Hotel.

District 11—Minneapolis, Minnesota, Monday and Tuesday, February 12 and 13, Nicollet Hotel.

District 3—Pittsburgh, Pennsylvania, Thursday and Friday, February 15 and 16, William Penn Hotel.

### Second Section

District 1—Boston, Massachusetts, Monday and Tuesday, March 5 and 6, Statler Hotel.

District 2—New York, New York, Thursday and Friday, March 8 and 9, Roosevelt Hotel.

District 5—Jacksonville, Florida, Monday and Tuesday, March 12 and 13.

District 4—Hot Springs, Virginia, Friday and Saturday, March 16 and 17, Homestead Hotel.

District 7—Cincinnati, Ohio, Monday and Tuesday, March 19 and 20, Gibson Hotel.

Districts 8-9—Chicago, Illinois, Wednesday and Thursday, March 21 and 22, Palmer House.

## RYAN BROADCASTS TO NATION IN MARCH OF DIMES APPEAL

J. Harold Ryan, NAB President and Chairman of the Radio Division of The National Foundation for Infantile Paralysis, introduced Basil O'Connor, President of the Foundation, over CBS, Sunday, January 14, at 1:30 P. M. O'Connor launched the annual fund-raising appeal.

Delaying his appearance at the first NAB District Meeting in Memphis, Ryan remained in Washington Sunday to perform this service for the drive. His opening remarks were as follows:

"There is one thing of which the broadcasting industry is justifiably proud. That is the leading role it has been able to play in giving voice to just and good causes—in

bringing to the attention of all Americans the human problems which need their aid and solution.

"Today, as we stand on the threshold of the 1945 March of Dimes, the radio industry is once more proud of the important part it can play in transmitting a great need. You are about to hear from Mr. Basil O'Connor, President of the National Foundation for Infantile Paralysis—that humanitarian organization which seeks help for the thousands of children crippled by this cruel disease. We of the radio industry feel that at this time there is no more important duty for us on the home front than to carry on the fight against the crippler. Wars on foreign fronts are crippling thousands of our soldiers. But right here at home, infantile paralysis is dealing just as cruelly with the small children of our land.

"You have been asked to help this cause before, and radio has played its part in bringing you the urgency of the need. Now once again—in the year following almost the worst epidemic of polio in recorded history—radio brings you again the story of the ravages of this disease and the part you can play in conquering it.

"Many of you may be able to remember back to 1938, when the first organized national campaign against infantile paralysis got under way. You may remember how throughout these past six years, the National Foundation for Infantile Paralysis, with the enthusiastic support of the American people, has fought desperately against this enemy of our children. The message you are about to hear will tell you some of the victories that have been won—Ladies and Gentlemen—the broadcasting industry proudly presents Mr. Basil O'Connor speaking to you from New York. Mr. O'Connor."

## FCC TO RESTRICT NEW CONSTRUCTION

In actions taken by the Commission January 16 in the meeting in which it adopted a further statement of policy concerning applications for new broadcast facilities or changes in facilities involving use of critical materials and manpower, 8 applications were designated for hearing in accordance with the policy. Two applications for permits to construct local channel stations were granted but in these instances it was found that no primary service was available to the communities concerned from any station now authorized and that the applicants had made the showing required under the January 26, 1944, statement of policy. The three applications for change in facilities which were granted involved improvements in local channel stations which could be accomplished without substantial construction and at costs substantially less than \$500.

The further statement of policy follows:

The Commission's Statement of Policy of January 26, 1944, relating to the construction of new radio stations and the making of improvements in existing radio facilities, is to be interpreted in the light of present conditions, which require that all available manpower and critical materials be devoted to the furtherance of the war program.

In this connection, the War Production Board has advised the Commission that:

"Installation of new broadcasting services will be reviewed with extreme care. All such applications received and showing that the required equipment was on hand were approved until the latter part of December. The increasing problem of finding manpower for war industries has made it necessary to consider the manpower needed to construct, operate and provide maintenance for additional stations.

"It is not felt that the general premise that 'broadcasting is in the war interest' will longer suffice to support the use of manpower and maintenance materials for new stations. Applications must be critically reviewed from the standpoint of available manpower and the need for the service to contribute to the war effort. The use of manpower cannot be approved unless an actual contribution is to be made."



In view of this, it will be the Commission's policy to designate for hearing all applications involving construction of new standard broadcast stations unless the applicant establishes (1) that the construction will result in making service available to a community which does not receive primary service from any existing broadcast station and (2) that all requirements of the January 26, 1944, Statement of Policy have been met.

Applications for changes in existing standard broadcast facilities will be handled in the same manner except where the change does not involve substantial construction work and costs less than \$500.

No change will be made in the Commission's handling of commercial FM and Television applications which will be kept in the pending file.

The full text of the War Production Board's letter of January 16, 1945, is attached. This letter sets forth the War Production Board policies not only with respect to broadcast stations, but also with respect to various other radio services.

January 16, 1945

Federal Communications Commission  
Room 6149—New Post Office Building  
Washington 25, D. C.

SUBJECT: Report to FCC on Critical Materials

GENTLEMEN:

The procedure announced jointly by the Federal Communications Commission and the War Production Board on January 26, 1944, has been of benefit to not only both Agencies concerned, but also to a number of applicants wishing to install various types of radio services. It seems advisable to again review conditions to determine if changes in either policy or procedure are advisable.

The War Production Board has taken and is taking the following steps to make available radio equipment for non-military use:

- A. An effort has been made to increase the production of portable-mobile equipment as used by the Special and Emergency services to several times its past production. The ultimate goal has not been reached.
- B. A number of planes were made available to the Airlines in 1944, and an increased number are expected to be made available in 1945. It is expected that all these planes will be equipped with radio.
- C. Every effort has been made to aid in development work. Priorities have been provided for laboratories, and aid has been given in all fields of development. Application of radio to bus lines, railroads, etc., has been tested by several companies. In conjunction with the Federal Communications Commission, several broadcast stations have received priorities for developmental work in frequency modulation.
- D. The War Production Board has authorized the starting of construction of a number of new broadcasting stations. Priorities have generally not been provided for this purpose.

