

RYAN WRITES TIME MAGAZINE

NAB President J. Harold Ryan has sent the following letter to Mr. Henry R. Luce, Editor of *Time* Magazine:

In the September third issue of *Time* under the Radio Section on page 66 occurs the following statement:

"Last week WWJ celebrated its 25th Anniversary, and reasserted its claim to being the world's first commercial radio station. That claim used to be pooh-poohed by Pittsburgh's powerful KDKA. This year the National Association of Broadcasters finally decided the question in WWJ's favor; KDKA, it said, was ten and a half weeks younger."

While it is true that this year the National Association of Broadcasters published a Chronology of Radio, your correspondent apparently has drawn from it an entirely erroneous conclusion. The Chronology is a reprint from Broadcasting's Year Book of 1942. Since this publication is not available to those organizations who were planning salutes to Radio on the Twenty-Fifth Anniversary of the year when commercial broadcasting began we reprinted the Chronology, solely for their guidance. To imply that the mere reprint of a chronology amounts to a "final decision" on a disputed date of history is manifestly unfair to the stations involved and to the NAB.

It was not the intention, nor is it the prerogative of the NAB to attempt to decide the relative claims of two pioneer broadcasting stations. The statement, therefore, that this Association decided the question in WWJ's favor is in error and does an injustice to KDKA. We would appreciate your making the necessary correction.

NABET STRIKES

The National Association of Broadcasting Engineers and Technicians (NABET) Wednesday (12) struck the National Broadcasting Company, The American Broadcasting Company and Mutual's WOR. All members of the union working in the network managed and operated stations left their posts. There was a short interruption in service until executive engineers not within the union's jurisdiction could take over.

It is reported that NABET in calling the strike accused NBC, ABC and WOR of failure to negotiate in good faith. This charge the networks have strenuously denied. The networks have advised NABET that until the men return to work, there will be no resumption of negotiations looking to a contract. The stations affected are continuing to operate with the assistance of executive engineering personnel.

FCC TRANSFER POLICY ANNOUNCED

A proposed plan whereby all interested parties would be given an opportunity to apply for licenses of broadcast stations which are offered for sale was announced by the Federal Communications Commission.

Under this plan, the Commission would grant the transfer of license to the applicant best qualified to operate the station in the public interest.

The Commission's plan was included in an opinion issued Wednesday (12) with respect to its approval on August 2 of the sale of the Crosley Corporation radio interests to Aviation Corporation of America. (See NAB REPORTS, Vol. 13, page 313)

Under this plan, the Commission and the seller would publish the terms and the conditions of the proposed sale and the name of the prospective buyer who has met the seller's price. Other persons desiring to apply for the station would be invited to do so on the same terms and conditions. The Commission would consider all applications on their merits, with a view to granting the transfer on the basis of public interest. A public hearing will be held on this proposal.

To strengthen its transfer procedure further, the Commission will recommend that Congress consider the desirability of adopting a yardstick for measuring the appropriate value of a station so that the Commission's field of choice will not be unreasonably restricted by permitting sales of stations at artificially high prices.

Congress will also be asked to consider the advisability of further defining the qualifications of licenses and particularly to determine as to what extent holding companies, investment banking groups, large industrial empires, large manufacturing companies and other businesses should be permitted to control radio stations.

"A basic infirmity of the Communications Act, which this case serves to highlight, is the fact that under the Act, as it has been administered up to this time, a man retiring from the radio business has, for all practical purposes the power to select his successor," the Commission statement pointed out.

"Under the interpretation which has prevailed, his selection is final except in the very rare cases where he elects to sell to a party who is found not to be qualified. This is obviously a deficient procedure because a person retiring from the broadcast business is, in selecting a purchaser, likely to be influenced by many considerations

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J. H. Ryan, *President*

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

Lewis H. Avery, *Director of Broadcast Advertising*; Robert T. Bartley, *Director of Government Relations*; Helen A. Cornelius, *Asst. Director of Broadcast Advertising*; John Morgan Davis, *General Counsel*; Willard D. Egolf, *Director of Public Relations*; Howard S. Frazier, *Director of Engineering*; Dorothy Lewis, *Coordinator of Listener Activity*; Barry T. Rumble, *Director of Research*; Harlan Bruce Starkey, *Asst. Director of Public Relations, Chief, News Bureau*; Arthur C. Stringer, *Director of Promotion*.

which are quite unrelated to the question which should be paramount—namely, who is best qualified to continue to operate the station in the public interest.”

“... The procedure which has prevailed in transfer cases is in sharp contrast to that prescribed by Congress for the consideration of applications for new stations although the standards prescribed by the Act are identical. In the case of licensing new stations the procedure followed insures that everyone who is interested in applying for a particular broadcast frequency shall have the opportunity to do so. This usually results in a competitive situation where the Commission has a choice between applications.”

Approval of the transfer of the Crosley Corporation on August 2 was voted by a majority of the Commission consisting of Commissioners Paul A. Porter, Chairman; E. K. Jett, Charles R. Denny and William H. Wills. Commissioners Paul A. Walker, Ray C. Wakefield and Clifford J. Durr dissented.

With respect to its approval of the transfer of Crosley's station WLW to The Aviation Corporation, the Commission majority said that it had “no alternative but to grant the application unless the uniform precedents of 17 years of radio regulation are to be ignored and a complete reversal of administrative policy is to be adopted.” The majority took the view that administrative agencies such as the Commission “have an obligation to adhere to uniform policies, and when developments dictate change, adopt after appropriate notice a rule of general application so as to avoid the color of discrimination in a particular case.” Moreover, the majority pointed out that to deny the WLW transfer on the ground that Avco has substantial business interests in other fields would create a chaotic situation in the broadcast industry since doubt would be cast upon the status of scores of present radio licensees who, like Avco, have extensive non-broadcast interests.

The majority further found that Avco meets the citizenship requirements of the Communications Act, is financially qualified and is technically qualified. While the parties to the transfer did not segregate the price paid for the radio properties from the price paid for the Crosley manufacturing properties, the Commission said that there was no evidence of trafficking in licenses and the record showed that the price paid would not adversely affect Avco's financial responsibility or the station's program structure.

A dissenting opinion issued by Commissioners Walker and Durr objected to the transfer on the grounds that Aviation Corporation is a large holding company of a type which has been traditionally a matter of concern because of their use as an instrumentality for gaining control over large segments of the economy of the country without

corresponding responsibility; that Aviation Corporation has failed to give the Commission a valuation on the broadcast properties, has not demonstrated even minimum qualifications by acquiring a knowledge of the duties and responsibilities of a licensee and that the Commission should not be bound by its precedents when such precedents conflict with public interest and statutory responsibilities.

Commissioners Walker and Durr agreed that the procedure recommended by the majority for future transfer cases will remedy some of the deficiencies in the Commission's present procedure. They objected that the proposal to limit competition to those who are willing and able to meet the contract terms and conditions of the highest bidder seems “without warrant in the Act.” Such competition, their opinion asserted, should not be in terms of ability to pay the highest price but in terms of public service to be rendered. In view of the decision to adopt a new transfer procedure and to submit certain questions to Congress, action on all “questionable applications” should be deferred until Congress and the Commission have acted, the opinion declared.

Commissioner Ray C. Wakefield's separate dissenting opinion opposed the transfer primarily on the ground that the transferee, on the basis of the record, is less qualified than the transferor, and hence the Commission could not properly make the finding required by Section 310(b) of the Communications Act that the public interest would be served by the transfer. Commissioner Wakefield stated that the same public interest which is inherent in the privilege of using a portion of the public domain free of charge requires that a transferor select a successor who will possess not only the bare qualifications to assume the duties incumbent upon licensees as required by the Act, but also the qualifications which will assure at least a comparable standard of service.

