



# Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W.

WASHINGTON 6, D. C.

Vol. 13, No. 45, November 9, 1945

THE WHITE HOUSE  
WASHINGTON

November 7, 1945

Dear Judge Miller:

My congratulations to you and your associates on this twenty-fifth anniversary of broadcasting in the United States.

During its brief span of a quarter century in the history of our Nation, broadcasting has achieved a notable place in the lives of our people. In the years of war broadcasters served their country well -- and in the years of peace that lie before us I know they will continue to do their part with that same spirit of loyalty and enterprise.

Very sincerely yours,

/s/ HARRY TRUMAN

Honorable Justin Miller,  
National Association of  
Broadcasters,  
1760 N Street N. W.,  
Washington, D. C.

## MILLER ON NATIONAL RADIO WEEK

### NAB President Justin Miller Issued the Following Statement to the Industry

"With the passing of the National Radio Week, celebrating Radio's Twenty-fifth Anniversary, we may say that broadcasting has now come of age. Our effort has been to catch the attention of our people and portray for them the growth of the free American system of broadcasting. We have good reason to believe that public understanding of its service, in peace and war, has been enhanced immeasurably.

"The President of the United States, other public officials, representatives of foreign nations, and a multitude of civic associations have joined, wholeheartedly, in pay-

ing tribute to our achievements. This goes far to compensate for the strident complaints of dissident individuals whose voices cry out, occasionally, noisily disproportionate to their number or importance.

"The Citizens' Radio Anniversary Committee testimonial luncheon in New York broadcasts on the Army Hour, the program for the presentation of a commemorative statuette to the industry by the Radio Manufacturers Association and the reception to dedicate the new Senate Radio Gallery, attended by prominent legislators and the President of the United States, have been typical of activities, celebrating our anniversary, in every corner of the land.

"The support which National Radio Week received from all branches of the industry, stations, networks, set and

*(Continued on next page)*



THE NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N. W. WASHINGTON 6, D. C. Phone NAational 2080

Justin Miller, *President*

A. D. Willard, Jr., *Exec. Vice-Pres.* C. E. Arney, Jr., *Sec.-Treas.*

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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Barry T. Rumble, *Director of Research*; Harlan Bruce Starkey, *Asst. Director of Public Relations, Chief, News Bureau*; Arthur C. Stringer, *Director of Promotion*.

equipment manufacturers, and advertisers, aided by the trade papers and our friends of the press, established a fine record of cooperation. It is an example of unity which should inspire us in our planning for the future.

"In thanking the industry and its many friends for their splendid contribution to the success of National Radio Week, I express, also, the wish that members of the Association send to me copies of material used, together with a report of activities for the Week, which we shall preserve at NAB headquarters as a permanent and valuable record of the occasion."

## RMA PRESENTS STATUETTE TO NATION'S BROADCASTERS IN WASHINGTON CEREMONY

(As released by NAB News Bureau)

Washington, D. C., Nov. 7: Paul A. Porter, Chairman of the Federal Communications Commission, today hailed American broadcasting as the "world's largest and finest radio system." He attributed its growth and success to the twenty-five year record of cooperation between the broadcasters and the manufacturers of equipment and receiving sets, whom he described as "the men who produce the programs and the men who build the magical means to give them wings."

Porter's salutation was delivered to Justin Miller, President of the National Association of Broadcasters, and R. C. Cosgrove, President of the Radio Manufacturers Association, on the occasion of the presentation by RMA to NAB of a silver statuette commemorating radio's twenty-five years of public service. The ceremony was a feature of National Radio Week and was broadcast over the Mutual Broadcasting System during the special anniversary program "Music to Remember," 8:00 to 8:30 P.M., November 7. Porter's statement in full is as follows:

"The presentation by the RMA to the NAB of a statuette commemorating 25 years of broadcasting serves to highlight the outstanding record of cooperation between the two branches of the industry to give America the world's largest and finest radio system.

"This fruitful joining of forces by the men who produce the programs and the men who build the magical means to give them wings is a splendid example of the kind of teamwork that can carry the industry on to new goals of achievement.

"Vast new vistas of opportunity to expand the broadcasting industry and to give the American people a far greater measure of public service are now opening for both broadcasters and manufacturers.

"My congratulations to both branches of a great industry for the many accomplishments of radio from pioneering days onward, and my best wishes for further triumph in the difficult but challenging days which lie ahead."

R. C. Cosgrove made the presentation of the statuette in the following language:

"Twenty-five years ago, a great new industry had its inception. In its swaddling clothes, it was called wireless. Today its name is radio—radio in all its phases from broadcasting to receiving. All of you listening tonight are, in a sense, a part of that industry—for the industry itself is part of your lives.

"We of the manufacturing segment of radio—the makers of the radio receiving sets in nearly every American home—have felt for years that signal recognition is due the broadcasters of the nation for their service to the people . . . for the programs of entertainment and inspiration and education they have brought to every radio listener. That feeling has been intensified many fold with the part radio broadcasting had in winning the war—a job that never has been excelled in the magnitude of its success.

"This week, November 4 to 10—celebrated everywhere as National Radio Week—could not be more appropriate for this recognition. It is the Silver Anniversary of the American system of broadcasting. The war is over . . . new radios soon will be in the stores . . . such new marvels as FM and television are about to take their places in the radio picture for added pleasure for millions.

"Nearly 300 radio manufacturing companies, therefore, join with me in the honor of presenting this statue, commemorating the Silver Anniversary of radio broadcasting, for placement in the headquarters, in Washington, of the nation's broadcasters. Our thoughts in this presentation and what this statue represents are best told in the few words of the inscription on the base. They read:

'Presented to the National Association of Broadcasters and the broadcasting stations of America by the Radio Manufacturers Association in recognition of a quarter of a century of public service by the broadcasters, and for their contribution to world peace and harmony.'

"Mr. Miller, I am happy to offer your organization, acting in behalf of the major networks and the more than 1,000 individual broadcasting stations of the nation, this permanent symbol of the high esteem in which we hold your services in the world of radio."