Present problems in production to meet military requirements for radio equipment are different and perhaps more severe than those problems existing a year ago. The two basic problems are materials and manpower. During the last two years, problems have shifted to a large extent from those of materials to those of manpower. Basically, even the problem of materials usually resolves itself to a combination of manpower and time necessary for processing or obtaining more basic raw materials.

The problems in procurement of maintenance materials for radio transmission and communication may in a general way be said to be over. There are only a few specific types of tubes and other components which are not obtainable on the maintenance rating provided for radio. It should be remembered that this rating is the same rating that is used by the Army and Navy to obtain their equip-

ment. In almost every case where such products are in short supply, the reason is insufficient manpower to make full use of existing production facilities.

There follows the general attitude now taken by the WPB toward various radio services:

- (1) *Aviation*: The WPB is endeavoring to equip all planes operating as common carriers with the necessary communication equipment. Some equipment may be available for other planes used in essential services.
- (2) *Special and Emergency Services*: It is expected that more equipment will be available for these services in 1945. Release of such equipment is no longer restricted mainly to police systems, but it is now possible to public utilities and other users. The use of such equipment will often result in increased efficiency and pay dividends in the use of manpower. There will not be enough equipment to fulfill all requirements from essential public services and war industries.
- (3) *Marine*: A number of boats are being made available to fisheries. Where possible these boats will be equipped from existing stocks of equipment. No equipment is contemplated for tugs, barges, etc., or for fresh-water fishing vessels.
- (4) *Broadcasting*: No provision is made for new broadcast facilities.

Certain types of changes in facilities may be made without WPB approval. New installations costing less than \$500 may be made on shipboard without WPB approval. In general, any change not involving construction work and costing less than \$500, but not requiring the purchase of a transmitter or receiver, is allowable. This dollar limit is raised to \$2,500 in the case of international point-to-point stations (which does not include international broadcasting). No radio operator may start construction which will cost more than a fixed amount unless he has WPB approval. In most cases, the limit is \$200 for cost of materials, new equipment and labor. In general, restrictions on the purchase of equipment and materials have not been greatly changed during the last year except for the provision made last September allowing the expenditure of up to \$500 for a minor capital addition or change not involving construction.

It is felt that in general the WPB will give its approval (if necessary) to the installation of equipment on hand for two-way communication services. Applications involving construction will be reviewed much more critically than in the past in an effort to determine the relative value of manpower involved and services to be rendered to the war effort.

Installation of new broadcasting services will be reviewed with extreme care. All such applications received and showing that the required equipment was on hand were approved until the latter part of December. The increasing problem of finding manpower for war industries has made it necessary to consider the manpower needed to construct, operate and provide maintenance for additional stations.

It is not felt that the general premise that "broadcasting is in the war interest" will longer suffice to support the use of manpower and maintenance materials for new stations. Applications must be critically reviewed from the standpoint of available manpower and the need for the service to contribute to the war effort. The use of manpower cannot be approved unless an actual contribution is to be made.

Very truly yours,

JOHN CREUTZ, *Chief,*  
Domestic & Foreign Branch.  
Radio and Radar Division.  
WPB Dept. 4510.

## PERSONALS

Robert Kliment has been appointed Program Director of station WEBR, Cy King, Station Director, announces. Kliment will continue doing sports and handling a popular

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6 p. m. news and sports show in addition to his duties as Program Director.

Dr. Charles F. Church, Jr., has been named Educational Director of KMBC, succeeding R. Edwin Browne, resigned to become Director of Public Relations for the University of Kansas. Dr. Church will retain his post as Acting Research Director. The potentialities of radio as an educational medium are soon to be outlined in a report to the industry based largely on a nationwide tour of stations made by Dr. Church in 1944.

### GLOBAL SHOW PRODUCTION HOLDS STEADY

Four more completed "Let's Go to Town" programs as requests by General Eisenhower for global broadcast have been shipped to or received by Armed Forces Radio Service since last week as follows:

Fort Wayne area, J. B. Conley, WOWO, TFC\*  
Oakland area, Glenn Shaw, KLX, TFC\*  
Saint Louis area, John W. Tinnea, KWK, TFC\*  
South Bend area, Franklin D. Schurz, WSBT, TFC\*

### New Allocation

WTAD, Quincy, Ill., C. Arthur Fifer, Task Force Commander, has been added as a new allocation.

### Indiana Soon to Be 100%

The show produced in the Fort Wayne area under direction of Task Force Commander Conley was shipped December 20, lost en route and recovered. It was then handled so fast that it was shortwaved on January 9.

Franklin D. Schurz, station manager, WSBT, Task Force Commander of the South Bend-Elkhart area, shipped his "Let's Go to Town" show to Los Angeles on January 13.

Those cooperating in the program, in addition to WSBT, were: WTRC, Elkhart, The Elkhart Truth, WHOT, South Bend, and The South Bend Tribune.

TFC Clarence Leich, WGBF, Evansville, air mailed his "Let's Go to Town" script January 17.

C. Bruce McConnell, WISH, Task Force Commander, Indianapolis area, is responsible for two programs. One script is already in the hands of AFRS and the other is expected to be ready for editorial approval next week.

### TREASURY TO CONTINUE "TREASURY SALUTES"

Treasury telephoned NAB Wednesday (17) that the "Treasury Salutes" series of dramatic transcriptions would be continued on the present three weekly basis right up to the start of the Seventh War Loan, late May or early June. Announcement was made by Thomas H. Lane, director of radio, press and advertising, War Finance Division.

Stations now receiving transcriptions will remain on the list. They will be sent to other stations on request to:

Radio Section  
War Finance Division, Treasury Dept.  
Washington 25, D. C.

Mr. Lane said that Treasury's decision to continue the series was influenced by two factors: a) that 756 stations were now using "Treasury Salutes" and wanted them continued; and b) that NAB and Treasury surveys showed programs to be spotted consistently at good times, assuring a large audience.

War Finance's radio section will not again survey stations to determine whether or not they want to continue use of the transcriptions beyond the thirteen week period. It is being taken for granted that stations now receiving them will desire to continue their use beyond the middle of March.

For the Seventh War Loan, Mr. Lane said that it was quite possible that release of "Treasury Salutes" will again be increased to six per week.

"Treasury Salutes" may be used sustaining or on a sponsored basis, at the option of the broadcaster.