Commissioner Wakefield cited precedents in which the Commission had heretofore denied transfer applications where it appeared that the public interest would be better served by leaving control in existing hands. He noted that according to the evidence adduced at the hearing, AVCO was not originally interested in the purchase of radio stations, considering the purchase of the properties involved in this case as “a package of equities,” and that those assuming control were unacquainted with the needs of the community to be served, the bare essentials of the program structure, and the nature of their public and legal responsibilities as broadcasters. He stated that the burden of overall management, as distinguished from mere day-to-day operations, should not be shifted to paid employees, and that to look to employees rather than to those in control for qualifications would render moot the statutory requirement of Section 310(b). He noted that there was adequate time in this case to find a fully qualified transferee.

Commissioner Wakefield's dissent noted that there was an absence of full information with reference to such fundamental issues as the price being paid by the transferee, the future program and financial policies of the transferee, and generally.

Commissioner Wakefield stated that on the basis of the record here, the Commission's authority appears clear without further legislation; and that some “such procedure as that proposed by the majority to be instituted hereafter should have been instituted in the present case.” The dissent concludes: “I agree with the majority view that this case illustrates the deficiencies of the Communications Act with respect to the broader phases of some of the issues raised herein. The Commission should formulate specific proposals for submission to Congress.”

Commissioners Walker and Durr, in addition to the
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grounds for denial set forth in their own dissenting opinion, expressed agreement with the grounds for denial set forth by Commissioner Wakefield.

FM FREQUENCY AND POWER ASSIGNMENTS

The Commission today made public a list of assignments for present FM licensees and permittees. Any licensee or permittee desiring to object to the assignment made by the Commission must do so on or before September 25, 1945.

All of the assignments which were made today are for Metropolitan stations with the exception of Station WMIT at Winston-Salem, North Carolina, and WMTW at Mt. Washington, New Hampshire, both of which are Rural stations. WMIT is authorized to operate on the frequency 97.3 megacycles (Channel No. 47) with power of 200 kilowatts and WMTW is authorized to operate on the frequency 97.9 megacycles (Channel No. 50) with power of 10 kilowatts. Other Rural stations will be authorized upon a proper showing.

In making the allocations for the Metropolitan stations, the Commission has provided in both Area I and Area II for an effective radiated power of 20 kilowatts and an antenna height of 500 feet above the average terrain.¹ Where existing antenna heights are in excess of 500 feet the Commission has required a reduction in effective radiated power so that the service area of such a station (within its 100 uv/m contour) is substantially similar to what it would be with an antenna height of 500 feet and effective radiated power of 20 kilowatts. Where the existing antenna heights are less than 500 feet the Commission is authorizing 20 kilowatts power but such stations in the future will be required to conform with a minimum antenna height of 500 feet above the average elevation unless a showing is made that such an antenna height is not feasible.

The basis on which the Commission made its assignments is set forth below. In Area II there are sufficient frequencies so that all existing licensees in any city can be given facilities providing substantially the same coverage and this has been done. In Area I a somewhat different situation exists. The Commission's Rules and Regulations provide that Metropolitan stations in Area I shall be limited to a maximum effective radiated power of 20 kilowatts and an antenna height of 500 feet and that the service area of such stations will not be protected beyond the 1000 uv/m contour.² Accordingly, all the Metropolitan frequencies in any city in Area I will be substantially equal so far as the 1000 uv/m contour is concerned. However, it is recognized that Metropolitan stations will be able in many instances to serve beyond their protected 1000 uv/m contour—although this additional unprotected service area will undoubtedly be cut down as additional stations are licensed—and that some of the Metropolitan stations will be able to serve a greater area beyond their 1000 uv/m contour than do the others. To this extent some channels may be considered more desirable than others, although so far as the protected contours are concerned all channels

¹ In Area II greater coverage than is possible with effective radiated power of 20 kilowatts and a 500-foot antenna will be authorized upon proper showing. Some stations in Area II have smaller coverage at present than is provided for by the Commission's authorization. If such stations desire the smaller coverage, this will be authorized upon a proper showing.

² Until there is full occupancy of Metropolitan channels in Area I, the Commission will give consideration to applications from licensees of Metropolitan stations to operate temporarily with power in excess of that prescribed in the rules (i.e. the equivalent of 20 kilowatts radiated power with an antenna height of 500 feet) upon a special showing that this would provide a better signal in specified rural areas. It should be emphasized that such increase in power, if granted, will be temporary only and will be required to be reduced upon the licensing of additional stations to serve the area in question.

will be equal. Nevertheless, while not all of the facilities are equal in coverage, it has been possible in each city in Area I (with one exception) to assign frequencies of substantially the same coverage to all existing stations in that city. These facilities, moreover, are amongst the most desirable in each city from the point of view of service beyond the 1000 uv/m contour. The one exception is New York City where it has not been possible to find 11 frequencies for all the 11 existing stations with substantially the same coverage.

Two alternative plans were available to the Commission in making the assignments in New York City. Under the first alternative, stations would be allocated in the new band in approximately the same order as they are in the present FM band. Under this method, some of the existing networks would be given facilities which initially would be considerably better than those of other networks, and thus an unequal competitive situation would result. Moreover, under this system, some of the independent stations which were pioneers in FM—including the inventor of FM—would be given the least desirable assignments. Finally, this method would result in saving for late-comers the best facilities in New York instead of making them available to those who pioneered in FM broadcasting.

The second alternative plan involves making a choice among existing licensees on the basis of the best information presently available to the Commission. The Commission recognizes that it would be better to make such a choice after a hearing. However, the Commission is of the opinion that public interest requires FM broadcasting to get started as soon as possible, and hence some authorizations without a hearing are necessary if FM broadcasting is not to be handicapped by a slow start. Moreover, as has already been pointed out, stations will be given an opportunity to object to the Commission by September 25, 1945, concerning the specific assignments.

In making the assignments in New York City, the Commission has decided to assign the frequencies with the maximum service area beyond the 1000 uv/m contour to existing stations since these stations are the pioneers in FM broadcasting.³ In making assignments in New York City to the networks, the Commission has endeavored to assign substantially equivalent facilities for all the networks. As a result, the facilities assigned to the network pioneers have a somewhat smaller service area beyond the 1000 uv/m contour than in the case of the non-network pioneer FM stations in New York. This should result in maximum service to listeners in the New York area. The programs of the network stations are available either from the network-owned stations or from their affiliates. Hence, listeners living beyond the 1000 uv/m contour of the network-owned station will have an opportunity of receiving network programs from an affiliate of the network in whose 1000 uv/m contour they reside, and all networks will have an opportunity to compete for affiliates in this area. So far as non-network stations in New York are concerned,⁴ their programs are not available from any other station as in the case of network programs. Thus, the listening public gains by making available to the non-network stations those frequencies which have a maximum service area beyond the protected 1000 uv/m contour.

The complete assignment of frequencies as made by the Commission is set forth in the attached table.

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³ The frequency assigned to WNYC-FM will provide a smaller service area beyond the 1000 uv/m contour than in the case of the other assignments. This is in accordance with the showing previously made by WNYC to the effect that the station's purpose can be served with a service area limited to the area of New York City.

⁴ Since the networks themselves own stations in New York, it is obvious that independent stations there cannot secure network affiliation.