Justin Miller accepted for the broadcasting industry as follows:

"Thank you, Mr. Cosgrove. This statue has great significance to the broadcasters who produce and transmit programs for the information and entertainment of the American public. Symbolizing as it does the high esteem of those who manufacture, for those who vitalize and those who use receiving sets, it emphasizes the close relationship which exists between both branches of the broadcasting industry and the general public.

"Since the beginning of radio, the manufacturers of transmission equipment and receiving sets have had a great stake in the proper development of the American system of broadcasting. The use of radio receivers depends entirely on the popularity of what they are made to receive. Millions of dollars spent in the creation of fine radios, could not induce the people to use them, if the broadcasters did not produce programs that the listeners wanted to hear. Consequently the interest of manufacturers of radio sets in the programs originated by the broadcasters—down through the years—has perhaps exceeded that of the listeners themselves. The result is a common perspective—an appreciation of what one must do for the other in order to achieve an end product—'good reception of good radio programs'—for the American public.

"Our success in achieving this objective is attested by the finest radio service in the world, not only as measured by the advancements of the past twenty-five years, but by the promise of phenomenal new developments in television, frequency modulation, and facsimile transmission, which are on the threshold of wide popular service and enjoyment.

"It is stimulating and encouraging to receive a tribute like this from those who are most aware of our responsibilities and our performances. We shall treasure it as a symbol of cooperation between the manufacturers of radio

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receiving sets and the broadcasters, working together in the public interest."

### CANADIAN ASSOCIATION OF BROADCASTERS SENDS GREETINGS FOR NATIONAL RADIO WEEK

Glen Bannerman, President and General Manager of the Canadian Association of Broadcasters, sent the following congratulatory message to Judge Miller and NAB on the occasion of National Radio Week:

"GREETINGS to the National Association of Broadcasters on the Twenty-fifth Anniversary of the Radio Broadcasting Industry in the United States from your younger brother, the Canadian Association of Broadcasters, in Canada.

Twenty-five years is a brief period in history but, during that time, the development of a free, competitive and independent broadcasting industry in the United States should be an inspiration to freedom-loving people throughout the world.

In wishing your industry continued success in serving the best interests of your citizens, it is the hope of the Canadian Association of Broadcasters that a free and independent broadcasting industry in the United States may always be an inspiration to our industry in Canada.

THE CANADIAN ASSOCIATION OF BROADCASTERS

(s) GLEN BANNERMAN,  
*President and General Manager*

November 5th, 1945"

### GOVERNOR DEWEY PROCLAIMS N. Y. RADIO WEEK

Governor Thomas E. Dewey of New York proclaimed Radio Week, Nov. 4-10 with the following statement:

"Twenty-five years ago in November of 1920 radio station KDKA, in Pittsburgh, transmitted press bulletins on the Harding-Cox presidential election, thus marking the beginning of radio broadcasting in this country. In a few scattered homes in the vicinity of Pittsburgh, radio enthusiasts, with earphones on their heads, eagerly adjusted the 'cat's whiskers' on their crystal sets and listened intently to the historic broadcasts. They were truly a great scientific achievement but they were also looked upon at that time as a novelty.

"The growth of the radio industry, however, was rapid and successful. In 1921 radio station KDKA of Pittsburgh broadcast the first religious service of the Calvary Baptist Church of Pittsburgh. In 1922 station WEAf in New York City broadcast a commercial message of the Queensboro Realty Company, the first advertising broadcast in history. In 1923 stations WEAf and WNAC linked together to broadcast the first network program. In 1924 Radio Corporation of America transmitted photographs across the Atlantic by radio. In 1925 the inauguration of President Coolidge was broadcast by 24 stations and the all-electric home receiver set was made possible through the introduction of alternating-current tubes. In 1926 the first demonstrations of television with images in half tones were given and the National Broadcasting Company, first of the nation's great networks, was organized. A year later the Columbia Broadcasting System was created. During the next two decades radio came into its own. In 1931 the cultural features of radio became apparent to all when Hansel and Gretel was the first complete opera to be broadcast from the Metropolitan Opera House in New York City. In 1934 the Mutual Broadcasting system was established and in 1943, the Blue Network was organized as an independent system.

"Today radio has become an integral part of the daily lives of every citizen of our state. The daily news broadcasts, the public service and educational programs, the information services and the splendid entertainment provided by radio have become a necessary part of our civilization.

"During the long hard years of war the radio kept us informed hour by hour of the progress and victories of our fighting men and women. It served also to keep us alert to our responsibilities on the homefront. It per-

### LET'S CREATE THAT PERMANENT RECORD FOR JUDGE MILLER

In Judge Miller's statement, "An Appreciation of National Radio Week," appearing elsewhere in this issue, he says:

"In thanking the industry and its many friends for their splendid contribution to the success of National Radio Week, I express, also, the wish that members of the Association send to me copies of material used, together with a report of activities for the Week, which we shall preserve at NAB headquarters as a permanent and valuable record of the occasion."

The amount of material already received by NAB—publicity releases, copies of statements by public officials, scripts, photographs, etc.—is tremendous—so much so that we could not even attempt a round-up story on National Radio Week in NAB Reports. The scope of the event becomes even more staggering when one realizes that the material received to date is but an indication of the actual performance of the industry.

Let's preserve the record of National Radio Week, in answer to Judge Miller's request! Send a report to headquarters containing the following, if possible:

1. A general statement covering your participation.
2. Copies of promotion and advertising, your own and congratulatory.
3. Copies of broadcast scripts, programs and announcements.
4. Copies of addresses. Reports of appearances before organizations.
5. Photographs, carefully identified.
6. Statements or proclamations of public officials.
7. Reports of recognition from others, such as presentation of Radio Manufacturers Association plaque by local set dealers, etc.
8. Letter containing station or network reaction to industry's observance of National Radio Week.

Let's do it while it's still there—still fresh!  
Address: Justin Miller, President, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C.

formed a splendid public service and contributed mightily in making Americans the best informed public in the world.

### Electronic Outlook

"In the days that lie ahead, radio is entering upon a new phase. Wartime developments have opened up possibilities of an electronic age hitherto undreamed of. Television and frequency-modulation will come into their own. More than any other channel of communication, radio can serve as a great force for good in the winning of the peace. It can link the freedom loving people of the world together in a great communication system and do much to achieve international understanding and cooperation.