### FM IN AUSTRALIA

According to a recent issue of "Commercial Broadcasting," Australian broadcast trade publication, thirty-six applications have already been filed in that country for FM broadcast stations. The government has not yet made a decision as to whether or not FM stations will be licensed in Australia. The matter is now being investigated by the Federal Parliamentary Committee on Broadcasting which is currently studying FM, television and facsimile developments.

### RADIO ENGINEERS BEGIN BUILDING-FUND CAMPAIGN

The Institute of Radio Engineers, at its Winter Technical Meeting in New York, January 24-27, inaugurated a campaign for the raising of \$500,000 for a Building Fund, in anticipation of postwar expansion of its service to the electronic and communication industries. The directors of the society announced that they are leaving their plans flexible enough to permit their establishing new quarters jointly with other engineering and scientific societies if to do so ultimately proves desirable. The appeal for funds will extend to the Institute's membership and interested corporations.

### WAR LABOR BOARD DECISION IN WMAL CASE

The National War Labor Board has approved as being in conformance with the national wage stabilization policy an arbitrator's award which granted a union request that six staff announcers of Radio Station WMAL in Washington, D. C., be paid a fee ranging from \$1 to \$4 when assigned to commercial broadcasts, in addition to their base salary of \$200 a month.

The industry members of the Board and one of the public members dissented on the technical point that the arbitrator had actually served as a hearing officer of the Board and made a "recommendation" to Board, and that, therefore, the Board should have reaffirmed an earlier decision in the case or consulted with the arbitrator to determine whether his conclusions would have been the same in either case. The earlier decision had rejected the arbitrator's award with respect to the payment of fees for commercial broadcasts, but approved a \$50 increase in the base monthly salary requested by the employer, which decision the Board held was in accord with its policy not to order a change in the method of wage payment.

The Evening Star Broadcasting Company, owner of the radio station, and the American Federation of Artists, AFL, bargaining agent of the announcers involved, were in agreement that the staff announcers should receive additional compensation, but were not in agreement as to the method. The company desired only a \$50 increase in the base salary and was opposed to the institution of fees for commercial broadcasts. The \$50 monthly increase is roughly equivalent to the average increase which would result from the fee system proposed by the union and granted by the arbitrator.

The fee system granted by the arbitrator, Dr. Royal E. Montgomery, and approved by the Board as not violating wage stabilization, is similar to that contained in contracts between the union and three other Washington stations.



Retroactive date of the arbitrator's award is October 15, 1943, the date on which the parties signed a stipulation to arbitrate the dispute.

In an opinion for the majority of the Board, Lewis M. Gill, a public member, explained that the case was referred to the War Labor Board solely for the appointment of an arbitrator and that the only function of the Board was to appoint the arbitrator and "to review his award, if it involved a wage adjustment, to determine whether or not the award was compatible with the wage stabilization program."

By mistake the case was handled as a regular dispute case and Dr. Montgomery made "recommendations" to the Board and identified himself as a "hearing officer," Mr. Gill said, although the company and the union recognized the proceedings as an arbitration.

Although Dr. Montgomery acted under the belief he was merely making recommendations to the Board rather than issuing a final and binding arbitration award, Mr. Gill said the majority found no basis—for the purposes of review—for not treating his recommendation as a final award.

To have referred the case back to Dr. Montgomery with instructions to reconsider the matter as an arbitrator, the opinion continued, would have contained "an unwarranted implication that Professor Montgomery's conclusions might have represented something other than his considered judgment as to the proper settlement of this dispute. A careful reading of his report makes it perfectly clear that there is no ground for any such suspicion.

"Under all these circumstances, we think that both parties should in fairness be bound by their arbitration agreement, even though the award was set up in terms of a recommendation. Our decision therefore does not represent a review of the merits of the case, but is limited to a determination that the increase awarded is permissible within the stabilization program. There is no dispute within the Board on this latter fact, since the decision merely puts the radio announcers on this station on the same basis of pay as the announcers in the other major stations in Washington—a permissible application of the bracket principle."

In a dissenting opinion, Public Member Dexter M. Keezer asserted that while the "result secured by the decision of the majority in this tortured little case may be relatively satisfactory . . . the process of reaching this result involved what I regard as a flagrant error in reasoning and procedure."

Reviewing the reasoning of the majority, the dissenting opinion said that "the task of recommending an appropriate solution of a labor dispute is a quite different task than that of making a settlement of the dispute which is to be final and binding on the parties. In the latter case, the referee or arbitrator bears the full responsibility for a proper settlement. In making recommendations he shares this responsibility with others and in so doing, has freedom of action denied to the arbitrator—a fact which gives the two operations basically different characters."

Mr. Keezer added that a person recommending a solution of a labor dispute would not necessarily offer the same solution as he would if he were making a final and binding award.

"It would have been possible to discover whether or not there would have been such a coincidence in this case by consulting the referee," he said.

The Board's order and opinions follow:

## National War Labor Board

December 28, 1944

In the Matter of

THE EVENING STAR BROADCASTING COMPANY, and  
AMERICAN FEDERATION OF RADIO ARTISTS, Affiliated with  
the Associated Actors and Artists of America, AFL

Case No. 111-4517-HO

### Directive Order

By virtue of and pursuant to the powers vested in it by Executive Order 9017 of January 12, 1942, the Executive Orders, Directives and Regulations issued under the Act of October 2, 1942, and the War Labor Disputes Act of June 25, 1943, the National War Labor Board hereby decides the dispute between the parties and rules as follows:

I. The Directive Order of the National War Labor Board in this case dated August 10, 1944 is hereby vacated.

II. It is found that the parties stipulated to submit their dispute to the final and binding decision of an arbitrator to be reviewed by the National War Labor Board only to determine conformance with the national wage stabilization policy. There being no violation of the national wage stabilization policy, the findings of the arbitrator are hereby approved and the parties are directed to incorporate his determination in a signed agreement.