Frequency and Power Assignments for Existing FM Broadcast Stations and Outstanding Construction Permits

METROPOLITAN STATIONS

City and Call Letters	Channel Number	Radiated Power	Antenna Height Above Average Terrain	Frequency
Baton Rouge, La.....WBRL	41	20 kw	500	96.1
Binghamton.....WNBF—FM	44	10.5 kw	657	96.7
Boston.....WBZ—FM	39	20 kw	455*	95.7
Chicago.....WBBM—FM	57	10 kw**	668	99.3
Chicago.....WDLM	59	20 kw**	479*	99.7
Chicago.....WEHS	61	12 kw**	616	100.1
Chicago.....WGNB	55	20 kw**	472*	98.9
Chicago.....WWZR	55	12 kw**	611	98.5
Columbus.....WELD	33	20 kw	341*	94.5
Detroit.....WENA	45	10.5 kw	663	96.9
Detroit.....WLOU	43	20 kw	362*	96.5
Evansville.....WMLL	34	20 kw	281*	94.7
Fort Wayne.....WOWO—FM	40	20 kw	300*	95.9
Hartford.....WDRG—FM	32	7.0 kw	758	94.3
Hartford.....WTIC—FM	28	9.5 kw	673	93.5
Indianapolis.....WABW	35	20 kw	290*	94.9
Kansas City.....KOZY	60	20 kw	500	99.9
Kansas City.....KMBC—FM	50	20 kw	500	97.9
Milwaukee.....WMFM	22	20 kw**	310*	92.3
Nashville.....WSM—FM	61	8.5 kw**	720	100.1
Philadelphia.....KYW—FM	26	20 kw	382*	93.1
Philadelphia.....WCAU—FM	38	20 kw	366*	95.5
Philadelphia.....WFIL—FM	32	20 kw	464*	94.3
Philadelphia.....WIP—FM	30	18 kw	520	93.9
Philadelphia.....WIBG—FM	36	20 kw	358*	95.1
Philadelphia.....WPEL—FM	40	20 kw	455*	95.9
Pittsburgh.....KDKA—FM	31	6.5 kw	783	94.1
Pittsburgh.....WTNT	33	20 kw	500	94.5
Rochester.....WHEF	53	20 kw	387*	98.5
Rochester.....WHFM	55	20 kw	261*	98.9
Salt Lake City.....KSL—FM	61	8.5 kw	720	100.1
Schenectady.....WGFM	37	6 kw	805	95.3
Schenectady.....WBCA	39	6 kw	805	95.7
South Bend.....WSBF	67	20 kw	312*	101.3
Springfield, Mass.....WBZA—FM	56	20 kw	500	99.1
Superior, Wisc.....WDUL	22	20 kw	500	92.3
Worcester, Mass.....WTAG—FM	71	20 kw	477*	102.1
Worcester, Mass.....WGTR	69	9.5 kw	680	101.7
Alpine, N. J.....WFMN	65	6.0 kw	795	100.9
New York, N. Y.....WQXQ	63	11.5 kw	632	100.5
New York, N. Y.....WABF	53	15 kw	567	98.5
New York, N. Y.....WGYN	61	4.0 kw	905	100.1
New York, N. Y.....WFGG	59	7.2 kw	747	99.7
New York, N. Y.....WHNF	57	20 kw	455*	99.3
New York, N. Y.....WNYC—FM	51	15 kw	560	98.1
New York, N. Y.....WBAM	45	15 kw	559	96.9
New York, N. Y.....WABC—FM	47	5 kw	850	97.3
New York, N. Y.....WEAF—FM	49	1.6 kw	1258	97.7
Jersey City, N. J.....WAAW	41	13.5 kw	590	96.1

RURAL STATIONS

(Located at present sites)

Mt. Washington, N. H.....WMTW	50	10 kw	...	97.9
Winston-Salem, N. C.....WMIT	47	200 kw	...	97.3

The following metropolitan stations may operate from their present sites with the power indicated below until such time as the Commission considers all of the applications in the Los Angeles area.

Los Angeles, Calif.....KHJ—FM	59	4.8 kw**	870	99.7
Los Angeles, Calif.....KTLO	61	4.8 kw**	870	100.1

* This antenna height is based upon previously authorized antenna construction, and a minimum antenna height of 500 feet above average elevation will be required in the future unless a showing is made to the contrary that such an antenna height is not feasible.

** These stations in Area II have been assigned power less than presently authorized. The question of operating with higher power is presently under study.

FM APPLICATIONS BY SERVICE MEN

The Commission has received inquiries from men now in the military service regarding the possibility of filing applications for FM facilities at this time with engineering data to be submitted at a later date upon their discharge from the service.

In a public notice of September 4, 1945, the Commission announced that it proposes to make "conditional grants" of FM applications, affording the applicants a period of ninety days in which to file engineering details of the proposed operation. It is believed that this procedure will facilitate the filing of applications by service men, and will enable them to qualify for FM licenses.

The Commission recognizes the difficulties confronting military personnel in completing their applications for broadcast facilities, and, accordingly, consideration will be given to requests by applicants in the armed services for reasonable extensions of time to submit engineering data.

Since it is not possible to reserve FM channels for future assignment, service men planning to enter the broadcast business are urged to submit their applications promptly.

REVISION OF SCHEDULE 13 FORM 324

The Commission has notified NAB of its desire to revise Schedule 13 Form 324 covering "Employees and their Compensation for the week beginning October 15, 1945." The Commission's proposal would require stations to answer for each classification of employees in terms of the following:

1. Number of employees.
2. Total number of weekly hours scheduled for week beginning October 15, 1945.
2. Total number of weekly hours scheduled for week hours.
4. Number of employees during week of October 15, 1945, classified according to scheduled hourly rate of pay. (Does not apply to executives.)
5. Total amount of unscheduled overtime worked during week of October 15, 1945.
6. Total amount of compensation paid for unscheduled overtime reported in item 5.

Final approval of the proposed form has not yet been obtained by the FCC pending its review by the Bureau of the Budget. Following a thorough consideration of the new form by NAB a letter was directed to the FCC opposing the proposal on policy grounds. Since it appears likely that this form, with slight modifications, will eventually be adopted and sent to the stations within the next few weeks, NAB is working informally with the Commission's staff in an effort to make it as workable and understandable as possible.

AIRPORT BILL PASSES SENATE

Senator McCarran's Bill (S2) for Federal Aid for Public Airports passed the Senate Wednesday (12).

An amendment proposed by Senator Ed Johnson (D-Col.), was adopted which provides that "The Administrator shall consult with, and give consideration to the views and recommendations of, the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by construction or operation of any radio station."

This amendment had been suggested by Chairman Paul Porter in a letter to Senator Wheeler, Chairman of the Interstate Commerce Committee. The provision should eliminate many conflicts between radio stations and proposed airports which would have otherwise occurred.

The Bill now goes to the House. The House Committee on Interstate and Foreign Commerce has already reported favorably on Chairman Lea's (D-Cal.), Bill for Federal Aid for Public Airports. Mr. Lea's Bill (H. R. 3615) contains a clause protective of broadcasters' rights by providing for hearings before the Administrator to any person "having a substantial interest in the disposition of any application by the Administrator."

Broadcasters' rights will be greatly enhanced if both these provisions can be secured in the law as finally adopted.

Broadcasters who have had difficulties in locating transmitter sites due to the location of airports or airways or who face such difficulties are urged to communicate their experiences and views to their members of the Senate and House of Representatives.

NAB would appreciate receiving copies of any such letters.

HOUSE RECOMMENDS DAYLIGHT TIME REPEAL

Repeal of wartime year-'round daylight saving time was adopted Wednesday (12) by the House, in passing a bill (H. R. 3974) which would abandon the stepped-up time on September 30.

