

## Music

### Statement of Justin Miller, President, National Association of Broadcasters, Following His Meeting (Chicago, Friday 18) with James C. Petrillo, President American Federation of Musicians

"My visit with Mr. Petrillo was exploratory. It was not a meeting for negotiation.

"I wanted to meet Mr. Petrillo and his Executive Committee and sit down at a table with them to seek common ground. I want to learn firsthand their problems and their viewpoints. And I want them to learn firsthand, the problems and viewpoints of the various segments of American Broadcasting: non-network stations, network affiliated stations and networks.

"There is no reason to think that fair minded men, ready and willing to find an equitable basis for mutually satisfactory relations cannot ultimately resolve the problem on the dotted line rather than on the picket line. I feel certain that the millions of American radio listeners will join us in this common purpose to settle our problems around the conference table.

"I believe progress has been made. Over the week-end I will digest and evaluate the results forthcoming from today's meeting and will make a report to the Special Industry Committee which meets in Washington next week. And, throughout the series of scheduled NAB district meetings I shall continue to ascertain the needs and desires of the broadcasters as I have in the three district meetings just concluded on the Pacific coast."

### NEW LEA BILL

Representative Lea (D., Cal.), introduced in the House on Jan. 14 the following bill (H. R. 5117) superseding a previous bill (H. R. 4737) introduced by him several weeks ago. (See NAB REPORTS, vol. 13, p. 545.)

The new bill which was referred to the Committee on Interstate and Foreign Commerce of which Lea is Chairman, follows in full:

#### A BILL

To amend title V of the Communications Act of 1934 so as to prohibit certain coercive practices affecting radio broadcasting.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title V of the Communications Act of 1934, as amended, is amended by inserting after section 505 thereof the following new section:

#### "COERCIVE PRACTICES AFFECTING BROADCASTING

"SEC. 506. (a) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel or constrain a licensee—

"(1) to employ or agree to employ, in connection with the conduct of the broadcasting business of such licensee, any person or persons in excess of the number of employees wanted by such licensee; or

"(2) to pay or give or agree to pay or give any money or other thing of value in lieu of giving, or on account of failure to give, employment to any person or persons, in connection with the conduct of the broadcasting business of such licensee, in excess of the number of employees wanted by such licensee; or

"(3) to pay or agree to pay more than once for services performed in connection with the conduct of the broadcasting business of such licensee; or

"(4) to pay or give or agree to pay or give any money or other thing of value for services, in connection with the conduct of the broadcasting business of such licensee, which are not to be performed; or

"(5) to refrain, or agree to refrain, from broadcasting or from permitting the broadcasting of a noncommercial educational or cultural program in connection with which the participants receive no money or other thing of value for their services, other than their actual expenses, and such licensee neither pays nor gives any money or other thing of value for the privilege of broadcasting such program nor receives any money or other thing of value on account of the broadcasting of such program; or

"(6) to refrain, or agree to refrain, from broadcasting or permitting the broadcasting of any radio communication originating outside the United States.

"(b) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel or constrain a licensee or any other person—

"(1) to pay or agree to pay tribute for the privilege of, or on account of, producing, preparing, manufacturing, selling, buying, renting, operating, using, or maintaining recordings, transcriptions, or mechanical, chemical, or electrical reproductions, or any other articles, equipment, machines, or materials, used or intended to be used in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

"(2) to accede to or impose any restriction upon such production, preparation, manufacture, sale, purchase, rental, operation, use, or maintenance, if such restriction is for the purpose of preventing or limiting the use of such articles, equipment, machines, or materials in broadcasting; or

"(3) to pay or agree to pay tribute on account of the broadcasting, by means of recordings or transcriptions, of a program previously broadcast, payment having been made, or agreed to be made, for the services actually rendered in the performance of such program.

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The NATIONAL ASSOCIATION OF BROADCASTERS

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

Justin Miller, *President*

A. D. Willard, Jr., *Exec. Vice-Pres.*

C. E. Arney, Jr., *Sec.-Treas.*

Robert T. Bartley, *Director of Government Relations*; John Morgan Davis, *General Counsel*; Willard D. Egolf, *Special Counsel*; Howard S. Prazier, *Acting Director of Engineering*; Dorothy Lewis, *Coordinator of Listener Activity*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Harlan Bruce Starkey, *Chief, News Bureau*; Arthur C. Stringer, *Director of Promotion*.