Representing the Public:	Representing Industry:
Lewis M. Gill	(Dissenting)
Dexter Keezer (dissenting)	Fred Climer
Nathan Feinsinger	Walter T. Margetts
Edwin Witte	James Tanham
	Clarence Skinner

Representing Labor:

Carl Shipley  
George Meany  
John Brophy  
Robert Watt

## National War Labor Board

January 1, 1945

In the Matter of

THE EVENING STAR BROADCASTING COMPANY, and  
AMERICAN FEDERATION OF RADIO ARTISTS AFL

Case No. 111-4517-HO

### Majority Opinion

This case began on October 15, 1943, when the company and the union signed a "Stipulation to Arbitrate" before a Commissioner of Conciliation. The exact language of the stipulation is as follows:

#### "Stipulation to Arbitrate"

"It is hereby agreed by the parties listed below that the issues described below shall be arbitrated before a referee to be named by the National War Labor Board, or the Chairman thereof. The award and decision of the referee shall be final and binding in all respects, and where the referee has awarded a wage adjustment his award on wages will be subject to review by and approval of the National War Labor Board.

"The issues to be determined are as follows:

"Collective bargaining agreement negotiated to conclusion on all points at issue except compensation to be paid staff announcers:

"1. (a) Union requesting present base salary for staff announcers of \$200.00 a month, plus payment of fees for each commercial radio program assigned a staff announcer on his regular tour of duty. (b) Company wishes instead to increase compensation to announcers through base salary increases in an amount equal to the fee system proposed by Union.

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"2. (a) Whether or not increases in income to announcers as a result of Union's proposal shall be retroactive to work week beginning August 22, 1943.

The Evening Star Broadcasting Company. By /s/ K. H. Berkeley, General Manager.  
American Federation of Radio Artists. By /s/ Leonard R. Lyons, National Representative.

"Witness:

/s/ W. A. McAlister,  
Commissioner of Conciliation  
Done at Washington, D. C.  
Date October 15, 1943"

Since this stipulation provided for the appointment of the arbitrator by the War Labor Board or its Chairman, the case was referred to the Board by the Secretary of Labor for this purpose. It was not certified as a labor dispute in the usual manner, since the only function the Board was called upon to perform was to appoint the arbitrator and to review his award if it involved a wage adjustment, to determine whether or not the award was compatible with the wage stabilization program.

At this point some confusion set in, for which the Board must take a major share of the blame. Instead of merely appointing an arbitrator in accordance with the stipulation, the Board designated Professor Royal E. Montgomery as "hearing officer," and advised Professor Montgomery and the parties that the case would be handled in the same manner as other dispute cases. Throughout the hearings and in the submission of various briefs in the case, the terms "arbitrator," "referee" and "hearing officer" were bandied about in a rather indiscriminate fashion by everyone concerned. The company's original brief before the hearing was headed "Before the National War Labor Board—in Arbitration." The union's briefs both before and after the hearing were headed in the same fashion. Both parties were evidently proceeding on the understanding that they were engaged in an arbitration hearing in accordance with their stipulation. Professor Montgomery's decision was, however, labelled "Recommendation," and he signed the document as "Hearing Officer." The Board submitted his report to the parties and invited comments. This was an inappropriate procedure in view of the arbitration stipulation. The company filed extensive comments objecting to the conclusions in Professor Montgomery's report, pursuant to this invitation by the Board. The union filed comments in support of Professor Montgomery's conclusions, but stated therein that it was refraining from discussing certain aspects of the report with which it was in disagreement, in view of the Board's recently announced policy of not accepting any additional arguments on the merits of an arbitrator's award, unless the Board itself asked for more information.

The case then came to the Board where all this rather confused history was considered and reconsidered several times, finally resulting in the present majority vote to treat Professor Montgomery's recommendation as an arbitration award and approve it as consistent with the wage stabilization program.

It seems quite clear, as the minority of the Board stressed in the discussion of this case, that Professor Montgomery acted under the belief that he was merely making recommendations to the Board and not issuing a final and binding award. This position on his part is entirely understandable in view of the Board's handling of the case. However, we find no basis for not treating his recommendation as a finding award for the purposes of our review. There was some suggestion in the discussion in the Board that a person might conceivably take a different view of a case if he knew that his decision would be final and binding on the parties, than he would if he were only composing a recommendation to the Board. Following this line of approach, it was suggested that we might refer the case back to Professor Montgomery with instructions to reconsider the matter as an arbitrator, with a view toward ascertaining whether he would reach the same conclusion if he realized that he was supposed to act in that capacity. It is our judgment that this procedure would contain an unwarranted implication that Professor Montgomery's conclusions might have represented something other than

his considered judgment as to the proper settlement of this dispute. A careful reading of his report makes it perfectly clear that there is no ground for any such suspicion.

Under all these circumstances, we think that both parties should in fairness be bound by their arbitration agreement, even though the award was set up in terms of a recommendation. Our decision therefore does not represent a review of the merits of the case, but is limited to a determination that the increase awarded is permissible within the stabilization program. There is no dispute within the Board on this latter fact, since the decision merely puts the radio announcers on this station on the same basis of pay as the announcers in the other major stations in Washington—a permissible application of the bracket principle.

Opinion by: LEWIS M. GILL,  
*Public Member.*

## National War Labor Board

January 6, 1945

In the Matter of:

THE EVENING STAR BROADCASTING COMPANY AND  
AMERICA FEDERATION OF RADIO ARTISTS, AFL

Case No. 111-4517-HO

### Dissenting Opinion

While so far as I know the result secured by the decision of the majority in this tortured little case may be relatively satisfactory (the merits of the case were never discussed during three extended Board sessions devoted to it), the process of reaching this result involved what I regard as a flagrant error in reasoning and procedure. Since it is the sort of error which there well may be opportunities to repeat, I feel constrained to call attention to it and thus explain my dissent from the decision of a majority of my colleagues, including all of my fellow public members.

In this case the parties agreed to submit their dispute, which concerns the method of paying a half a dozen radio announcers, to a referee whose decision was to be final and binding on the parties. Due to confusing instructions, however, the referee did not understand that he was called upon to make an award which would be final and binding, but thought that he was expected to make recommendations of a proper settlement of a dispute. Since the record left room for doubt as to what the referee understood his commission to be, I asked him directly, and he told me directly, that he understood it to be that of a hearing officer making recommendations rather than that of an arbitrator making a final and binding award.

Nonetheless, a majority of the Board, flying straight in the face of the referee's assertion that he was not making an award designed to be final and binding, treated his award as such. In justification of this course it was argued that the true nature of the job done by the referee was what the parties agreed he should do rather than what he actually did. It was also solemnly contended that it could reasonably be assumed that a sincere and experienced referee, such as the referee in this case, would act no differently if he were recommending a settlement of a dispute than if he were making a final and binding award.