The bill was introduced by Rep. Lyle Boren, Okla., Chairman of the House Interstate and Foreign Commerce Subcommittee, and was one of several introduced with the same general intent (NAB REPORTS, vol. 13, p. 387).

The bill now goes to the Senate, where little, if any, opposition is expected. If passed by the Senate, the President's signature will be the remaining requirement to make it effective.

POPE ADDRESSES AMERICAN BROADCASTERS

An Associated Press dispatch from Rome describes an address delivered on September 5 by Pope Pius XII to the group of American broadcasters who have recently returned from a tour of the European Theater of Operations. The dispatch reads in part as follows:

... "Like every human invention," the Pope said, "the radio can be used as an instrument of evil as well as good. It has been used, it is used to disseminate calumnies, to mislead simple, uninformed folk, to disrupt peace within nations and between nations.

"This is an abuse of a gift of God; and it is for the responsible directors, as far as possible, to check and eliminate it.

"Let the good accomplished by the radio always outrun the evil until the evil becomes weary and falls by the wayside. Is that too much to hope for? Certainly it is a noble goal, worthy of men's best efforts, and it is our fervent prayer . . ."

CONFIDENTIAL MATERIAL RELEASED

The Federal Communications Commission has been advised by the Joint Communications Board that the confidential testimony of the Allocations Hearing held March 12 and 13, 1945, has been declassified.

The classified material deleted from the Report of the Commission issued May 25, 1945, is now open to the public, and copies may be referred to in the FCC Office of Information, or in the NAB Library.

ANTI-INFLATION DRIVE CONTINUES

The concern of the President and Congress over the dangers of postwar inflation deserved the thoughtful attention of every broadcaster. Unless measures are taken to head off inflation, the future of the American system of free enterprise is certain to be greatly endan-

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gered. The President has pointed out that one of the outstanding achievements of the war has been our success in holding the line against inflation and that our big job now is to continue to hold that line until supply and demand can be gotten back into balance.

Radio, it is pointed out, can play a powerful part in bringing to the people a realization of the part which they play in meeting this most dangerous threat. They should be continuously reminded that the end of the war did not end the danger of inflation. In fact, postwar inflation is even more dangerous than in time of war. We learned that the hard way after World War I, when prices went up twice as fast after the shooting had stopped.

NAB has agreed to cooperate in the Government stabilization drive by assisting in sending to stations a limited number of spot announcements dealing with the subject. The first of these will have reached you by the time you get this issue of the **REPORTS**. We earnestly urged that they be given careful consideration as a part of your daily broadcasts.

DEVELOPMENT OF WIRE RECORDER CONTINUES

The extensive use of wire recorders by the armed forces during the war has focused the attention of broadcasters on this method of recording. Most of the wire recorders currently in use have the frequency range of about 100 to 5,000 cycles per second with a wire speed of 5 feet per second. The dynamic range is about 30 to 35 db.

The NAB Engineering Department is following closely the developments in this field as it is believed wire recorders will eventually broaden the program sources of broadcast stations. We are informed that a new stainless alloy wire, now being developed, together with certain improvements in the wire recorders, will result in improvement of the frequency response to a range of 55 to 13,000 cycles per second. The same developments will increase the dynamic range to approximately 55 db.

When the present developments are completed, wire recorders should be capable of a fidelity and dynamic range comparable to other recorder methods.

A demonstration of the improved wire recorder is scheduled for the Council on Radio Journalism meeting next Tuesday (18), at the Palmer House, Chicago.

It is believed that radio newsmen may be interested in adopting the wire recorder as a valuable working tool. If, as anticipated, the improvements permit low cost handling of local news and special events, all in the radio manner, the new recorder should be welcomed throughout the industry.

FORUM ON MARKETING DISCUSSED WITH PRESIDENT TRUMAN

"The First National Marketing Rally," a series of six conferences to be held on consecutive Mondays beginning October 22, in New York City, was brought to the attention of President Truman Monday, September 10, in Washington.

Elon G. Borton, President of the Advertising Federation of America, Don G. Mitchell, Vice President of the Sales Executives Club of New York and Charles E. Murphy, attorney for both organizations, called at the White House and discussed the conference with the Chief Executive.

Following the conference the following statement was issued:

"We discussed with the President the program for the forthcoming Forum on marketing to be held in New York City under the auspices of the Sales Executives Club of New York in collaboration with the Advertising Federation of America and the National Federation of Sales Executives.

"The President indicated his agreement with us that marketing, including merchandising, styling, selling and advertising, must function effectively if mass production is to produce full employment and a higher standard of living. We know we can produce on a tremendous scale; we now must demonstrate our ability to sell with like efficiency. The President assured us that he will send a personal message to the Marketing Forum which begins on October 22."

SEES PORTER INVITING PUBLIC PRESSURE UPON FCC

Writing in the September 6 issue of *PM*, Edwin Levin concludes a long discussion on FCC Chairman Paul A. Porter's recent address over CBS with the following observation:

"It is my guess that his [Porter's] assertion over CBS that franchises are often renewed despite vigorous protest was a plea for increased public pressure on both radio and the *FCC*—who are getting plenty of pressure now but from the wrong quarters."

"RADIO MUST GROW UP" REPRINTS DELAYED— ACCOMPANY THIS ISSUE

Last week NAB **REPORTS** carried an announcement that reprints of the article, "Radio Must Grow Up," written by Paul Porter, Chairman of the Federal Communications Commission, for the October *American Magazine*, were being mailed out with that issue of **REPORTS**.

The reprints did not arrive in time to be included. You will find your reprint with this issue of **REPORTS**.

INVITATION TO DO A JOB

Our men overseas appreciate "Let's Go to Town" programs. Armed Forces Radio Service say they have become a necessity. AFRS and NAB have prepared a kit of instructions which takes the guess work out of the question, "What kind of a show shall I produce?"

It's all there for you to read and invitation to make a hometown show for our men overseas is herewith extended. If you haven't done a "Let's Go to Town" program yet, and can, you are urged to do so.

Send for Kit and Decide

Write Art Stringer, NAB, for kit of instructions. Read it. Talk with your staff. You will find that a "production" is not wanted; only a good, down-to-earth program.

Free aluminum base acetates will come when you say the word.

WHEB Ships Hometown Program

NAB District No. 1 has added another "Let's Go to Town" half-hour program to its record.

Latest show to be completed is the Portsmouth, N. H., program for which Burt Georges, WHEB, was Task Force Commander. Bob Fuller, production manager, turned the recordings over to air express, September 6.

WESTERN MUSIC INCLUDED IN SERIES

The nation's overseas fighting men continue to appreciate the special band programs which are being recorded by stations under the title, "Music from Your Hometown."

Up to this week there was a shortage of talent specializing in western music. But KOY, Phoenix, rectified that matter by offering a series by its staff band, "Buster Fite and His Western Playboys."

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This group operates its own pavilion, "The Plantation." According to Jack Williams, KOY, program manager, "Plantation" music is entirely western played "by typical Texas string band, or perhaps we might call it an Arizona string band. Anyway, this music is strictly indigenous to the Southwestern part of this country, and it will certainly ring familiarly in the ears of our men in service."

KVFD Will Produce

Ed Breen, president, KVFD, Fort Dodge, has volunteered to produce a complete series of "Music from Your Hometown." He found Larry Geer, of the Laramar and Expo Park ballrooms, highly receptive to the idea. Frankie Masters will be recorded tomorrow night (15).

Completion of additional "Music from Your Hometown" shows are reported as follows:

WBZ—Boston

"Two sets of 'Music from Your Hometown' programs, made by Leo Reisman and his orchestra, were shipped September 6," says Elizabeth W. Steele, recording supervisor, on behalf of Manager Cy Young.