"(c) The provisions of subsection (a) or (b) of this section shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right or legal obligation.

"(d) Whoever willfully violates any provision of subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than two years or by a fine of not more than \$5,000, or both.

"(e) As used in this section the term 'licensee' includes the owner or owners, and the person or persons having control or management, of the radio station in respect of which a station license was granted."

## Promotion

### VICTORY LOAN SUPPORT TOPS 14 MILLION

The broadcast industry hit the bull's eye again during the Victory Loan just as it did during the seven preceding War Loans. Stations, networks and their advertisers worked as a team to produce these magnificent and gratifying results.

Here are the facts, short and sweet, as compiled by NAB Research Department from reports from stations and networks:

TOTAL VALUE OF VICTORY LOAN BROADCASTING	\$14,124,853
TOTAL VALUE OF VICTORY LOAN STATION ORIGINATIONS	\$9,033,731
TOTAL VALUE OF VICTORY LOAN NETWORK ORIGINATIONS	\$5,091,122

### Total Value of Broadcasting for All 8 War Loans

Other good facts to remember and use in the right places are the dollar value figures of broadcasting of War Loan Number 1-7, inclusive, and the grand total of all War Loans:

War Loan	Year	Value of Broadcasting
1st	1942	\$3,500,000*
2nd	1943	7,095,000
3rd	1943	12,000,000
4th	1944	12,800,000
5th	1944	11,000,000
6th	1944	11,250,000
7th	1945	23,513,742
(Victory Loan—8th)	1945	14,124,853

Total All Loans \$95,283,595

\* Estimate agreed upon by N.A.B. and Treasury.

## FM

NAB, through General Counsel John Morgan Davis, on Friday (18) submitted the following brief to the Commission:

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

Docket No. 6651

In the Matter of:

Allocation of Frequencies to the Various Classes of Non-governmental Services in the Radio Spectrum from 10 kilocycles to 30,000,000 kilocycles.

MEMORANDUM OF NATIONAL ASSOCIATION OF BROADCASTERS

This memorandum is filed in connection with the Federal Communications Commission's order of the 3rd day of January, 1946, which provides for a hearing to consider, inter alia, the following issue:

Whether the band 42 megacycles to 50 megacycles, or any part of it, should be made available for FM broadcasting in addition to the assignment already made to FM in the 88 to 108 megacycle band.

The position of the National Association of Broadcasters on this issue can be briefly stated. There should be no reduction in the usefulness or number of the frequencies available for FM broadcasting, and the Commission should increase the number of such frequencies, because the public will thereby be served to the best possible advantage.

In November of 1945 the National Association of Broadcasters arranged with FM Broadcasters, Inc., to have the activities of the latter organization transferred to the National Association of Broadcasters' newly created FM department. Under this arrangement, all FMBI's members became affiliated with the National Association of Broadcasters, which at this time has 713 active members, comprising 666 Standard Licensees; 43 FM Licensees; 2 Television Licensees and 2 Networks. In addition, the National Association of Broadcasters has 102 FM Associate Members.

It is a primary objective of the FM Department of the National Association of Broadcasters to seek to secure the assignment of sufficient additional channels to permit FM broadcasting to develop in the public interest to its fullest potentialities, without the burden of artificial barriers, restraints and regulations. Consequently, the National Association of Broadcasters as a trade association with broad coverage in the radio industry is an interested party to the present proceeding, and feels called upon to present its views to the Commission in the capacity of a friend of the court.

This memorandum does not seek to cover the engineering phases of the problem but is limited in application to presenting the position of the National Association of Broadcasters that the interest, convenience and necessity of the public is best served by making available all possible frequencies for broadcasting services.

Obviously, it is difficult to anticipate the demand for FM channels. The petition now before the Commission is evidence, however, that an allocation problem exists. In addressing itself to the question of whether existing services within the 88 to 108 megacycles band shall be augmented by further additional frequencies, the Commission should base its decision upon how the needs of the public can best be served. It would be most unfortunate if postwar expansion of FM broadcasting, and its technical potentialities for public service should be restricted, because of a failure to provide an adequate number of channels to permit its proper development.

As the FM broadcasting art has developed, there has been growing faith that through this new media there could be brought into being in this country a broadcasting

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system less encumbered by artificial restraints—a system developing more freely under the laws of economics and the statutes applicable generally to private enterprise. The space so far provided by the Federal Communications Commission for FM development has fulfilled this promise for the greater area of the United States.