It seems to me that both of these propositions are patently misguided. If a person who has done a job asserts that he has done one thing, it certainly cannot be made something else merely by citing the agreement of those asking that the job be done to have it something else. Also the task of recommending an appropriate solution of a labor dispute is a quite different task than that of making a settlement of the dispute which is to be final and binding on the parties. In the latter case, the referee or arbitrator bears the full responsibility for a proper settlement. In making recommendations he shares this responsibility with others and in so doing, has freedom of action denied to the arbitrator—a fact which gives the two operations basically different characters.

It might happen that a person recommending a solution of a labor dispute would offer the same solution as he would if he were making a final and binding award. How-



ever, that would be a coincidence and not a necessity. It would have been possible to discover whether or not there would have been such a coincidence in this case by consulting the referee. Without doing so, however, a majority of the Board went right ahead and treated the referee's decision in this case as a final and binding award. Since this operation imputed to the referee's handiwork a character which he said it never possessed, I could not bring myself to share in it, and hence, unhappily, dissented from the opinion of the majority in this case.

DEXTER M. KEEZER,  
*Public Member.*

## Federal Communications Commission Docket

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 22nd. They are subject to change.

#### Monday, January 22

- New—Calumet Broadcasting Corp., Hammond, Ind.—C. P., 1520 kc., 5KW, daytime.  
KFVD—Standard Broadcasting Co., Los Angeles, Cal.—Renewal of license, 1020 kc., 1 KW, limited.  
KPAS—Pacific Coast Broadcasting Co., Pasadena, Cal.—Renewal of license, 1110 kc., 10 KW, unlimited, DA-night & day.

#### Wednesday, January 24

##### Consolidated Hearing

- NEW—F. R. Pidcock, Sr., & James M. Wilder, d/b as Georgia Broadcasting Company, Savannah, Ga.—C. P., 1230 kc., 250 watts, unlimited.  
NEW—A. C. Neff, Savannah, Ga.—C. P., 1400 kc., 250 watts, unlimited.  
NEW—Chatham Broadcasting Company, Savannah, Ga.—C. P., 1400 kc., 250 watts, unlimited.

#### Thursday, January 25

##### Further Hearing

- WNLC—Thames Broadcasting Corp., New London, Conn.—C. P. to change frequency from 1490 kc. to 1240 kc., 250 watts, unlimited.

## Federal Communications Commission Action

### APPLICATIONS GRANTED

- WMBD—H. D. Morgan (Transferor), Carl P. Slane, Frances P. Slane and Elizabeth P. Talbott (Transferees); Peoria Broadcasting Co. (Licensee), Peoria, Ill.—Granted consent to transfer control of Peoria Broadcasting Company, license of station WMBD (and relay stations WAIN, WEKH, WEKI and WPEO), from H. D. Morgan to Carl P. Slane, Frances P. Slane and Elizabeth P. Talbott, for a consideration of \$114,750, for 510 shares (or 51%) of the issued and outstanding capital stock of licensee. (Commissioner Durr not voting). (B4-TC-412)  
WING—Great Trails Broadcasting Corp., Dayton, Ohio—Granted extension of time, until Feb. 16, 1945, within which to comply with the procedural conditions attached to a conditional

grant to move a new transmitter site and make changes in directional antenna. (B2-F-3267)

The Constitution Broadcasting Co., Atlanta, Ga.—Granted petition for reinstatement of application (B3-P-2905) for construction permit for a new station to operate on 550 kc., 1 KW night, 5 KW-LS, using DA at night, and designated same for consolidated hearing with application of WOPI already in hearing, (Docket 6661) and application of Bob Jones College, Inc. (B3-P-3231)

Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley, d/b as WAPO Broadcasting Service, Chattanooga, Tenn.—Granted construction permit for new development broadcast station to operate on frequencies that may be assigned by the Commission's Chief Engineer from time to time; power, 1 KW, upon an experimental basis only; conditions. (B3-PEX-57)

School District of Kansas City, Mo., Kansas City, Mo.—Granted application for construction permit for new noncommercial educational high frequency (FM) broadcast station to operate on frequencies to be assigned by the Commission's Chief Engineer; power, 1 KW. (B4-PED-38)

Bob Jones College, Inc., Cleveland, Tenn.—Granted petition for reinstatement of application for construction permit for a new station to operate on 550 kc., 1 KW, night; 5 KW-LS, unlimited time, and designated same for consolidated hearing with application of The Constitution Broadcasting Co. (B3-P-2905) and application of WOPI. (Docket 6661)

KFFA—The Helena Broadcasting Co., J. Q. Floyd, et al., Helena, Ark.—Granted, subject to procedural requirements of Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945, application for construction permit to change frequency from 1490 to 1230 kc.; this application involves only change in crystals, the cost of which is less than \$500. (B3-P-3724)

WATW—Upper Michigan-Wisconsin Broadcasting Co., Inc., Ashland, Wisc.—Granted, subject to procedural requirements of Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945, application for construction permit to increase power from 100 watts to 250 watts and change type of transmitter; this application involves only change in tubes, the cost of which is less than \$500. (B4-P-3676)

WOMT—Francis M. Kadow, Manitowoc, Wisc.—Granted, subject to procedural requirements of Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945, application for construction permit to increase power from 100 watts to 250 watts and make changes in transmitting equipment; application involves only change in tubes, the cost of which is less than \$500. (B4-P-3718)

Robert W. Rounsaville, Cleveland, Tenn.—Granted conditionally application for construction permit for new station to operate on 1340 kc., 250 watts, unlimited time; application was granted under the procedure outlined in the Commission's Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. The application is for a station in a community which has no primary service. (B3-P-3689)

Loys Marsdon Hawley, Conway, S. C.—Granted conditionally application for construction permit for new station to operate on 1490 kc., 250 watts, unlimited time; application was granted under the procedure outlined in the Commission's Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. The application is for a station in a community which has no primary service. (B3-P-3709)

KOIN—KOIN, Inc., Portland, Ore.—Designated for hearing application for construction permit to change frequency from 970 to 660 kc., increase power from 5 KW to 25 KW, install new equipment and make changes in the directional antenna system for daytime and nighttime use, upon issues relating to conformity with the provisions of Section 3.25 of the Commission's Rules and relating to the January 26, 1944, Supplemental Statement of Policy as supplemented by statement of January 16, 1945. (B5-P-3712)

KWKW—Marshall S. Neal, Paul Buhlig, Edwin Earl and E. T. Foley, d/b as Southern California Broadcasting Co., Pasadena, Calif.—Designated for hearing application for construction permit to change frequency from 1430 to 830 kc., increase power from 1 to 5 KW, install new transmitter and antenna, and move transmitter site to Monterey Park, Calif.,

upon issues relating to critical materials and manpower as outlined in January 26, 1944, Supplemental Statement of Policy as supplemented by statement of January 16, 1945. (B5-P-3710)

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition for 30-day extension of time within which to comply with the conditions attached to grant of construction permit B-3-P-3384, as modified.