KLZ—Denver

Peter D. Smythe, program manager, KLZ, Denver, wrote: "We shipped two more sets of 'Music from Your Hometown' today (6). One set stars Ted Weems and his orchestra; the other, Jimmy Palmer and his orchestra."

Station's first set of recordings, shipped to AFRS August 17, was immediately scheduled for broadcast. Mr. Smythe has already received favorable comment from many Denver men who heard the programs. "We and they think the idea is a wonderful one," he wrote.

KOA—Denver

C. C. Moore, program manager, KOA, Denver, air expressed two sets of "Music from Your Hometown" programs to Armed Forces Radio Service, Los Angeles, September 6. Both featured Frankie Masters.

Musical Talent Is Donated

Clearance given by AFM President Petrillo, transmitted by Major General F. H. Osborn, and distributed in "Let's Go to Town" and "Music from Your Hometown" kits by NAB, permits orchestras to donate their services for these overseas broadcasts.

TRUMAN, RADIO AND PRESS, HONOR PRICE

Byron Price, retiring censorship director, arrived in Berlin on September 10, on his mission to Germany as personal representative for President Truman, with the acclaim of Washington radio and press reporters and photographers ringing in his ears.

President Truman joined 300 newsmen in honoring Mr. Price at a reception at the National Press Club on Sept. 7 for his work in directing voluntary censorship during the war.

On behalf of the Washington radio and newspaper reporters and photographers, Mr. Truman presented a scroll to Mr. Price. It said that as censorship director the former executive news editor of the Associated Press had "reflected great credit on his profession."

The President said Mr. Price had been a "good public servant," and added that it is his own hope "that that will be my epitaph."

Edward Jamieson, president of the press club, who introduced Mr. Truman, said Mr. Price had made one of

the Nation's outstanding contributions to the war effort.

Acknowledging the tribute, Mr. Price attributed his success to the co-operation of broadcasters and newspapers, and their personnel, throughout the country, who, he said, met all the tests of patriotism. He described the tribute as to his profession rather than to him personally.

Mr. Truman asserted it was to the outstanding credit of Mr. Price and to the patriotism of broadcasters and newspapermen that the Nation's press and radio had done nothing that would embarrass the Government in its fight for victory.

The President, accompanied by Mrs. Truman, entered the Press Club auditorium about 30 minutes after the reception began, shook hands with every one present, exchanged jokes with personal acquaintances and left 35 minutes later.

NAB President Harold Ryan, former assistant director of censorship, attended the reception.

On his new presidential assignment in Germany, Mr. Price will act as Mr. Truman's personal representative in advising Gen. Dwight D. Eisenhower and his American occupation forces on public relations.

It was disclosed at the reception that Col. Lloyd A. Lehrbas, former Associated Press reporter, is going to Germany as assistant to Mr. Price.

Col. Lehrbas, a veteran of the World War, was commissioned soon after the Japanese attack on Pearl Harbor and has been on the staff of Gen. Douglas MacArthur throughout the Pacific campaign. As an Associated Press correspondent, he saw the beginning of the war in Poland and was working in Washington when the United States entered the conflict.

RED CROSS APPEALS FOR COORDINATION

Christmastime will find our Army and Navy hospitals filled with the heroes of air, ground and sea battles. They will not be forgotten by their own relatives and friends. But many others will want to pay homage to these wounded men. Community groups may wish to honor them with gifts. Relatives and friends of men who will never return may find expression for their tribute to the dead by remembering them through the living.

All will want their gifts to be beneficial and useful. Careful planning, well in advance of Christmas, is necessary to achieve this end. There will be a Merry Christmas for all if gifts are selected on the basis of their suitability for patients and have similar monetary value. Gifts must be appropriate lest the joy of Yuletide be marred by a gift of slippers to an amputee or a book to a blinded patient.

American Red Cross hospital service personnel who serve the wounded have been assigned the responsibility for coordinating community interest, by military orders. The American Red Cross hospital executive in each hospital will confer with the commanding officer regarding his wishes for celebrating Christmas by the distribution of gifts for patients and convalescents, and by conducting traditional holiday activities in the wards and the hospital recreation room. Approved Christmas plans will then be made known to the Camp and Hospital Councils of the American Red Cross, who will collaborate with interested community groups and individuals in carrying out the holiday recommendations.

Camp and Hospital Councils have been organized by the American Red Cross in order to acquaint communities with the needs of adjacent hospitals. By coordinating plans, Camp and Hospital Councils can avoid duplication and confusion which might otherwise exist and be detrimental to the sick and wounded.

Individuals and groups who wish to bring added Christmas cheer to the men in military hospitals are urged to

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contact their local Red Cross chapters whose Camp and Hospital committees will coordinate plans and efforts so that Christmas, 1945, will long be remembered by the disabled men of our armed forces.

July, 1945.

ST. LOUIS NEWSPAPER STRIKE ENDS

The strike which had paralyzed publication of all newspapers in St. Louis since August 16 ended on Thursday, September 6. According to a dispatch released by Radio Station KSD, the unions had announced that their members would not return to work until instructed to do so by union officers. When the publishers and the six unions involved finally reached an agreement, the officers used the facilities of KSD to broadcast instructions to union members to return to work.

The three weeks strike placed the full burden of supplying news to St. Louisans upon the radio stations. All stations carried special news programs, several carried the comic strips, and a few employed extra reporters to cover local news stories. Special emphasis was given on all local items in the newscasts with as much as one-third of the time of the KSD news programs devoted to St. Louis items. Special information service was established by the station to provide personal attention on any news item in which listeners might be interested. Ten thousand, eight hundred and two calls were received and an analysis of the information reveals some interesting sidelights on what the public misses most when it cannot get its newspapers. Sixty-nine per cent of the listeners wanted to know what programs were scheduled at motion-picture houses; 7 per cent asked for data on troop movements and redeployment; 6 per cent wanted further information about death notices read daily over the station; 5 per cent asked for KSD news schedules; 4 per cent asked for baseball scores; and 9 per cent wanted information about the strike situation.

The experience of the radio stations in this strike gives definite proof of the effectiveness of radio's coverage of national, international and local news. The three weeks of the strike were those immediately following Japan's collapse. But St. Louis residents were kept abreast of developments.

The newspaper shut-down prompted members of the St. Louis Retailers Association, which includes all three major department stores and many important specialty shops, to break their long-established custom of not advertising by radio. Very satisfactory, and even sensational results were reported within a few days after advertising was first broadcast for the new clients. KSD was told by the famous Barr Company, the May Company store in St. Louis, that it had a tremendous response from their advertisement of a new insecticide containing DDT. The insecticide was not marketed until after the newspaper strike started and so was advertised exclusively by radio. More than 1,400 sales and 700 telephone calls were reported before 2:00 p. m. the day following the first announcements.

Klines, a leading women's ready to wear store, reported to KSD that clearance sales advertised exclusively over the air had proved successful. A college fashion show sponsored by the store and publicized exclusively by radio, drew a total attendance of more than 3,200 in two performances. Stix Baer and Fuller, another department store, reported satisfactory results.

CANADIAN SOLDIER SPEAKS ON FREE RADIO

From Canada comes the following comment on free radio as reprinted from the *Canadian Broadcaster*:

"You through the radio have a greater power than the press to mold public opinion," Western broadcasters were told by Captain Harper Prowse, soldier M.L.A. in the Alberta House.

"Capt. Prowse was guest speaker at the Western Association of Broadcasters annual banquet in the Palliser hotel, Calgary, August 6th.

"Don't let anyone take it (the power) away from you," he told the radio men, stating he favored 'a free press and a free radio where anyone has the right to say anything he thinks.'