It would appear from the National Association of Broadcasters' knowledge of the subject that in at least a limited number of localities there are, or soon will be, more legally, technically and financially qualified applicants for FM licenses than there are channels available. This is a subject wherein the Commission may take judicial notice of the number of FM station licenses and construction permits which it has already granted as well as the number of applications for construction permits now on file.

The National Association of Broadcasters is interested in minimizing the possibility of artificial restraints which may limit the opportunities for service to the public which broadcasters desire to render. Since the number of available frequencies determines the number of broadcasters who will be permitted to undertake FM service these fre-

quencies should be augmented, if possible, to insure adequate service. Thus broadcasters who desire to serve the people in their respective communities with the static free service of FM broadcasting will be afforded a full opportunity in this field.

In the light of the increasing demand for permission to construct FM stations, we respectfully urge the Federal Communications Commission to make every possible effort to secure and allocate at least 40 additional channels for FM broadcasting, somewhere in the 42 to 88 megacycles portion of the spectrum.

## 12 MORE FM GRANTS

The Commission on Wednesday (16) granted 12 additional FM stations making a total of 278 conditional grants made to date.

At the same time 19 applications for metropolitan stations in the Chicago area were designated for hearing.

Following is a list of the grants:

<i>City</i>	<i>Grantee</i>	<i>Interest in Standard Station</i>	<i>Type of FM Station</i>
<b>CONNECTICUT</b>			
New London.....	Thames Broadcasting Corp.....	WNLC	Metropolitan
<b>ILLINOIS</b>			
Aurora.....	The Copley Press, Inc. (Aurora Beacon-News Division)...	WCBS	Metropolitan
<b>NEW JERSEY</b>			
Asbury Park.....	Asbury Park Press, Inc.....	—	Community
Bridgeton.....	Eastern States Broadcasting Corp.....	WSNJ	Metropolitan
New Brunswick.....	Home News Publishing Co.....	—	Community
Paterson.....	The Passaic Daily News.....	—	Community
<b>NEW YORK</b>			
White Plains.....	Westchester Broadcasting Corp.....	WFAS	Community
Utica.....	WIBX, Inc.....	WIBX	Metropolitan
<b>TENNESSEE</b>			
Memphis.....	Hoyt B. Wooten.....	WREC	Metropolitan, possibly Rural
<b>VIRGINIA</b>			
Lynchburg.....	Lynchburg Broadcasting Corp.....	WLVA	Metropolitan
Lynchburg.....	Old Dominion Broadcasting Corp.....	—	Metropolitan
Winchester.....	Richard Field Lewis, Jr.....	WINC	Metropolitan, possibly Rural

### Designated for Hearing

The following 19 applications were designated for consolidated hearing:

Agricultural Broadcasting Co.; Amalgamated Broadcasting System, Inc.; American Broadcasting Co., Inc.; Balaban & Katz Corp.; Chicago Federation of Labor; Drovers Journal Publishing Co.; Dual Engineering Corp.;

International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW-CIO); Johnson-Kennedy Radio Corp.; Knight Radio Corp.; Lincoln-Belmont Publishing Co. and Myers Publishing Co.; National Broadcasting Co., Inc.; Oak Park Realty and Amusement Co.; Raytheon Manufacturing Co.; Telair Co.; Radio Station WAIT; Radio Station WGES; WJJD, Inc.; and Radio Station WSBC, all of Chicago.

## DISTRICT MEETINGS AHEAD

10th District	Jan. 25-26	Fontenelle Hotel	Omaha, Nebr.
14th District	Jan. 28-29	Brown Palace	Denver, Colo.
13th District	Jan. 31-Feb. 1	Baker Hotel	Dallas, Texas
12th District	Feb. 4-5	Tulsa Hotel	Tulsa, Okla.
6th District	Feb. 7-8	Peabody Hotel	Memphis, Tenn.
11th District	March 18-19	Radisson Hotel	Minneapolis, Minn.
8th District	March 21-22	Pantlind Hotel	Grand Rapids, Mich.
9th District	March 25-26	(No site selected)	
7th District	March 28-29	Gibson Hotel	Cincinnati, Ohio
4th District	April 11-12	Cavalier Hotel	Virginia Beach, Va.