(Continued on next page)

"Next week the radio industry with its 950 radio stations throughout the country is celebrating the twenty-fifth anniversary of its founding.

"Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim the week of November 4th to November 10th as 'Radio Week' and urge the citizens of the State of New York to participate in ceremonies commemorating this anniversary.

## PORTER PRAISES RADIO'S RECORD

(As released by NAB News Bureau Nov. 7)

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## NEW MEXICO STATIONS SEEK TAX RULING

Posing the important question as to whether New Mexico stations are engaged in interstate commerce, and involving an until-this-year-unenforced 1935 state statute levying a privilege tax and requiring each station to take out a license as a prerequisite to the doing of or continuing to do a business of broadcasting within the state. Federal Court jurisdiction has been established for the purpose of hearing a broadcasters' complaint requesting an injunction against enforcement of the Act.

This year when the state attempted to enforce the Act for the first time, stations KFGL, Rosewell; KFUN, Las Vegas; KTMN, Tucumcari, and KWEW, Hobbs, filed complaints in the Federal District Court for the District of New Mexico asking for an injunction against the state to prevent it from collecting the tax, including amounts alleged to be past due with penalties and interest, and also asking that the state be enjoined from enforcing the licensing feature of the act.

The state answered by filing a motion to dismiss the complaints on the ground that the Federal court lacked jurisdiction to try the case and grant the relief asked for

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by the stations. The Federal Court overruled the state's motion with the result that a hearing on the merits of the case will be held before a three-man Federal Court on Monday, November 19.

In addition to the interstate commerce question, the Court's decision will have an important bearing in determining whether states have the right to compel a station to take out a license and impose certain sanctions for failure to do so.

Howard S. Frazier, NAB Director of Engineering, will make field intensity measurements in and out of the state of New Mexico and will be available as a witness if the case is tried.

Milton J. Kibler, NAB's Assistant General Counsel, spent several days in New Mexico recently conferring with the New Mexico broadcasters, advising upon the legal procedure necessary to bring about the desired results.

NAB General Counsel John Morgan Davis will file a brief and assist local counsel, in presenting the matter to the Court.

### DISTRICT MEETINGS SCHEDULED

As previously announced (NAB REPORTS, page 471), a series of District meetings has been definitely scheduled as follows:

District 16, Monday-Tuesday, Jan. 7-8, Hotel Roosevelt, Hollywood, Calif.

District 15, Thursday-Friday, Jan. 10-11, Hotel Fairmont, San Francisco, Calif.

District 17, Monday-Tuesday, Jan. 14-15, Hotel Olympic, Seattle, Wash.

District 11, Tuesday-Wednesday, Jan. 22-23, Hotel Nicollect, Minneapolis, Minn.

District 10, Friday-Saturday, Jan. 25-26, Hotel Fontenelle, Omaha, Neb.

District 14, Monday-Tuesday, Jan. 28-29, Hotel Brown Palace, Denver, Colo.

District 13, Thursday-Friday, Jan. 31-Feb. 1, Hotel Baker, Dallas, Texas.

District 12, Monday-Tuesday, Feb. 4-5, Hotel Tulsa, Tulsa, Okla.

District 6, Thursday-Friday, Feb. 7-8, Hotel Peabody, Memphis, Tenn.

District 7, Monday-Tuesday, Feb. 11-12, Hotel Gibson, Cincinnati, Ohio

NAB President Justin Miller plans to attend all of these meetings and will be accompanied by Jess Willard, Executive Vice President, at part of them, and by C. E. Arney, Jr., Secretary-Treasurer, at others. Frank Pellegrin will likewise attend all meetings to handle the sales managers session. Hugh Feltis, BMB President, will be present at all meetings to discuss BMB progress and related matters.

While no tentative agenda has as yet been prepared there will be a thorough discussion of industry problems and NAB activities at all sessions. These district meetings afford a splendid opportunity for broadcasters to participate in a discussion of industry matters and all are urged to make their plans to attend.

### FCC SEEKS FM COSTS

Many FM applicants and other members of the public have asked the Commission for information on the cost of entering the FM industry. Because of this interest, the Commission has addressed telegrams to equipment manufacturers in order to ascertain the probable cost of FM equipment.

From the replies to these telegrams, the Commission hopes to be able to furnish more reliable estimates of the cost of building an FM station than have heretofore been possible. In the absence of price quotations on equipment to operate in the 88-108 megacycle band, FM applicants

necessarily have been forced to use cost estimates made during the war and based on pre-war prices for equipment built to operate in the 42-50 megacycle band.

### CIO PROTEST ANSWERED

Chairman Paul A. Porter of the Federal Communications Commission on Thursday (8) released the following correspondence between himself and C. B. Baldwin, executive vice-chairman of the National Citizens Political Action Committee:

"TELEGRAM"

"New York, N. Y., October 24, 1945.

"Paul Porter, Chairman, Federal Communications Commission, Washington, D. C.

"The Granting of 64 additional FM licenses without public hearings ignores the demands of many individuals and organizations for greater caution in licensing individuals and corporations to conduct business on public licenses. We are particularly alarmed over the granting of licenses to companies affiliated with or controlled by newspapers, fearing this monopoly in many communities of the media for disseminating public information and opinion is a grave threat to effective freedom of speech and press. We urge public hearings, proof of public service in the past and guarantees of public service in the future, and ample opportunities for small businessmen, veterans, farm groups, trade unions, cooperatives, and others in FM broadcasting.

C. B. BALDWIN,

*Executive Vice-Chairman, National Citizens PAC."*

\* \* \*

"November 7, 1945.

"Mr. C. B. Baldwin,  
Executive Vice-Chairman  
National Citizens Political Action Committee  
New York, N. Y.

DEAR MR. BALDWIN:

This will reply to your telegram of October 24, 1945, with reference to the Commission's recent actions conditionally granting 64 applications for new FM stations. In your wire you express concern over newspaper monopoly of FM channels, and urge the holding of public hearings, satisfactory showing of service in the public interest by applicants, and the availability of opportunities for small businessmen, veterans and other groups in FM broadcasting.