### DESIGNATED FOR HEARING

Capital Broadcasting Corp., Little Rock, Ark.—Designated for consolidated hearing with application of Arkansas Democrat Co., application for construction permit for new station to operate on 1400 kc., 250 watts, unlimited time. Site to be determined. (B3-P-3729)

Arkansas Democrat Company, Little Rock, Ark.—Designated for consolidated hearing with application of Capital Broadcasting Corp. application for new station to operate on 1400 kc., 250 watts, unlimited time. (B3-P-3760)

The Eagle-Gazette Co., Lancaster, Ohio.—Designated for hearing application for construction permit for new station to operate on 880 kc., 1 KW, daytime only, upon issues relating to use of critical materials and manpower in areas now receiving primary service, as outlined in the Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. (B2-P-3700)

Central Louisiana Broadcasting Corp., Alexandria, La.—Designated for hearing application for construction permit for new station to operate on 1490 kc., 250 watts, unlimited time, upon issues relating to use of critical materials and manpower in areas now receiving primary service, as outlined in Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. (B3-P-3722)

Independent Broadcasting Co., Des Moines, Iowa.—Designated for hearing application for construction permit for new station to operate on 940 kc., 1 KW day, 250 watts night, unlimited time, upon issues relating to the use of critical materials and manpower in areas now receiving primary service, as outlined in the Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. (B4-P-3770)

Dixie Broadcasting Co., Montgomery, Ala.—Designated for hearing application for construction permit for new station to operate on 800 kc., 250 watts, daytime only, upon issues relating to the use of critical materials and manpower in areas now receiving primary service, as outlined in the Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. (B3-P-3691)

KJBS—KJBS Broadcasters, a partnership consisting of William B. Dolph, et al., San Francisco, Calif.—Designated for hearing application for construction permit to install new transmitter and increase power from 500 watts limited to WTAM, to 500 watts night, 1 KW day, upon issues relating to critical materials and manpower as outlined in the Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. (B5-P-3685)

KOVO—KOVO Broadcasting Co., Provo, Utah.—Designated for hearing application for construction permit to change frequency from 1240 to 960 kc., increase power from 250 watts to 1 KW, install new transmitter and directional antenna for night use, and change transmitter location, upon issues relating to critical materials and manpower as outlined in Supplemental Statement of Policy of January 26, 1944, as supplemented by statement of January 16, 1945. (B5-P-3667)

### LICENSE RENEWALS GRANTED

The following stations were granted renewal of licenses for the period ending February 1, 1946: (Commissioner Durr not participating in action on renewal applications.)

KGFJ, Los Angeles, Calif.; KGHJ, Little Rock, Ark.; KODL, The Dalles, Ore.; KVCV, Redding, Calif.; WCED, DuBois, Pa.; WFAS and auxiliary, White Plains, N. Y.; WIL, St. Louis, Mo.; WJOB, Hammond, Ind.; WMFR, High Point, N. C.; WMPC, Lapeer, Mich.

The following stations were granted renewal of licenses for the period ending November 1, 1947: (Commissioner Durr not participating in action on renewal applications.)

KFRO, Longview, Texas; WAAB, Worcester, Mass.; WHEC, Rochester, N. Y.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Granted renewal of license for the period ending November 1, 1945. (Commissioner Durr not participating.)

### MISCELLANEOUS

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted petition for leave to intervene in the hearing on the application of Augusta Broadcasting Company for construction permit for a new station at Charleston, S. C. (Docket 6708)

Newark Broadcasting Corp., Newark, N. J.—Granted motion for continuance of hearing on application for new station; hearing continued to March 12, 1945. (Docket 6190)

KOMO, KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted motion for continuance of hearing on applications for renewal of licenses of main and auxiliary transmitters of Stations KOMO and KJR; hearing continued to March 15, 1945. (Dockets 6614 and 6644)

WIBX—WIBX, Inc., Utica, N. Y.—Granted petition to intervene in the hearing on the application of Glens Falls Broadcasting Corp. for construction permit for new station at Glens Falls, N. Y. (Docket 6702)

Robert C. Haberstroh, Altoona, Pa.—Granted motion for admission to practice *pro hoc vice* for the purpose of participating in certain deposition proceedings in Altoona, Pa., on behalf of Roy F. Thompson, tr/as Thompson Broadcasting Co., re hearing on applications of Altoona Broadcasting Co. and Thompson Broadcasting Co. for new stations in Altoona, Pa. (Dockets 6697 and 6698)

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted motion to dismiss without prejudice application for modification of license to decrease night power from 500 watts to 250 watts and change hours of operation. (Docket 6693)

WICC—The Yankee Network, Inc., Bridgeport, Conn.—Granted petition to intervene in hearing on application of Newark Broadcasting Corp. for construction permit for new station at Newark, N. J. (Docket 6190)

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Denied, without prejudice, petition for reinstatement and consideration of application for construction permit to change frequency from 1260 to 590 kc., install DA for day and night use, using present power of 1 KW both day and night. (B5-P-2918)

KVSF—New Mexico Broadcasting Co., Santa Fe, N. Mex.—Denied, without prejudice, petition for reinstatement and consideration of application for construction permit to change frequency from 1340 to 1260 kc., increase power from 100 watts to 1 KW, install new antenna and move transmitter site. (B5-P-2917)

WLIB—WLIB, Inc., Brooklyn, N. Y.—Passed over petition for intervention in the hearing on application of New Haven Broadcasters, Essex, Conn.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition to accept appearance filed late in re application of WBAX for renewal of license, and other Wilkes-Barre cases.