OTHERS TO BE HELD IN APRIL-MAY

# "Telling the World" Final Report

Total Local Originations in Support Victory Loan  
October 28 through December 8, 1945

(Network Originations Excluded)

	Length	Number of Programs and Announcements
Treasury Salutes	15-min	18,354
Music for Millions	15-min	17,258
Sing for Victory	5-min	8,832
Diary Personalities	5-min	10,602
Crosby Record	3-min	16,971
Gibbs Record	3-min	7,705
Wayne Record	3-min	7,478
Stokes Record	3-min	969
Wood Record	3-min	885
Sports Personalities	1-min	14,582
Industrial Leaders	1-min	10,707
Spots	Regular	259,285
	2-min	6,856
	3-min	2,753
Programs	5-min	3,855
	6-min	2
	7-min	14
	8-min	2
	10-min	1,870
	15-min	4,988
	20-min	5
	25-min	56
	30-min	1,878
	35-min	3
	40-min	42
	45-min	46
	50-min	23
	55-min	2
	1 hour	265
	1 hour, 5-min	2
	1¼ hours	28
	1½ hours	50
	1 hour, 33-min	1
	1¾ hours	5
	1 hour, 55-min	1
	2 hours	64
	2¼ hours	29
	2½ hours	62
	2¾ hours	5
	3 hours	67
	3¾ hours	10
	3½ hours	1
	4 hours	1
	4¼ hours	1
	5 hours	2
	10½ hours	1

## FCC

### CLEAR CHANNEL HEARINGS

Hearings on clear channels opened before the Commission Monday (14). A preliminary report was submitted by Committee-4, composed of industry members, and informally established by the Commission several months ago for the purpose of working with the Department of Agriculture and the Census Bureau on two surveys which were conducted to determine whether clear channels were providing adequate programs and coverage for rural listeners.

"Attitudes of Rural People toward Radio Service," a survey made by the Bureau of Economics of the Department of Agriculture, was placed on record, and Agriculture officials who were active in making the survey testified on survey techniques which were used.

Dr. Angus Campbell, assistant chief of the Agriculture division which conducted the survey, was questioned at length by Louis G. Caldwell, Counsel for Clear Channel Broadcast Service.

Various organizations and representatives of regional stations were heard. This testimony continued into Wednesday (16) when only one session was held.

On Thursday (17) representatives of the FCC Engineering Department presented reports of three technical committees on questions relating to interference, satisfactory signals and distances encompassed for various signal strengths. Mr. Caldwell introduced in behalf of the Clear Channel group a comprehensive series of exhibits, further testimony on which is to be taken.

### FCC RULES AND REGULATIONS AMENDED

The Commission has amended its Rules and Regulations by repealing sections 1.381 and 1.382 and substituting therefor new Rules and Regulations, sections 1.381 through 1.388. These rules become effective immediately except section 1.388 which had been promulgated as a proposed rule in accordance with the Commission's decision in the AVCO case.

In substance, the rules are a codification of the Commission's existing practice with respect to action on applications under Title III of the Communications Act. The rules set forth in detail when applications will be granted without a hearing and when they will be designated for hearing. Provision is made for the participation of interested persons in these hearings either by virtue of being named as parties to the proceedings by the Commission on its own motion or by filing a petition to intervene. Procedure is also specified for the filing of petitions for reconsideration in cases where applications are granted without hearing and petitions for rehearing where applications are granted or denied after hearing. The rules specifically provide when petitions to intervene or petitions for reconsideration or rehearing will be granted and under what circumstances they will be denied.

The new rules—except for section 1.388—are being adopted in final form and not as proposed rules. The reason for this is that the rules do not propose any departure from present Commission practice except insofar as a departure is required by recent Court decision. They are simply a codification of the practice which the Commission has been following for some years. However, the Commission will from time to time be pleased to receive comments or suggestions from any person concerning changes or amendments of these Rules and Regulations.

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The Commission also amended section 1.102 by adding the following footnote:

For specific rules regarding petitions to intervene in connection with applications under Title III, see section 1.385.

A similar footnote was also added in connection with section 1.271. The footnote reads:

For specific rules regarding petitions for rehearing in connection with applications under Title III, see section 1.387.