I believe that I may best discuss the various points raised in your telegram by first drawing a bit of the background of the FM picture today. As you may know, early in 1941 with the establishment of FM as a recognized broadcast service, the Commission took formal notice of the fact that a large number of applicants for radio stations, both standard and FM, were associated with newspapers, and instituted a public hearing on the problems involved in such a situation. At this hearing which lasted several months, the Commission received evidence from 54 witnesses representing all points of view. In January 1944 the Commission entered its final order in this matter and forwarded its order and a summary of the record made at the hearings to the appropriate committees of the Congress. Copies of this material are enclosed for your convenience.

During the pendency of the newspaper radio inquiry, the Commission deferred action on all applications by newspaper interests for new FM stations. Although this proceeding was terminated in January 1944, the war, with its consequent demands on critical materials and manpower, made action impossible on any application for new FM stations at that time. However, in order to encourage interest in the FM art, the Commission continued to accept applications for filing throughout this entire period and applicants were advised that they would be placed in the pending file.

With the brightening of the war picture, the Commission  
(Continued on next page)

sion on August 7, 1945 (several days before V-J day), announced that after a 60 day period it would resume normal licensing practices. All pending applicants were requested to review their applications and submit current information where necessary. Prospective applicants were given this 60 day period to file their applications so that they might be given consideration with those already on file. It was felt that a longer 'waiting period' might delay employment opportunities in radio manufacturing or in the establishment of new businesses by veterans and other persons who might be unemployed as a result of declining orders in the war factories, and would otherwise impede the reconversion process. Recognizing, however, that many persons, including veterans, might be unable to secure the necessary engineering data by October 7 (the expiration of the 60 day period), the Commission in September announced that it would accept for filing FM applications with a minimum of engineering information and would make conditional grants where such grants would be consistent with the availability of frequencies and other public interest factors. I am enclosing copies of these various notices. As a result of the policy I have discussed, the Commission had on file by October 7, 1945 almost 700 applications for new FM stations.

In the meantime, in order to place FM in the optimum place in the radio spectrum, to provide it with the necessary number of channels to accommodate the anticipated demand, and to establish rules and standards which would make full use of the possibilities of this new broadcast service, the Commission held a series of public hearings on allocation of frequencies and rules for FM, beginning in October 1944 and continuing from time to time until August 1945. The question of reserving a certain number of channels for newcomers was discussed at these hearings, and upon consideration of the testimony adduced, the Commission determined that it would not reserve frequencies for any specific group of persons. In this connection I am enclosing a copy of the Commission's report of August 24, 1945.

It is with this background that the Commission on October 7, 1945 commenced active consideration of the FM applications on file and on October 19, 1945 conditionally granted 64 of them. Similarly on November 1, 1945 the Commission conditionally granted 65 additional applications. I am enclosing herewith copies of the Commission's press releases announcing these grants. As you will note therefrom, the grants have been made for stations in uncongested areas and frequencies still remain available for assignment to future applicants.

You are assured that in each of these cases the grant was made only after the Commission was satisfied, upon examination of the application and all other information before it, that a grant would serve the public interest. In the event that upon examination of other applications in the future the Commission is not satisfied in this respect, the applications involved will of course be designated for hearing. In this connection may I point out that the Commission's Rules (Section 1.195) provide for the consideration of communications endorsing or protesting the granting of any specific application, and the Commission unreservedly welcomes the submission of any facts bearing upon a particular applicant's qualifications to operate its proposed station in the public interest.

I trust that my discussion of the problems raised in your telegram will assist you in formulating your further views in this matter.

Sincerely yours,  
(s) PAUL A. PORTER,  
Chairman."

## FM APPLICATIONS ANALYZED

According to a news release issued by the Commission on Friday (2) there were pending as of October 8, 665 FM applications. Of this total 452 are from present licensees of AM stations, leaving 182 applicants who are new to the industry and 31 which are incomplete. In Area 1 there are 185 applicants, while in Area 2, the total is 480. The news release broke these applications down by state and by classifications of other business interests of the

applicant. The complete release may be obtained from the FCC. It is No. 85965.

## NAB-FM DEPARTMENT PETITIONS FCC

(As released by NAB News Bureau, Nov. 6)

The Frequency Modulation Department of the National Association of Broadcasters announced on Monday (5) that it has presented a petition to the Federal Communications Commission requesting that the Commission take favorable action on four suggested revisions in its FM Rules and Regulations, in the interest of a "more rapid and efficient development of FM broadcasting."

Robert T. Bartley, director of the six-days-old FM Dept. of NAB which came into existence through a merging of NAB and Frequency Modulation Broadcasters, Inc., stated that since manufacturers of FM receivers are or will be almost immediately in production, and broadcasting frequencies are being granted by the Commission, "NAB's FM Department is anxious to move with all possible speed in providing a smooth highway over which FM development may swiftly proceed to the satisfaction of an expectant public."

The petition follows:

"Comes now the National Association of Broadcasters and respectfully petitions the Commission to give favorable consideration to the recommendations herein contained with reference to the adoption of FCC Rules and Regulations regarding FM broadcast stations.

"The National Association of Broadcasters is a non-profit corporation, the object of which is 'to foster and promote the development of the art of radio broadcasting; to protect its members in every lawful and proper manner from injustices and unjust exactions; to foster, encourage and promote laws, rules, regulations, customs and practices which will be for the best interests of the public and the radio industry.'

"Membership, both Active and Associate, is voluntary. Active membership is limited to individuals, firms or corporations engaged in the operation of a radio broadcasting station or a national network. At present the Active membership is made up as follows:

|                                       |     |
|---------------------------------------|-----|
| AM Broadcasting Stations.....         | 645 |
| FM Broadcasting Stations.....         | 47  |
| Television Broadcasting Stations..... | 2   |
| National Networks .....               | 2   |
| Total.....                            | 696 |

"Associate membership in NAB is open to licensees, applicants for licenses, equipment manufacturers, station representatives, transcription manufacturers, radio lawyers and consulting engineers, market research organizations, news services and telephone and telegraph companies. There is now a total of 155 in this type of membership. Thus the full Active and Associate membership stands at 851.

"In the interest of a more rapid and efficient development of FM broadcasting your petitioner respectfully requests the Commission to take favorable action on the following four suggested revisions in its FM Rules and Regulations. Since manufacturers of FM receivers are or will be almost immediately in production, it is urged that the Commission give prior consideration to I hereunder.