Thompson Broadcasting Co., Altoona, Pa.—Granted petition for continuance to February 21 of the consolidated hearing now scheduled for January 31 in re applicant's application and that of Altoona Broadcasting Co.

Centennial Broadcasting Co., Portland, Me.—Granted petition to reopen the record and accept amendment to application for construction permit.

Glens Falls Broadcasting Corp., Glens Falls, N. Y.—Granted petition for leave to amend application for construction permit, and the application as amended, removed from hearing docket and hearing now scheduled for February 12, cancelled.

The Commercial Cable Co., Commercial Pacific Cable Co., Mackay Radio & Teleg. Co., Inc.—The Commission continued the hearing now scheduled for January 23 to February 21, in the Matter of Limitation of Liability for Mistakes or Delays in Transmission or Delivery of Messages.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Denied (Chairman Porter not participating) petition to reinstate, amend, reconsider and grant application for construction permit (B5-P-3021) to change frequency from



**1010 to 740 kc.**, increase power from 5 to 50 KW, install transmitter equipment and make changes in directional antenna; petition being inconsistent with supplemental statement of policy of January 26, 1944; petition denied without prejudice.

**KSFO**—The Associated Broadcasters, Inc., San Francisco, Calif.—Denied (Chairman Porter not participating) petition in answer to KQW petition above, and requesting reinstatement of its own application for construction permit (B5-P-2776) to change frequency from **560 to 740 kc.**, increase power from 1 KW night, 5 KW day, to 50 KW, unlimited time, install new transmitting equipment, erect directional antenna for day and night use and change transmitter location provided the KQW petition is granted; petition being inconsistent with supplemental statement of policy of January 26, 1944; petition denied without prejudice.

**Philco** Radio & Television Corp., Arlington, Va.—Granted construction permit for new experimental television broadcast station; frequencies to be assigned by FCC Chief Engineer; the station is to be used in connection with the Washington end of the Washington-Philadelphia relay system for experimental television broadcast purposes in Washington. At the same time the Commission notified the applicant that the grant for experimental purposes is not to be construed as a commitment by the Commission for approval of commercial operation.

**Allen B. DuMont Labs, Inc.**, Washington, D. C.—Granted construction permit (reinstatement) for new experimental television broadcast station; frequencies to be assigned by FCC Chief Engineer; transmitter site at Hotel Harrington, 11th and E Streets, N. W. At the same time the Commission notified the applicant that the grant for experimental purposes is not to be construed as a commitment by the Commission for approval of commercial operation.

**P. R. Mallory & Co., Inc.**, Indianapolis, Ind.—Granted construction permit for new experimental television broadcast station; frequencies to be assigned by FCC Chief Engineer. At the same time the Commission notified the applicant that the grant for experimental purposes is not to be construed as a commitment by the Commission for approval of commercial operation.

## APPLICATIONS FILED AT FCC

### 640 Kilocycles

**KTBS**—George D. Wray, Allen D. Morris, P. E. Furlow and John C. McCormack, a partnership, d/b as Radio Station KTBS, Shreveport, La.—Construction permit to change frequency from **1480 kc. to 640 kc.**, increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use, and change transmitter site.

### 800 Kilocycles

**NEW**—Dixie Broadcasting Co., Montgomery, Ala.—Construction permit for a new standard broadcast station to be operated on **1400 kc.** with 250 watts power, unlimited time. Amended: To change frequency to **800 kc.**, hours of operation to daytime only, make changes in antenna and ground system and specify transmitter location.

### 1230 Kilocycles

**WJNO**—WJNO, Inc., West Palm Beach, Fla.—License to cover construction permit (B3-P-3707 as modified) for move of transmitter and studio.

**KELO**—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

**KELO**—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit (B4-P-3619) which authorized installation of a new antenna.

**WJNO**—WJNO, Inc., West Palm Beach, Fla.—Authority to determine operating power by direct measurement of antenna power.

**NEW**—Howard R. Imboden, tr/as Southwest Broadcasting Co., Pulaski, Va.—Construction permit for a new standard broadcast station to be operated on **1230 kc.**, power of 250 watts and unlimited hours of operation. Amended: re change in transmitter site.

### 1240 Kilocycles

**NEW**—Gus Zaharis and Penelope Zabaris, d/b as Chemical City Broadcasting Co., Charleston, W. Va.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, power of 250 watts and unlimited hours of operation.

### 1250 Kilocycles

**NEW**—Courier Broadcasting Service, Inc., Birmingham, Ala.—Construction permit for a new standard broadcast station to be operated on **1260 kc.**, power of 250 watts and unlimited hours of operation. Amended: to change frequency to **1250 kc.**, hours of operation to daytime, changes in antenna and transmitter site.

### 1300 Kilocycles

**NEW**—Raoul A. Cortez, San Antonio, Texas—Construction permit for a new standard broadcast station to be operated on **1300 kc.**, power of 1 KW and daytime hours of operation. Amended: to specify studio location.

### 1390 Kilocycles

**NEW**—Frank R. Gibson, Lake Charles, La.—Construction permit for a new standard broadcast station to be operated on **1390 kc.**, power of 1 KW and unlimited hours of operation employing directional antenna day and night.

### 1400 Kilocycles

**NEW**—Atlantic Broadcasting Co., Savannah, Ga.—Construction permit for a new standard broadcast station to be operated on **1400 kc.**, power of 250 watts and unlimited hours of operation.

### 1410 Kilocycles

**KQV**—KQV Broadcasting Co., Pittsburg, Pa.—Assignment of license to Allegheny Broadcasting Corp.

### 1450 Kilocycles

**NEW**—Ruth Braden Weber, Edward F. Braden, George E. Mead, John H. Braden, Lala Braden Boughton and Kirke M. Beall, d/b as Escambia Broadcasting Co., Pensacola, Fla.—Construction permit for a new standard broadcast station to be operated on **1450 kc.**, power of 250 watts and unlimited hours of operation.

### 1470 Kilocycles

**WTAW**—Agricultural and Mechanical College of Texas, College Station, Texas—Construction permit to change frequency from **1150 kc. to 1470 kc.**, and change hours of operation from daytime to unlimited time, using 1 KW power.