Sections 1.381 and 1.382 of the Commission's Rules and Regulations are repealed and the following is substituted therefor:

### Action on Applications Under Title III

§ 1.381 *Grants without a hearing.*—Where an application for radio facilities is proper upon its face, and where it appears from an examination of the application and supporting data that (1) the applicant is legally, technically and financially qualified; (2) a grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit; (3) a grant of the application would not cause electrical interference to an existing station or station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable Rules and Regulations; (4) a grant of the application would not preclude the grant of any mutually exclusive application; and (5) a grant of the application would be in the public interest, the Commission will grant the application without a hearing.

§ 1.382 *Partial grants.*—Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request for a hearing with respect to the part, or with respect to the privileges, terms, or conditions, not granted. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.383 *Designation for hearing.*—Applications will be designated for hearing in the following cases:

(a) Where it does not appear from an examination of the application that the applicant is legally, technically or financially qualified; or

(b) Where a grant of the application would require the modification, revocation, or non-renewal of license of an existing station or of any outstanding construction permit; or

(c) Where a grant of the application would cause electrical interference to an existing station or station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable Rules and Regulations; or

(d) Where it does not appear from an examination of the application that a grant of the application will be in the public interest.

(e) Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it. However, the Commission may, if public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that such grant is subject to being withdrawn if at the hearing it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(i) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(ii) That public interest requires the prompt establishment of radio service in a particular community or area; or

(iii) That a grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(iv) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

§ 1.384 *Procedure when case is designated for hearing.*—

(a) When an application has been designated for hearing, the Secretary of the Commission will mail a written notice to the applicant setting forth the action of the Commission designating the application for hearing, together with such statement of the Commission's reasons therefor as shall be appropriate to the nature of the application. In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 15 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. In cases involving applications for facilities other than AM broadcast, FM broadcast, international broadcast, or television, the applicant shall submit with his appearance an additional copy of his application and supporting documents.

(b) The Commission will on its own motion name as parties to the hearing:

(i) Any existing licensee or holder of an outstanding construction permit who, if the application were granted, would suffer electrical interference within his normally protected contour as prescribed by the Commission's Rules and Regulations.

(ii) Any existing licensee or holder of an outstanding construction permit whose license or construction permit would have to be modified or revoked, or whose application for renewal of license would have to be denied, if the application in question were granted.

(iii) Any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Persons filing mutually exclusive applications after the application in question has been designated for hearing will be named as parties only if the Commission in its discretion deems such action advisable.

§ 1.385 *Petitions to intervene.*—(a) Where the Commission has failed on its own motion to name as parties to a hearing any person specified in Section 1.384(b), such person will be permitted to participate in the proceeding by filing a petition to intervene showing that he comes within the provisions of Section 1.384(b). Where the petition to intervene is based upon a claim that a grant of the application would cause electrical interference to an existing station or a station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable Rules and Regulations, the petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by reference to the Commission's Standards of Good Engineering Practice or to actual measurements made in accordance with the methods prescribed by the Commission's Standards of Good Engineering Practice that electrical interference will be caused to the existing station or station for which a construction permit is outstanding within the normally protected contour of the station.

(b) Any other person desiring to participate in the hearing may file a petition to intervene. The petition must set forth the interest of the petitioner in the proceedings and must show how such person's participation

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will assist the Commission in the determination of the issues in question. The Commission in its discretion may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Petitions to intervene under this section must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the *Federal Register*. Any person desiring to file a petition to intervene after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the petition will not be granted.

§ 1.386 *Motions to enlarge or change the issues.*—Motions to enlarge or change the issues may be filed by any party to a hearing. Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the *Federal Register*. Any person desiring to file a motion to enlarge or change the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

§ 1.387 *Petitions for reconsideration or for rehearing.*—(a) Where an application has been granted without a hearing, any person aggrieved or whose interests would be adversely affected thereby may file a petition for reconsideration of such action. Such petition must be filed with the Commission within 20 days after public notice is given of the Commission's action in granting the application. Such petition will be granted if the petitioner shows that:

(i) Petitioner is an existing licensee or permittee and a grant of the application would require the modification, revocation, or non-renewal of his license or construction permit; or

(ii) That petitioner is an existing licensee or permittee and a grant of the application would cause interference to his station within the normally protected contour as prescribed by applicable Rules and Regulations; or

(iii) At the time the application was granted, petitioner had a mutually exclusive application pending before the Commission; or

(iv) A grant of the application is not in the public interest.

(b) Where an application has been granted or denied after hearing, petitions for rehearing may be filed within 20 days after public notice is given of the Commission's action in granting or denying the application. Petitions for rehearing by persons not parties to the Commission's hearing will not be granted unless good cause is shown as to why it was not possible for such person to participate earlier in the Commission's proceeding.