"One thing radio lacked, he believed, was 'the newspaper editorial page. You need something more than just commentators to explain things to the public. You have a duty to society to be fair. Truth must be your only criterion.'

"The opportunity of a free press and a free radio for the future had been 'bought at a terrible cost—40,000 Canadians sleeping in foreign soil.'"

Federal Communications Commission Docket

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 17. They are subject to change.

Monday, September 17

Further Hearing

KID—KID Broadcasting Company (Assignor), Idaho Radio Corporation (Assignee); Idaho Falls, Idaho—Voluntary assignment of license; 1350 kc., 500 watts night, 5 KW day, unlimited.

Wednesday, September 19

WINS—Hearst Radio, Inc. (Assignor), New York, New York; and The Crosley Corporation (Assignee), Cincinnati, Ohio.—Voluntary assignment of license and construction permit.

Thursday, September 20

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Renewal of license; 590 kc., 5 KW, unlimited.

KGA—Louis Wasmer, Spokane, Wash.—Renewal of license; 1510 kc., 10 KW, unlimited, DA-night.

Federal Communications Commission Action

APPLICATIONS GRANTED

WHMA—Harry M. Ayers, Anniston, Ala.—Granted authority to determine operating power by direct measurement of antenna power.

WNEX—Macon Broadcasting Co., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna power in accordance with Sec. 3.54. The licensee hereunder is granted a waiver of Sections 3.55(b) and 3.60 of the Commission's Rules and Regulations upon the following conditions: (a) That a cathode ray oscillo-

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scope will be used to continuously monitor percentage modulation; (b) that frequency checks by an external standard will be submitted to the Commission weekly; and (c) that approved frequency and modulation monitors will be installed as soon as such equipment becomes available.

Eastern Carolina Broadcasting Co., Inc., area of Goldsboro, N. C.—Granted construction permit for a new relay broadcast station to be used with standard station WGBR; frequencies 31.62, 35.26, 37.34, 39.62 mc., 2 watts.

William B. Still, tr/as Jamaica Radio Television Co., Jamaica, L. I., N. Y.—Granted modification of construction permit of experimental television station, to change frequency from Channel #13, 230-236 mc. to (new) Channel #13, 210-216 mc.

W3XAF—Philco Radio & Television Corp., Arlington County, Va.—Granted modification of construction permit which authorized a new experimental television broadcast station, for extension of commencement and completion date only from 3-16-45 and 9-16-45 to 9-16-45 and 3-16-46.

WRDN—Great Trails Broadcasting Corp., area of Dayton, Ohio—Granted extension of relay broadcast station license to November 1, 1945.

Gila Broadcasting Co., area of Safford, Arizona—Granted construction permit for new relay broadcast station to be used with standard station KGLU; frequencies 30.82, 33.74, 35.82, 37.98 mc., 25 watts.

WIBU—William C. Forrest, Poynette, Wisc.—Granted construction permit to install new vertical antenna and make changes in ground system.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co. (assignor), Jay P. Beard and Veda F. Beard, d/b as Regional Broadcasting Co. (assignee), Jonesboro, Ark.—Granted consent to voluntary assignment of license of station KBTM from Jay P. Beard, tr/as Regional Broadcasting Co. to Jay P. Beard and Veda F. Beard, d/b as Regional Broadcasting Company. No monetary consideration involved. Assignor is giving his wife (Veda F. Beard) a 49% interest in station KBTM, and he is retaining a 51% interest therein. (B3-AL-494)

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of permit under Sec. 325(b) of the Communications Act of 1934, as amended, to use studios and apparatus at affiliated stations and other points in the U. S. where its network programs may originate for production of programs for transmission to a group of Mexican stations known as "Radio Mil's Network" for broadcast.

ACTION IN DOCKET CASE

(Broadcast)

The Federal Communications Commission announces its Proposed Findings of Fact and Conclusions looking toward a denial, without prejudice to further proceedings along lines indicated in the opinion of the applications of Buffalo Broadcasting Corporation for renewal of licenses of Stations WKBW and WGR, Buffalo, New York (Dockets 6324 and 6325). In order to make such further proceedings possible, the Commission will grant the applicant temporary licenses for both Stations WKBW and WGR for a period of three months.

The Commission predicated its proposed denial of the renewal applications solely upon illegal arrangements involving lease agreements and contracts between the Buffalo Broadcasting Corporation and the Churchill Tabernacle. These included terms under which the applicant corporation "could not voluntarily or involuntarily assign, transfer, surrender, or otherwise dispose of its license without the written consent of the Tabernacle", and in the event the applicant corporation should fail to carry out its obligations under the contract, all the right, title and interest in said property, both real and personal, including the license for the operation of Station WKBW, would revert to the Churchill Association. In addition, a clause reserving certain specified hours of broadcast time over one of the Buffalo Broadcasting Corporation's stations for the "sole, exclusive and absolute disposition" of the Churchill Tabernacle prohibited the applicant from using these hours for the broadcasting of any other program which it may deem of greater public interest. The Commission, in its Proposed Findings, found that

"the applicant has thus divested itself of its right, power and duty to exercise full and complete control over its stations during all of the hours for which it is seeking a license to operate and has rendered itself incapable of assuming the complete and ultimate responsibility of operation in the public interest imposed by the Communications Act of 1934."

The decision stated, however, that the Commission would permit the Buffalo Broadcasting Corporation to file a new application looking toward the re-licensing to it of one of the stations provided it was shown that no further effect was to be given to the illegal agreement between the station and the Churchill Tabernacle. While the second station cannot be re-licensed to the Buffalo Broadcasting Corporation because of Commission Rule 3.35 prohibiting one person from owning two stations in the same community, the Commission will permit it to apply for a transfer of the station.

The Commission's Conclusions follow:

"1. Section 301 of the Communications Act of 1934 provides that it is the purpose of the Act, among other matters, to provide for the use of radio channels under licenses granted by this Commission, and that no such operation is permissible except under and in accordance with the Act and with a license granted under the provisions thereof. The statutory plan of procedure to obtain a radio station license, modification, or renewal of license includes the submission of a written application under oath or affirmation so that this Commission may determine an applicant's legal, technical, financial and other qualifications (section 308(b) and 319(a)); whether it meets the citizenship requirements imposed by Section 310 of the Act; and whether the applicant or any party in interest has been adjudged guilty of violating anti-trust laws as set forth in Sections 311 and 313 of the Act. The Commission is directed to issue a license only after it is satisfied upon examination of an appropriate application and upon the record of any hearings held thereon that a grant would serve the public interest, convenience and necessity. Section 310(b) of the Act provides that a station license and the rights granted therein shall not be transferred, assigned or in any manner disposed of unless "the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing." These provisions are designed to insure that only persons who possess the requisite qualifications shall become station licensees, that only licensees shall use frequencies, and that operation of radio stations by licensees shall be in accordance with the terms of the licenses granted to them.

2. The Buffalo Broadcasting Corporation is seeking in this proceeding grants of its applications for renewal of licenses for Stations WKBW and WGR. However, under the terms of a contract executed May 8, 1931 it has agreed among other things to reserve over one of its stations 17½ hours of the 24 hour period from 6:00 A.M., Sundays to 6:00 A.M., Mondays of each week until September 20-27 for the "sole, exclusive and absolute disposition" of the Churchill Tabernacle, and to furnish free of charge to the Tabernacle during such hours all facilities for broadcasting, "including the necessary apparatus: telephone lines, power, operators, announcers, and all necessary, help, apparatus, equipment, and facilities." Unless the Tabernacle consents or acquiesces therein, the applicant is prohibited from using these hours for the broadcasting of any other program which it may deem of greater public interest. The subsequent agreements which have been summarized above give the Tabernacle additional rights with respect to the operation of the station. The applicant has thus divested itself of its right, power and duty to exercise full and complete control over its stations during all of the hours for which it is seeking a license to operate and has rendered itself incapable of assuming the complete and ultimate responsibility of operation in the public interest imposed by the Communications Act of 1934.