## I

"In order that FM broadcasting may develop in a more orderly manner and with the least confusion to the public it is deemed of primary importance that the Commission revise its numerical system of numbering FM channel designations as set forth in Rule 3.201 by revising the channel numbering to start with #1 for 107.9 Mc; #2 for 107.7 Mc; #3 for 107.5 Mc, and so on downward.

"The purpose of this recommendation is to care for a condition which will arise in the event of the extension of

(Continued on next page)



the FM band in the future. The channel numbering on the lower end of the band could be extended indefinitely without completely revising the entire numbering system. Such a system will permit manufacturers to use channel numbers on their dials without the fear that future expansion in the FM band would make obsolete the dials of all sets then in the hands of the public.

"Should this proposal be adopted by the Commission, it is the intent of your petitioner to seek the adoption of uniform channel number designations by all set manufacturers. The use of channel numbers on receiving sets will, in our opinion, be much more acceptable because less confusing to the public than the use of megacycle assignments.

## II

"Your petitioner further urges that the Commission give favorable consideration to the adoption of a rule authorizing the maintenance of joint program logs during any period of duplicate operation of standard and FM stations. It would appear that no useful purpose would be served by having separate logs for identical programs. From a practical operating standpoint such a requirement would impose an unnecessary burden.

## III

"Your petitioner likewise recommends that the Commission permit the use of joint call letters during the duplicate operation of standard and FM stations for those stations desiring to make such joint announcement of call letters. It is our opinion that the use of joint call letters in many cases would assist materially in a more efficient operation. No reason occurs to us why joint call letters should not be used.

## IV

"Your petitioner further recommends a revision of Rule 3.261 in so far as it requires that the minimum of six hours per day of operation required *"shall consist of three hours during the period 6:00 a. m. to 6:00 p. m., local standard time, and three hours during the period 6:00 p. m. to midnight, local standard time."*

It is our belief that the public will be better served by allowing station licensees to determine which six hours of the day they should operate in order best to serve their listeners. It is likely that should such restrictions be removed, FM stations operating in a single area may wish to stagger their hours of operation so that listeners may have a greater number of hours of FM programs available. As an alternative to the present rule, the Commission may find it desirable to require a minimum operating schedule per week in order to afford the greatest flexibility.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS

By ROBERT T. BARTLEY,  
Director, FM Department.

November 5, 1945.

### SET RADIO NEWS CLINIC FOR SPRINGFIELD, ILL., NOV. 16

The broadcast industry's first radio news clinic will be held at the Abraham Lincoln hotel, Springfield, Illinois, Nov. 16, at 10:00 a. m. Host stations: WCBS and WTAX. Other such clinics will follow in the months ahead.

Purpose of clinic is two-fold: a) to discuss ways and means whereby a station may become the recognized source of important news in its listening area) which will result in b) a horizontal improvement in radio news throughout the country.

At its last meeting the NAB board of directors approved the Sept. 17 recommendation of the NAB Radio News committee "that there be held, under its sponsorship, regional meetings of radio station managers and news and special events directors for the discussion of problems of news broadcasting."

Les Johnson, director, NAB 9th District, and general manager, WHBF, Rock Island, invited the Radio News Committee to hold an Illinois clinic in November.

The invitation was accepted by E. R. Vadeboncoeur, committee chairman, and vice-president, WSYR, Syracuse. He and Arthur Stringer, secretary, NAB Radio News committee, are to attend and participate in the clinic. The appearance of long experienced radio newsmen from Illinois is being arranged. Fred S. Seibert, director, School of Journalism, University of Illinois, will also attend, to discuss libel.

### Improvements Depend on Understanding

The NAB Radio News Committee believes that betterment in radio news, first of all, depends on the sympathetic understanding of management. In accord with this idea, the first part of the clinic will be devoted to learning from those present exactly what it is they want to know, what problems they face individually.

### One-Man News Department

At the Illinois clinic Mr. Vadeboncoeur will give special attention to the operation of a one-man news department, how it should operate with maximum efficiency, how it will pay off.

### BROADCAST ENGINEERING CONFERENCE RESUMES

The Broadcast Engineering Conference will be resumed this year under the joint sponsorship of The Ohio State University and the University of Illinois and with the continued cooperation of the National Association of Broadcasters and the Institute of Radio Engineers.

This is a continuation of the annual conferences held during the years from 1938-42 inclusive. Dr. W. L. Everitt, now head of the Department of Electrical Engineering at the University of Illinois, Urbana, Illinois, will continue to act as the director with Professor E. M. Boone of The Ohio State University as associate director.

The 1946 conference will be held at The Ohio State University in Columbus, Ohio, during the week of March 18-23. The conference will be held annually and the place of meeting will alternate between the campus of the Ohio State University and that of the University of Illinois.

Emphasis in the program will be placed on the impact of developments since 1942 on operating problems in broadcast engineering, including FM and Television.

As a result of the war, many engineers have moved or changed their affiliations and many new men have entered the field. The mailing list accumulated during previous conferences is obviously out of date. The director requests that those interested notify him of their present address so that they can be informed of the details of the program as soon as available.

Communications to Dr. Everitt should be addressed c/o University of Illinois, Urbana, Illinois.

### NO RADIO SETS THIS YEAR

Information from set manufacturers indicates that it will be 1946 before sets will be reaching home buyers. How soon in 1946 is unpredictable because of anticipated strikes. These are expected about the time all OPA difficulties will be ironed out, and when short materials becomes available in quantity.

No news release from any source will bring radio sets to the public in any quantity during 1945.

### AP TO VOTE ON RADIO MEMBERSHIPS

As a consequence of the recent Supreme Court decision upholding the lower Court in the now celebrated AP anti-  
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trust decision, the by-laws committee of the Associated Press has sent proposed by-laws to all members which would eliminate the restrictions on membership which the courts hold to be in violation of the anti-trust laws, and make associate memberships available to radio stations and other non-members having use for a news service.

A special meeting of members has been called for 11 a.m. Nov. 28 at the Waldorf-Astoria in New York City to vote on the proposed changes recommended for adoption by the committee.