(c) Where a petition for reconsideration or for rehearing is based upon a claim of electrical interference within the normally protected contour of an existing station or a station for which a construction permit is outstanding, such petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by reference to the Commission's Standards of Good Engineering Practice or to actual measurements made in accordance with the methods prescribed by the Commission's Standards of Good Engineering Practice that electrical interference will be caused to the station within its normally protected contour. If the claim of interference is not based upon actual measurements made in accordance with the Standards of Good Engineering Practice, it may be controverted by affidavit containing results of actual measurements made in accordance with the Standards of Good Engineering Practice.

(d) Each petition for reconsideration or rehearing shall be subscribed as provided in Section 1.122 and served upon all parties participating in the hearing in the manner provided in Section 1.141. In the case of a petition for reconsideration of a decision, order, or requirement made

without a hearing, the party filing the petition shall serve the same in the manner provided in Section 1.141 upon the party or parties to whom such decision, order, or requirement was directed.

(e) Any opposition to a petition for reconsideration or rehearing may be filed within 10 days after the filing of such petition.

(f) Petitions for reconsideration or rehearing filed under this section may request (1) reconsideration, either in cases decided after hearing or in cases of applications granted without hearing; (2) reargument; (3) reopening of the proceedings; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact must specify the pages of record relied on. Where the petition is based upon a claim of newly discovered evidence, it must be accompanied by a verified statement of the facts relied upon, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing.

[Proposed Rule] § 1.388 *Special rules relating to action on applications for assignment and transfer of control.*—

(a) Applications for consent to the assignment of a construction permit or license for an AM, FM, television, or other broadcast station or for consent to the transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on Form F. C. C. No. 314 (Assignment of License) or F. C. C. No. 315 (Transfer of Control). Each application shall be accompanied by a copy of a proposed notice in a form prescribed by the Commission which notice the licensee or permittee shall cause to be published at least twice a week for the 3 weeks immediately following the filing of such application in a daily newspaper of general circulation published in the community in which the station is located. The notice shall state the terms and conditions of the proposed assignment or transfer, the name of the proposed assignee or transferee, and, further, that any other person desiring to purchase the facilities upon the same terms and conditions may file an application to this effect with the Federal Communications Commission within 60 days from the date of the first publication of the notice, which date shall be expressly set forth therein. Upon receipt of the application, the Commission itself will issue a similar public notice stating the terms and conditions of the proposed sale and stating that others may file competing applications for the same facilities upon the same terms and conditions.

(b) No action on any such application will be taken by the Commission for a period of 60 days from the date of filing, during which time any person desiring to purchase the facilities upon the same terms and conditions may file a competing application. In the case of such competing application, it shall be necessary for the applicant to execute only so much of the application form as relates to the proposed assignee or transferee—F. C. C. Form No. 314, Part II, and Form No. 315, Part III.

(c) If no competing application is filed during this 60-day period, the Commission will consider the original application upon its merits and will grant it if it appears from an examination of the application and supporting data public interest will be served thereby; otherwise it will be designated for hearing. If, during such 60-day period, any other application is filed, all such applications will then be considered simultaneously upon their merits, and if, upon such consideration, it appears that the proposed assignee or transferee selected by the licensee is the best qualified and that the transfer would otherwise be in the public interest, the Commission will grant the original application without a hearing. If the Commission is unable to make such a determination upon consideration of the several applications, the original application and all competing applications will be designated

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for hearing, to be heard in a consolidated proceeding, to determine among other things which of the applicants is best qualified to operate the station in the public interest

(d) If, at the conclusion of such hearing, the Commission is of the opinion that the proposed assignee or transferee selected by the licensee is the best qualified and that the transfer is otherwise in the public interest, an order will be entered granting the original application. However, if the Commission is of the opinion that one of the other applicants is the best qualified and that a transfer is otherwise in the public interest, an order will be entered denying the original application and stating that the Commission's consent to an assignment of the license or construction permit or to the transfer of control of the corporate licensee or permittee and such competing applicant enter into and file with the Commission within 30 days from the date of such order a contract for the assignment of the license or construction permit, or the transfer of control of the licensee or permittee, to such competing applicant upon the same terms and conditions as stated in the original application or upon such other terms and conditions as the parties may agree upon and which new terms and conditions the Commission shall find to be in the public interest.