3. These contracts purport to give the Tabernacle the use of a radio channel for a limited time and obligate the applicant on behalf of the Tabernacle to obtain renewals of licenses of value to the Tabernacle which provide for reverter of the license in the event the applicant fails to afford it time and otherwise fails to carry out its obligations under the contracts. As we have heretofore held, such provisions are contrary to the Communications Act and are not in the public interest. (In re *The Associated Broadcasters, Inc.*, KSFO, 6 F.C.C. 387, 392-3; in re *Alabama Polytechnic Institute*, WAPI, 7 F.C.C. 225, 228-230.) As we stated in our dis-

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cussion of the agreement involved in the WAPI case (7 F.C.C. 230):

"If this is a proper arrangement, the necessary consequence is that the holders of existing licenses need never relinquish their stations permanently, but are in a position to farm them out for a period of years, then return to their status as licensees, then perhaps again step aside for another period of years, again to revert to their original status. This, we believe, will be subversive of the general public interest.

"Such a practice, if sanctioned by the Commission, would have a tendency to bring about, if in fact it would not inevitably result in domination and control of radio broadcast facilities by persons or corporations to whom licenses therefor are once issued by the Commission, and who, thereafter, although not operating the stations themselves, exact tribute in the form of rental from those actually using the facilities to serve the public."

4. To renew applicant's licenses in the light of the present records would be to sanction an arrangement for the operation of stations WKBW and WGR which is in contravention of basic principles of the Communications Act of 1934. Therefore, the Commission proposes to deny the renewal applications. This action is, however, without prejudice to further proceedings along the lines indicated below.

5. The failure of the Buffalo Broadcasting Corporation to make full disclosure in its reports to the Commission of its agreements with the Churchill Tabernacle indicates a lack of candor and care in the preparation of the reports. While this has a direct bearing on the applicant's qualifications, we do not conclude that in this case the omissions were so serious—particularly in view of the fact that one of the basic agreements was before the Federal Radio Commission—as to require the applicant to be deprived of the value of the stations which it has successfully operated for more than fifteen years. Nor, do we conclude that for this reason the applicant should be found disqualified to ever again operate a radio station. Accordingly, we are predicated our proposed denial of the renewal applications solely upon the illegal arrangements between the applicant and the Churchill Tabernacle which would be condoned if licenses were granted on the basis of this record. And we are further providing that our denial of these renewals is without prejudice to further proceedings as follows:

(a) In view of the fact that it appears that, even apart from the illegal agreement with the Churchill Tabernacle, the continued operation by applicant of two stations in Buffalo, New York, would violate the Commission's Rule 3.35 prohibiting the operation by a single interest of more than one station in the same community, the Commission will permit the filing by the Buffalo Broadcasting Corporation of an application for consent to transfer either WKBW or WGR, provided it is affirmatively shown that any agreement for transfer does not in any way give further effect to the leases and agreements between the applicant and the Churchill Tabernacle which we have here found to be violative of the Communications Act.

(b) The Commission will also permit the filing by the Buffalo Broadcasting Corporation of a new application looking toward the licensing to it of the present facilities of either WKBW or WGR, provided it is affirmatively shown that if such application were granted, the Buffalo Broadcasting Corporation would have the exclusive use and control of the station and no further effect would be given to the leases and agreements here declared to be illegal.

(c) In order to make such further proceedings possible, the Commission will grant the applicant temporary licenses for a period of 3 months, provided that 10 days after this decision becomes final the applicant files with the Commission a statement which establishes that applicant has full control over the operation of the stations and no further effect is being given the agreements here found to be illegal."

The Federal Communications Commission today announced adoption of an Opinion and Order in the matter of the application for renewal of license of Station WSOO, Hiawathaland Broadcasting Company, Sault Ste. Marie, Mich., (Docket No. 6208).

The issues in this renewal proceeding related to failure of applicant to file annual reports or respond to notices requesting information, and to the general unbusinesslike manner in which the station was operated.

However, it appears that applicant has made substantial improvements in conduct of the business of station WSOO. This is the only United States station affording primary service to the Sault

Ste. Marie City and area, and the continuation of that service is believed to be in the public interest.

In view of the record in the case, the Commission ordered that the application for renewal of license be granted for the period ending June 1, 1946, with reservation that in the event of a further failure on the part of the applicant to observe the regulations as to the filing of financial and other reports, a further proceeding will be held in which the entire record of the station as set out in the Commission's decision, together with any subsequent failures or derelictions, will be considered.

LICENSE RENEWALS

- WBRW—McDowell Service Co., Welch, W. Va.—Granted renewal of license for the period ending February 1, 1947.
- WING—Great Trails Broadcasting Corp., Dayton, Ohio—Present license further extended upon a temporary basis only, for the period ending November 15, 1945.
- KENO—Maxwell Kelch and Laura Belle Kelch, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Granted renewal of license for the period ending August 1, 1947.
- WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted renewal of license for the period ending August 1, 1947.
- WHOT—South Bend Broadcasting Co., South Bend, Ind.—Granted renewal of license for the period ending August 1, 1948.

MISCELLANEOUS

The Commission adopted Order No. 110-A, providing that the license term for international broadcast stations presently licensed shall end at the earlier of the following dates: (a) April 1, 1946, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the Office of War Information, the Coordinator of Inter-American Affairs, or other governmental agency supervising the operation of international broadcasting.

It also provides that the portion of Sec. 4.3 of the Rules and Regulations which established for international broadcast stations a normal license term of one year is suspended until further order of the Commission.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied Special Service Authorization to operate with power of 100 watts or 250 watts, from 6 a.m. (EST), to local sunrise, for the period ending May 1, 1946.

APPLICATIONS FILED AT FCC

740 Kilocycles

NEW—Central Florida Broadcasting Co., Orlando, Fla. (P.O. Box 2889).—Construction permit for a new standard broadcast station to be operated on **740 kc.**, power of 1 KW employing directional antenna day and night and unlimited hours of operation.

930 Kilocycles

WRRF—Tar Heel Broadcasting System, Inc., Washington, N. Car.—Construction permit to increase power from 1 KW to 5 KW and install new transmitter.

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new standard broadcast station to be operated on **1080 kc.**, power of 1 KW night, 5 KW daytime, unlimited hours of operation and using directional antenna day and night. Amended: re change in type of transmitter and change number of stockholders.

1230 Kilocycles

WMFR—James E. Lambeth, James E. Lambeth, Jr., Helen M. Lambeth, Ralph M. Lambeth, Frank S. Lambeth and Molly H. Lambeth, d/b as Radio Station WMFR, High Point, N. Car.—Construction permit to move transmitter and studio locally.

(Continued on next page)

1240 Kilocycles

- NEW—Harold Thomas, Waterbury, Conn. (P.O. 71 Grand St.)—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, power of 250 watts and unlimited hours of operation. (To be considered with B1-P-3950 for WATR.)
- KGHI—A. L. Chilton, Leonore H. Chilton and S. C. Vinsonhaler, a partnership, d/b as KGHI Broadcasting Service, Little Rock, Ark.—Construction permit to change frequency from **1230 kc.** to **1240 kc.**, install new antenna and ground system, and change transmitter and studio locations locally.