The proposed section of the by-laws affecting radio states that: "The sole owner of a newspaper shall also be eligible for associate membership, as are other persons, firms and corporations which have use for a regular news service of the corporation." Associate members have no other privileges other than as specifically granted and shall have no voting rights, either by virtue of the by-laws or the ownership of bonds of the corporation. They may, however, attend meetings, and be heard.

The present by-laws have been in effect, with slight modification for more than 40 years.

### RCA PROTESTS BRITISH NEWS POLICY

According to AP, RCA Communications, Inc. says it will seek Government permission to install a station in the British zone to service American correspondents if the British continue their announced policy of allowing American newsmen in Berlin to use British communications only as "a courtesy" and during "clear time."

At the same time, Press Wireless, Inc., said "if this attitude on the part of British communications is to persist, there will undoubtedly be pressure brought to bear on American carriers in like manner to favor American correspondents."

### WARNER GETS LEGION OF MERIT

Albert L. Warner, head of the WOL Washington Radio News Bureau, was awarded the Legion of Merit on Oct. 29 for his outstanding service as chief of the War Intelligence Division, War Department Bureau of Public Relations.

Warner, holding the rank of a colonel, headed the division from February 1944, to August, 1945. He gave official weekly review of military operations on the Army Hour.

Presentation of the award was made by Maj. Gen. Alexander D. Surles, AUS. Warner's citation read in part:

"Charged with maintaining military security in the War Department's relations with all media of public information, he accomplished his duties with the greatest tact and judgment, insuring that information valuable to the enemy was withheld while reports which would not endanger current or future military operations were disseminated. In the discharge of his difficult tasks, Colonel Warner gained the confidence and respect of the press, reflecting great credit upon himself and the War Department."

### TRUMAN ATTENDS RADIO GALLERY DEDICATION

President Truman drove to the Capital Wednesday afternoon (7) to attend the official opening of the new Radio Correspondents Senate Gallery.

He was welcomed by NAB President Justin Miller, Richard Harkness, president of the Radio Correspondents Association and other broadcasters.

Willard D. Egolf, NAB director of public relations, accompanied President Miller in his visit to the Senate Radio Gallery dedication ceremonies.

The formal dedication was an event held in connection with National Radio Week.

Incidentally, Harry S. Truman became the first President to appear directly on television when he made a telecast address from Central Park in New York on the afternoon of Navy Day, Oct. 24.

### ATTLEE FAVORS FREE FLOW OF NEWS

The free flow of news around the world "is essential" to the promotion of international cooperation, Prime Minister Attlee told a meeting of English editors on Nov. 6.

"To solve the problems of international rehabilitation and reconstruction, we shall need international cooperation on a scale and of a character never before accomplished," he declared at a newspaper society luncheon.

The Prime Minister invited newsmen from other countries to visit Britain, and said he hoped they would be coming "in increasing numbers."

"And believe me," he added, "there will be much exciting, encouraging and exhilarating news to report from Britain during the next few years."

### PETRILLO

A large volume would be required to print any substantial part of the indignant comment that James C. Petrillo, president of the American Federation of Musicians has evoked in the press. NAB regrets its inability to furnish broadcasters with such a volume to supplement their own thinking on the subject, but is attempting to cover with a selected offering. The following comment comes from the Bridgeport, Conn., *Telegram* of Oct. 25:

"... As in the case of Petrillo's ban on 'canned music' the ones to be hurt are the people in their homes who want to hear their favorite programs, and the advertisers who pay the revenues to compensate the musicians. The broadcasters have only one alternative. While the famous orchestras and soloists are performing for standard broadcasting, they will have to play records for the already large group of Americans who own FM sets.

"When a broadcaster adds an FM transmitter to his standard broadcasting plant, he is not adding a new station to his network. It does not increase his listening audience. It merely provides the owner of an FM receiver with reception of the same program he would otherwise hear over the standard station.

"Rather than increasing the broadcaster's revenue, it increases his operating costs since it calls for additional jobs. Petrillo's story to the union musicians is that under his system more musicians will get work. Good musicians are scarce. They get all the work they can handle, and they get it legitimately without the pressure methods of Petrillo which is causing them more harm than good . . .

"It is regrettable they are led by a man who has assumed, and gets away with, such autocratic powers."

### AFFIRMING FREE SPEECH

Under the heading *Affirming Free Speech*, the following editorial appeared in the Oct. 19 columns of the Ithaca, N. Y., *Journal*:

"The unanimous opinion of the Federal Circuit Court of Appeals in a Pennsylvania case that a radio broadcasting station has a right to refuse to sell time to eight religious groups, is affirmation of the right of free speech, as well as of other rights. The court says that while it is true that for a person to speak or preach he must have some place from which to do it, it does not follow 'that he must seize a particular radio station for his forum.'

"The court says: 'A radio broadcasting station is not a public utility in the sense that it must permit broadcasting to whoever comes to its microphone.' That is equivalent to the well-established qualifications of the use of a free press—newspapers, magazines and pamphleteers are free to print what they please, within legal bounds, but

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they cannot be compelled to print everything that may be offered them. The difference between radio and the press is that there is a limit to the number of radio outlets, while there is none to the opportunities for exercising the right of free press. Accordingly, radio is subject to federal regulation in many respects, but not to censorship. The court in the Philadelphia case holds that the broadcasting station violated no law in refusing to sell time to the protesting clients.

"As a matter of fact, the station against which the action was brought announced that it would give free time to religious programs, but these did not include the eight groups which brought suit. Had the opinion of the court been anything different from what was handed down, a partial monopoly of religious expression could have been exercised by the complainants. That would be the opposite to religious freedom, as well as a denial of the right of a medium of free speech to use its best judgment in rendering a public service."

### WLAC SCHOOL SINGING CONTEST

Nashville, Tenn.—Broadcasting from the chapels of their respective schools, the student bodies of thirteen middle Tenn. High Schools are participating in a singing contest promoted by WLAC.

The contest is designed to fit in with the "Keep Singing, America" slogan, as well as to arouse an appreciation of choral singing in the high school students of this area.

The winning school will receive a cash award of \$500, which must be presented to some worthy student of the school to be used as a scholarship.

Transcriptions of each broadcast are being made to assist the judges in determining the winning student body.