(e) The provisions of this section shall not apply to the following cases: (1) Where there is a reorganization of a corporation which holds a license or construction permit, involving no change in beneficial ownership; (2) where there is an assignment from a decedent to his executor or administrator or from the executor or administrator to his duly appointed successor. This section, however, shall apply to an assignment or transfer from an executor or administrator to heirs, trustees, or third persons; (3) where there is an assignment from an individual or individuals to a corporation owned and controlled by such individual or individuals without any change in their respective interests or from a corporation to the individual stockholders controlling such corporation when there is no change in their respective interests; or (4) any other assignment or transfer that does not involve any change in the actual or beneficial ownership of the licensee.

### RELAXATION OF RESTRICTIONS ON THE USE OF 550 AND 560 KILOCYCLES BY STANDARD BROADCAST STATIONS

Effective immediately, the Commission advises that certain restrictions imposed on the use of 550 and 560 kilocycles by standard broadcast stations, particularly in coastal areas, have been removed.

Under previous policy adopted in cooperation with the United States Navy Department the use of 550 kilocycles has in general been restricted to powers of 1 kilowatt or less. In some instances the establishment of new stations on 550 kilocycles has been prevented because of the possibility of interference to Naval Communication. This policy has been in force because of the Navy Department's objections to interference that was, or would be, caused to certain of their communication facilities operating on frequencies adjacent to 550 kilocycles.

The Navy now advises the Commission that certain readjustments of their communication activities made possible by the surrender of Japan make it unnecessary to restrict the use of 550 kilocycles.

Under present Commission rules, broadcast stations may operate on 550 kilocycles with power up to and including a maximum of 5 kilowatt.

In connection with the use of frequencies below 550 kilocycles by standard broadcast stations, the Commission wishes to point out that the possibility of assigning 540 kilocycles to the standard broadcast band is a recommendation which is to be submitted for consideration at the next International Telecommunications Conference, and that at the present time Commission rules do not provide for the use of 540 kilocycles by standard broadcast stations.

### BUCKLEY RETURNS TO FCC

Jack E. Buckley, formerly Lieutenant Colonel, U. S. Army, has returned from military service and has resumed his duties as Accountant in Charge of the New York Accounting Office of the Commission. Prior to entering the service of the FCC in February, 1935, Mr. Buckley was engaged in public accounting work and as assistant controller of the Borden's Farm Products Company, Inc. In May, 1936, he was assigned to the position of accountant in charge of the newly organized New York Accounting Office of the Commission and served in that capacity until he entered military service in September, 1942. Mr. Buckley also served in World War I.

William Berch Pitts of the New York Accounting Office has been assigned to special duties in connection with the Commission's study of the rate structure of The Western Union Telegraph Company. Mr. Pitts has been a member of the New York Accounting staff since January, 1942, and he served as Accountant in Charge during Mr. Buckley's leave for military service. He is a former Senior Cost Accountant of the Department of Public Utilities of the State of Arkansas and a Certified Public Accountant from that state.

## News

### FLORIDA NEWS CLINIC HELD

Frank King, president, WMBR, and former NAB director, announces that his station will begin the broadcast of local news in the very near future. He said that he was in accord with the general program of activity fostered by the NAB Radio News Committee during the last year and a half that "broadcast stations *do* have an obligation to broadcast local as well as other news." "Local news is feeling the pulse of the public. Local news in radio is a must and it is personal contact that gets you the news. We are in a position and have the obligation to give it when it is hot. News is the biggest daytime serial in the world—it's up to us to handle it like professionals."

That's what Fred Mizer, manager, WQAM, Miami, Florida, told broadcasters at the NAB-Florida Association of Broadcasters Radio News Clinic, held at the Sheraton Plaza Hotel, Daytona Beach, Saturday (12). His belief was shared by the others, including the visiting broadcaster from Macon, Frank Hubbs, news editor, WMAZ. In addition to Hubbs there are four more on the Macon news staff. The station gives complete local news coverage.

James M. Le Gate, president, Florida Association of Broadcasters, and general manager, WIOD, Miami, presided at the Clinic, with discussion led by E. R. Vadeboncoeur, vice president, WSYR, Syracuse, N. Y., chairman of the NAB Radio News Committee. Commentary was furnished by Arthur Stringer, secretary, NAB Radio News Committee. Clinic host and hostess at a five o'clock reception were Commander and Mrs. W. Wright Esch, WMFJ, Daytona Beach.