### 1490 Kilocycles

**NEW**—Idaho Radio Corporation, Idaho Falls, Idaho—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

### 1500 Kilocycles

**NEW**—Methodist Radio Parish, Inc., Flint, Mich.—Construction permit for a new standard broadcast station to be operated on **1500 kc.**, power of 250 watts and daytime hours of operation.

## FM APPLICATIONS

**NEW**—Asbury Park Press, Inc., Asbury Park, N. J.—Construction permit for a new high frequency (FM) broadcast station to be operated on **48900 kc.** with coverage of 1,279 square miles.

**NEW**—Allen T. Simmons, Akron, Ohio—Construction permit for a new high frequency (FM) broadcast station to be operated on **45100 kc.** with coverage of 10,000 square miles.

**NEW**—Mississippi Valley Broadcasting Co., East St. Louis, Ill.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47100 kc.** with coverage of 10,737 square miles.

- NEW—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47700 kc.** with coverage of 5,689 square miles.
- NEW—Times-Star Publishing Co., Alameda, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on **49100 kc.** with coverage of 6,450 square miles. Amended: to change coverage to 1,014 square miles, change transmitter site, change type of transmitter and changes in antenna system.
- NEW—WHP, Inc., Harrisburg, Pa.—Construction permit for a new high frequency (FM) broadcast station to be operated on **43500 kc.** with coverage of 27,450 square miles.
- NEW—Herbert Herff, Memphis, Tenn.—Construction permit for a new high frequency (FM) broadcast station to be operated on **45300 kc.** with coverage of 15,400 square miles.
- NEW—Summit Radio Corp., Akron, Ohio—Construction permit for a new high frequency (FM) broadcast station to be operated on **46500 kc.** Amended: to specify coverage of 5,380 square miles, specify type of equipment and antenna.

### TELEVISION APPLICATIONS

- WTZR—Zenith Radio Corp., Chicago, Ill.—Modification of construction permit (B4-PCT-9 as modified, which authorized a new commercial television broadcast station) for changes in visual transmitter, change in ESR from **1270 to 2700** and extension of commencement and completion dates.
- NEW—WLIB, Inc., New York, N. Y.—Construction permit for a new commercial television broadcast station to be operated on Channel #17 (**282000-288000 kc.**), ESR 2080.

### MISCELLANEOUS APPLICATIONS

- NEW—Stephens College, Columbia, Mo.—Construction permit for a new noncommercial educational broadcast station to be operated on the frequency of **42100 to 42900 kc.**, power of 1 KW and A3-FM emission.
- WNRE—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-45 as modified, for new International Broadcast Station) for extension of completion date from 2-7-45 to 5-7-45.
- KNBX—National Broadcasting Co., Inc., near Dixon, Calif.—License to cover construction permit (B5-PIB-60), which authorized construction of a new International Broadcast Station.
- KNBI—National Broadcasting Co., Inc., near Dixon, Calif.—License to cover construction permit (B5-PIB-59), which authorized construction of a new International Broadcast Station.
- WEJC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for reinstatement of (B1-PRE-440), which authorized move of relay broadcast transmitter and changes in antenna.
- WFBM—WFBM, Inc., Indianapolis, Ind.—Construction permit to install a 1 KW auxiliary transmitter, using directional antenna at night.

**Foster's Drug Store**, Pine Bluff, Ark., stipulated that in connection with the sale of a poultry medicine designated "Greatest of All' Tonic" he will discontinue representing that the preparation will facilitate or contribute to the success of the hatching and raising of chickens; will eliminate or "starve-out" mites, lice, fleas, or other insects which attack poultry; will have any effect upon gapes, limberneck, roup, worms or white diarrhea; will improve the condition of poultry after the initial dosage or maintain poultry in a healthy condition; will have any effect upon poultry during the molting period or increase egg production; or, through use of the word "Tonic" in the brand name of the product, or otherwise, that the preparation has any tonic properties. (03244)

**Juliette Frocks**, 237 South Market St., Chicago, stipulated that he will cease and desist from selling, advertising, labeling, or otherwise representing dresses, which are made from or contain rayon, without clearly and unqualifiedly disclosing in the invoices and labeling and in all advertising matter that such dresses are rayon in whole or in part, as the case may be. (3960)

**Hance Bros. & White Co.**, 12th and Hamilton Sts., Philadelphia, distributors of pharmaceutical products, have stipulated that they will cease and desist from representing that calcium pantothenate, which they sell in tablet form, is effective in restoring the original color to gray hair or in preventing hair from becoming gray, or that experiments or tests have demonstrated that the normal or original color of hair was restored to 22 out of 25 persons, or to any number of persons, as a result of taking calcium pantothenate. (3962)

**R. M. Hollingshead Corp.**, Camden, N. J., will cease and desist from representing that the compound it sells under the name "Metal-Weld" is a welding agent. (3961)

**B. Jadow, Inc.**—A stipulation to discontinue misrepresenting the quality, composition and value of watch straps has been entered into by B. Jadow, Inc., 41 Maiden Lane, New York. (3959)

Stipulation (3958) (Liquid Shampoo)

**Dr. Krauter's Laboratories, Inc.**, 860 South 11th St., Newark, N. J., engaged in the sale of a liquid shampoo designated "Kroilon," entered into a stipulation in which it agrees to cease representing that the preparation is not an ordinary soap shampoo or is sensationally or substantially different from various other liquid shampoos on the market. (3958)

**Midwest Radio Corp.**, 909 Broadway, Cincinnati, entered into a supplemental stipulation to cease and desist from representing that any radio receiving set that it sells contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to do not perform the recognized and customary functions of radio tubes in the detection, amplification and reception of radio signals. (03243)

## Federal Trade Commission Docket

### COMPLAINTS

No complaints were issued by the Commission last week.

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

### CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

**Danville Engraving Co.**, 220 North Logan Ave., Danville, Ill., has been ordered to cease and desist from misrepresentation in connection with the sale of photoengraving plates used by the printing trade in the reproduction of photographs, drawings and other copy. The respondent produces his plates by the wet plate process, as distinguished from the film or dry plate process, and sells them under the trade name "Decotones." (5045)