### WIP SCHOLARSHIPS

Benedict Gimbel, Jr., president and general manager of station WIP, has announced the awarding of two one-year scholarships at the University of Pennsylvania, in connection with "Radio in Education."

The two winners are Miss Bette Clair Titus, a teacher at the Sultzberger Junior High School, and Miss Christine L. Staniforth, who teaches at the Houston Elementary School, Chestnut Hill. This is the second annual WIP scholarship award.

The scholarship committee is comprised of Mr. Gimbel, Miss Gertrude A. Golden, district superintendent and radio chairman of the Philadelphia public schools; Miss Ruth Wier Miller, assistant radio chairman of Philadelphia public schools; Dr. Frederick C. Gruber, University of Pennsylvania, and Mr. Sam Serota, educational director of WIP.

### KALL USED NEW WIRE RECORDER

Salt Lake City, Utah.—Cooperating with the Salt Lake City Board of Education, station KALL has scheduled two weekly quarter-hours titled "Leaders of Tomorrow," to give Salt Lake residents on the spot programs showing school activities.

KALL's new G-E wire recorder is being used for some programs, being set up in city classrooms, gymnasiums and auditoriums to record actual class sessions and club meetings. Program Director Ken Bennett and Producer Dick Anderson report the wire recorder gives increased flexibility to school shows, enabling programs to be reproduced without interfering with classroom schedules.

### KGW HAS "BEGINNING OF THE END" SHOW

"This is the beginning of the end" is title of new program with a topic dear to the hearts of thousands of GIs which KGW, Portland, Oregon, launched Nov. 6.

It was suggested by a similar sign at the Portland Army Air Base entrance. The weekly show will take listeners through the twelve stations of the separation center.

### MID-SOUTH NET TO BUILD

The Mid-South network, comprising four Mississippi stations—WCBI, Columbus; WELO, Tupelo; WROX, Clarksdale, and WMOX, Meridian, is to be located in a new addition to the Gilmer Hotel, Columbus. Bob McRany, general manager, reports that construction work is under way.

### "CITIZEN OF THE WEEK"

Capt. Al Vaughan, KOIN account executive, is Portland's (Oregon) "Citizen of the Week". His honor is proclaimed on 550 car cards of local traction company. Recognition was for work as squadron commander, Civil Air Patrol.

### WRC SHIPS "HOMETOWN MUSIC" SHOWS

George Y. Wheeler, program manager, WRC, Washington, D. C., on Oct. 30, air-expressed two "Music from Your Hometown" programs featuring Nat Brandwyne's orchestra.

## Federal Communications Commission Docket

### HEARINGS

No broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, Nov. 12.

### NO COMMISSION MEETING

The Commission did not have its regular routine meeting this week until after this Bulletin went to press. Results of the meeting will be carried in next week's Bulletin.

### MISCELLANEOUS

Valley Broadcasting Co., Pomona, Calif.—Granted petition for leave to amend application for new station so as to reflect change in the identity of the co-partnership, etc., and the amendment covering these matters was accepted.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted motion for leave to amend application for construction permit so as to increase power from 25 to 50 KW. on frequency 880 kc., etc., and the amendment was accepted.

KHQ—Louis Wasmer (transferor). KHQ, Inc. (transferee). Spokane, Wash.—Granted petition for dismissal without prejudice of application for voluntary transfer of control of Louis Wasmer, Inc. (KHQ).

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Granted license to cover construction permit which authorized change in frequency to 1370 kc., increase in power to 1 KW., installation of directional antenna for day and night use and new transmitter and move of transmitter. Also granted authority to determine operating power by direct measurement.

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## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WFIL—WFIL Broadcasting Co., Philadelphia, Penna.—Voluntary assignment of standard broadcast license to Triangle Publications, Inc. (The Philadelphia Inquirer Division).

### 710 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Construction permit to change frequency from 1440 to 860 kc., power from 5 KW. day and 1 KW. night to 5 KW. day and night, install directional antenna for night use and change transmitter location. Amended: to change frequency to 710 kc., power to 10 KW. day and night, change type of transmitter, changes in directional antenna for day and night use and change transmitter location.

### 740 Kilocycles

NEW—Angel Ramos, San Juan, P. R. (P. O. 2 Barbosa St.).—Construction permit for a new standard broadcast station to be operated on 740 kc., power of 1 KW. and daytime hours of operation.

### 970 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Involuntary transfer of control of licensee corporation from C. A. Rowley, deceased to Robert B. Rowley and Donald C. Rowley, trustees under the will of C. A. Rowley, deceased.

### 1230 Kilocycles

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Voluntary assignment of license to Carleton W. Morris.

### 1240 Kilocycles

KCOK—Herman Anderson, Tulare, Calif.—License to cover construction permit (B5-P-3607) which authorized a new standard broadcast station.

KCOK—Herman Anderson, Tulare, Calif.—Authority to determine operating power by direct measurement of antenna power.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Relinquishment of control of licensee corporation by Robert A. Griffin through sale of 5 shares common stock (0.25% outstanding) to Salinas Newspapers, Inc.

### 1400 Kilocycles

NEW—Fayette Associates, Inc., Montgomery, W. Va.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation. Amended: re change in type of transmitter.

### 1450 Kilocycles

NEW—Gulfport Broadcasting Co., Inc., 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

KPLC—Calcasieu Broadcasting Co., (T. B. Lanford, R. M. Dean and L. M. Sepaugh), Lake Charles, La.—Construction permit to change frequency from 1490 kc. to 1470 kc., increase power from 250 watts to 1 KW., install new transmitter and changes in antenna. Amended: re change type of transmitter, install directional antenna for day and night use and change transmitter location.

### 1490 Kilocycles

WJBK—James F. Hopkins, Inc., Detroit, Mich.—License to cover construction permit (B2-P-3872) for the installation of an auxiliary transmitter.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

NEW—Airplane & Marine Instruments, Inc., Clearfield, Penna.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.

KEEW—Radio Station KEEW, Ltd., Brownsville, Texas.—Authority to determine operating power by direct measurement of antenna power.