1270 Kilocycles

- WSPR—WSPR, Inc., Springfield, Mass.—Construction permit to increase power from 1 KW day and 500 watts night to 1 KW day and night and make changes in directional antenna for day and night use.

1320 Kilocycles

- WATR—Harold Thomas, Waterbury, Conn.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use, change transmitter location from Baldwin Ave., Waterbury, Conn., to near Main and Cooper St., Agawam, Mass., and studio location from 71 Grand St., Waterbury, Conn., to a site to be determined, Springfield, Mass.

1400 Kilocycles

- NEW—News Publishing Co., Charlotte, N. Car. (P.O. 126 S. Church St.)—Construction permit for a new standard broadcast station to be operated on **1400 kc.**, power of 250 watts and unlimited hours of operation.

1450 Kilocycles

- NEW—Rupert W. Bradford and Harry F. Pihl, a partnership, d/b as Bradford & Pihl, Bemidji, Minn. (c/o Rupert W. Bradford, 1413 Calihan Ave.)—Construction permit for a new standard broadcast station to be operated on **1450 kc.**, power of 250 watts and unlimited hours of operation.

1480 Kilocycles

- KGLU—Gila Broadcasting Co., Safford, Ariz.—Construction permit to change frequency from **1450 kc.** to **1480 kc.**, increase power from 250 watts to 1 KW, install new transmitter, make changes in antenna and ground system and change transmitter location.

1490 Kilocycles

- NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 100 watts and unlimited hours of operation. Amended: re changes in transmitting equipment.

FM APPLICATION

- NEW—Curtis P. Ritchie, Pueblo, Colo. (P.O. 1101 E. 8th St.)—Construction permit for a new high frequency (FM) broadcast station to be operated with coverage of 2,703 square miles.

TELEVISION APPLICATION

- NEW—National Broadcasting Co., Inc., Washington, D. C. (P.O. 60 Broad St., New York, N. Y.)—Construction permit for a new experimental television broadcast station to be operated on Channel #4 (**66-72 mc.**), A5 and special emission for FM.

MISCELLANEOUS APPLICATIONS

- W3XL—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Washington, D. C.—Modification of construction permit (B1-PEX-43 as modified for a new developmental station) for extension of required date of completion from 9-15-45 to 12-15-45.
- W3XLA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., area of Washington, D. C.—Modification of construction permit (B1-PEX-44 as modified for a new developmental station) for extension of required date of completion from 9-15-45 to 3-15-46.
- NEW—Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Utah Broadcasting and Television Company, area of Salt Lake City, Utah (P.O. 29 South State St.)—Construction permit for a new relay broadcast station to be operated on **30.82, 33.74, 35.82 and 37.98 mc.**, power of 17 watts and A3 emission.
- NEW—Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Utah Broadcasting and Television Company, Salt Lake City, Utah (P.O. 29 S. State St.)—Construction permit for a new developmental broadcast station to be operated in the band **92.1-103.9 mc.**, power of 100 watts and special emission for FM.
- NEW—Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Utah Broadcasting and Television Company, area of Salt Lake City, Utah—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 250 watts power and A3 emission.
- NEW—Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Utah Broadcasting and Television Company, area of Salt Lake City, Utah—Construction permit for a new relay broadcast station to be operated on **30.82, 33.74, 35.82, 37.98 mc.**, power of 0.2 watts and A3 emission.

Federal Trade Commission Docket

COMPLAINTS

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

American Mercury, Inc., 570 Lexington Ave., New York, and its officers, Lawrence E. Spivak and Joseph W. Ferman, are charged in a complaint with selling reprints of books without making adequate disclosure that they are abridged. (5377)

Bolger Bros.—Violation of the Wool Products Labeling Act is alleged in a complaint issued against Bolger Brothers, Germantown, Philadelphia, engaged in garnetting or reclaiming wool waste material composed of spun, woven, knitted or felted yarns or fabrics. (5378)

H. D. Fine Co., et al.—A complaint has been issued charging Herbert D. Fine, 400 Lakeside Ave., N. W., Cleveland, Ohio, with misrepresenting the properties and effectiveness of the Plasti-Kote paints and varnishes he sells. Fine, who trades as H. D. Fine Co., Plasti-Kote Co., and Plastic Coating Co., maintains branch offices at 227 South Los Angeles St., Los Angeles, and 122 East 42nd St., New York. (5379)

Royal Bead Novelty Co.—Two complaints have been issued directed against the deceptive practice of representing and selling
(Continued on next page)

imitation or cultured pearl necklaces of foreign origin as being domestic products.

One complaint (5374) names Louis Detkin and Lillian Detkin, trading as Royal Bead Novelty Co., 34 West 32nd Street, New York, as respondents. The other (5375) is directed against Jack J. Felsenfeld, 15 Maiden Lane, New York.

Worthwhile Hatcheries, 101 West North Ave., Baltimore, are charged in a complaint with misrepresentation in connection with the sale of baby chicks. (5376)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

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

Boncilla Laboratories, Inc.—A stipulation has been approved in which Boncilla Laboratories, Inc., Indianapolis, and its president, John M. Price, agree to cease representing that their cosmetic designated Boncilla Beautifier will smooth out lines, help correct signs of age or imperfections, or give one a clear complexion, or that it is effective in correcting lines, blackheads or blemishes.

DePree Co., Holland, Michigan, stipulated that it will discontinue representing that its vitamin preparation designated "Wheatamin Brand Panto-Caps," the principal ingredient of which is calcium pantothenate, restores the natural color to hair or prevents it from turning gray. The stipulation also was signed by Maurice R. Quick, Grand Rapids, Michigan, advertising agent for the DePree Co., who prepared and disseminated advertisements for Wheatamin Brand Panto-Caps. (03294)

Isadore Posner, 111 West 128th Street, New York, selling and distributing cosmetic preparations including one designated "Posner's Hair Coloring," has stipulated to cease and desist from disseminating any advertisement which represents that the preparation is safe for use, or which fails conspicuously to reveal thereon the cautionary statement: "CAUTION: This product contains in-

gredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness." The stipulation provides, however, that if the directions for use, whether appearing on the label or labeling, contain an adequate warning of the product's potential danger to health, the advertisement need contain only the statement: "CAUTION: Use only as directed." (4103)

J. Rafelman & Co., Norfolk, Va., stipulated that they will cease disseminating advertisements which fail to disclose conspicuously that certain naval insignia they sell do not comply with the uniform regulations of the United States Navy. (03295)

Rema Umbrella Manufacturing Corp., Ridgefield Park, N. J., and its president, Edward Schmidt, has been ordered to discontinue advertising, labeling, invoicing or selling umbrellas composed in whole or in part of rayon without disclosing such fact by use of the word "Rayon." The respondents also agree that when a product is composed partly of rayon and partly of fabrics or materials other than rayon, they will cease failing to disclose, in immediate connection with the word "Rayon," and in equally conspicuous type, each constituent fiber of the product in the order of its predominance by weight, beginning with the largest single constituent. (4101)

Verona Tool Co., 235 Verona Ave., Newark, N. J., engaged in the sale of reconditioned files, stipulated that it will cease and desist from representing that previously used or worn files are new merchandise, by failure adequately to remove from such products the original trade-mark or trade name, and by failure to stamp thereon, in conspicuous and legible terms, a statement that such files are "reconditioned" or "rebuilt." (4102)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has dismissed without prejudice its complaint charging Shirbee Hat Co., Inc., formerly engaged in the manufacture and sale of millinery at 42 West 38th St., New York, with price discrimination in violation of the Robinson-Patman Act. The respondent corporation has been dissolved and is no longer engaged in business.