### 1600 Kilocycles

NEW—United Broadcasting Co., Inc., Montgomery, Ala.—Construction permit for a new standard broadcast station to be operated on 1600 kc., power of 1 KW. and unlimited hours of operation. Amended: re change in type of transmitter and antenna and change in studio location.

## FM APPLICATIONS

WFIL-FM—WFIL Broadcasting Co., Philadelphia, Penna.—Voluntary assignment of FM broadcast license to Triangle Publications, Inc. (The Philadelphia Inquirer Division).

NEW—Potomac Cooperative Federation, Inc., Washington, D. C. (P. O. 2621 Virginia Ave., N. W.).—Construction permit for a new FM broadcast station.

NEW—Midwest FM Network, Inc., Grand Rapids, Mich.—Construction permit for a new FM broadcast station to be operated on 45.9 mc. with coverage of 6,850 square miles. Amended: to change frequency to Channel #55 (98.9 mc.), change coverage to be assigned, change transmitter location and antenna system.

NEW—Valley Broadcasting Co., a partnership composed of L. J. Duncan, Lelia A. Duncan, Josephine K. Rawls, Effie H. Allen, Allen M. Woodall and Margaret Aird Pill, Columbus, Ga.—Construction permit for a new FM broadcast station to be operated with coverage of 12,500 square miles. Amended: re change in studio location.

NEW—William Kleeman, Clarksville, Tenn. (Masonic Temple Bldg.)—Construction permit for a new FM broadcast station to be operated on Channel #90 (105.9 mc.).

NEW—City of Jacksonville, Jacksonville, Fla. (Municipal Bldg.)—Construction permit for a new FM broadcast station to be operated on 98 mc., coverage of 13,720 square miles.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—Construction permit for a new FM broadcast station to be operated on 43.7 mc. with coverage of 15,400 square miles. Amended: to change frequency to a channel to be assigned, change coverage to 5,000 square miles and change type of transmitter.

NEW—Neptune Broadcasting Corp., Atlantic City, New Jersey (P. O. Virginia Ave and Boardwalk).—Construction permit for a new FM broadcast station to be operated on a frequency in the 92-104 mc. band.

NEW—The Haverhill Gazette Co., Haverhill, Mass.—Construction permit for a new FM broadcast station to be operated on 46.5 mc. with coverage of 4,340 square miles. Amended: to change coverage to 4,208 square miles and change transmitter location.

NEW—The Monocacy Broadcasting Co., Frederick, Md. (P. O. East Church St.).—Construction permit for a new FM broadcast station to be operated on a frequency in the 92-106 mc. band with coverage of 15,160 square miles.

NEW—Unity Broadcasting Corporation of New York, New York, N. Y. (P. O. 1710 Broadway).—Construction permit for a new FM broadcast station.

NEW—WHIP, Inc., Harrisburg, Penna.—Construction permit for a new FM broadcast station to be operated on

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- 43.5 mc., coverage of 27,450 square miles. Amended: re change in transmitter location.
- NEW—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit for a new FM broadcast station to be operated on 48.7 mc. with coverage of 10,800 square miles. Amended: to change frequency to a channel to be assigned, change transmitter and studio locations and change type of transmitter, and antenna changes.
- NEW—Wisconsin Radio, Inc., Milwaukee, Wis.—Construction permit for a new FM broadcast station to be operated on 46.1 mc. with coverage of 7,750 square miles. Amended: to change name of applicant to Midwest FM Network, Inc., change frequency to Channel #55 (98.9 mc.), change coverage to be assigned, change transmitter location and change type of transmitter and antenna changes.
- NEW—Book-of-the-Month Club Broadcasting Corporation, New York, N. Y. (P. O. 385 Madison Ave.)—Construction permit for a new FM broadcast station.
- NEW—Amalgamated Broadcasting System, Inc., New York, N. Y. (P. O. 11-15 Union Square)—Construction permit for a new FM broadcast station.
- NEW—Dual Engineering Corp., Chicago, Ill. (P. O. 767 Milwaukee Ave.)—Construction permit for a new FM broadcast station to be operated on Channel #51 (98.1 mc.) with coverage of 10,650 square miles.
- NEW—Jacksonville Broadcasting Corp., Jacksonville, Fla.—Construction permit for a new FM broadcast station to be operated on Channel #59 (99.7 mc.) with coverage of 8,700 square miles.
- NEW—Louis Levand, Max Levand, John Levand, d/b as The Wichita Beacon Broadcasting Co., Wichita, Kansas (P. O. Beacon Bldg.)—Construction permit for a new FM broadcast station to be operated on Channel #50 (97.9 mc.).

#### MISCELLANEOUS APPLICATIONS

- WELX and WELW—WFIL Broadcasting Co., area of Philadelphia, Penna.—Voluntary assignment of relay broadcast licenses to Triangle Publications, Inc. (The Philadelphia Inquirer Division).
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Authority to transmit programs to Radio Station CJAD, Montreal, Quebec, Canada.

## 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.

**Isadore Pukel**, trading as I. Pukel, 919-47th St., Brooklyn, selling and distributing musical vanity chests, fountain pens and other merchandise, is charged in a complaint with using various sales plans involving the operation of games of chance, gift enterprises or lottery schemes. (5399)

**Sankoff Brothers Poultry Farms**, Richland, N. J., selling and distributing baby chicks, are charged in a complaint with misrepresentation. (5398)

**Elizabeth Scherer** and Sherry Moore Scherer, trading as Sherry-Moore Gifts, 100 West 42nd Street, New York, selling and distributing luggage, vanity chests, toiletries and other merchandise, are charged in a complaint with selling and distributing their products under various plans involving the operation of games of chance, gift enterprises or lottery schemes when the merchandise is sold and distributed to the consuming public. (5400)

### STIPULATIONS

During the past week the Commission announced no stipulations.

### CEASE AND DESIST ORDERS

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

**J. E. Donaldson and H. M. Donaldson**, formerly trading as Mirra Chemical Laboratories, 198 East Long Street, Columbus, Ohio, have been ordered to cease and desist from misrepresentation in connection with the sale of their preparation designated Mirra Moth Immunizer, represented as a "moth-preventative," and from use of the word "laboratories" to describe their processing plant. Since April, 1945, the respondents have traded as Mirra Chemical Co. (5301)