At the day's end, President Le Gate and News Editor Fred Clampitt, WIOD, listed the areas of total agreement of those attending as follows:

- 1—The importance of giving listeners the news and making it crystal clear is recognized and the obligation to do the job affirmed.
- 2—Presenting local news fulfills a need. This service must be performed with professional skill.
- 3—A competent, reliable, experienced news director is essential. He must be responsible for the operation of

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the news department and the man should confine his entire working day to this job to the exclusion of other duties.

- 4—Efforts toward the training of more good radio newsmen should be continued.
- 5—The Florida stations are not getting proper service from news services.
- 6—In conclusion, Mr. Le Gate said that the Florida Association of Broadcasters must be more united than ever before in order properly to solve the many problems immediately ahead.

### Local News Shows Build Audience

"At WIOD", said Mr. Le Gate, "we are making a sincere effort, with the blessing of our owner, to operate on our own (as separate from affiliated newspaper). Then the station gets the prestige it deserves. Stations must do everything they can in their local community to insist they are entitled to the same recognition as newspapers."

Mr. Le Gate illustrated with facts and figures how local news shows increase station tune-in, not only for the news broadcast, but the program following.

"Basis of success," he explained, "is finding the proper man. We found him in Tom Smith, in Florida since 1923, former editor and managing editor. But three years ago we did not have a good local news man. Smith has done a fine job, securing a big audience for his own program which also increased the audience for the network program which followed."

Mr. Vadeboncoeur remarked that a station cannot be a news factor without doing something itself. Local news, for most stations, he predicted, is going to be a 50-50 proposition at least. Now there is a dispersal of interest, but the pendulum is swinging.

### Orchids to Mrs. Walker

Mrs. Frankie Walker, assistant manager and news director, WFOY, St. Augustine, was acclaimed by the broadcasters for the outstanding success she has had in building local news shows. There are now three ¼-hour and one 10-minute local news shows six times weekly—All sponsored.

Attending the Florida Radio News Clinic were:

Daytona Beach—Comdr. W. Wright Esch, owner-manager, WMFJ; Mrs. Billee Esch, business manager, WMFJ; Ray Clancy, commercial manager, WMFJ.

Miami—W. R. Wills, news manager, WGBS; Fred Clappitt, news editor, WIOD; James M. Le Gate, manager, WIOD; Tom Q. Smith, commentator, WIOD; Fred Mizer, manager, WQAM.

Ocala—Tom Gilchrist, manager, WTMC.

Orlando—Carter Scofield, news editor, WDBO; Victor Buisset, manager, WLOF.

St. Augustine—John Cummins, manager, WFOY; Mrs. Frankie Walker, assistant manager, WFOY; Lewis Doolittle, announcer, WFOY; Paul Harrison, announcer, WFOY; Mrs. Bernice McCarter, news reporter, WFOY; Miss Celeste Poli, news reporter, WFOY.

Sarasota—Eric A. Provost, news editor, WSPB.

Tampa—Tom M. Matthews, news editor, WFLA.

Messrs. Stringer and Vadeboncoeur, and Frank Hubbs, news editor, WMAZ, Macon, Georgia.

## Engineering

### GENERAL GROVES TO BE SPEAKER AT IRE BANQUET

Maj. Gen. Leslie R. Groves, director of the Manhattan District—code name for the Atomic Bomb Project—has accepted the invitation to be principal speaker at the joint

meeting of the Institute of Radio Engineers and the American Institute of Electrical Engineers, scheduled to be held in the Engineering Society's Auditorium in New York, Wednesday evening, January 23, 1946, according to Dr. Austin Bailey in charge of the arrangements.

The title of General Groves' address is "Some Electrical, Engineering and General Aspects of the Atomic Bomb Project."

Because of the prominence of the speaker and of the intense interest in, and importance of, the subject, special arrangements have been made to take care of overflow crowds.

At this joint meeting also, it was announced by Dr. Scott Turner, chairman of the Hoover Medal Board of Awards, that the Hoover Medal, established 1930 as an award by engineers to a fellow engineer "for distinguished public service", will be presented by the A.I.E.E., the recipient to be announced later. This will be the seventh Hoover Medal awarded since 1930.

These joint meetings between the I.R.E. and the A.I.E.E. have been held since 1943 during the period in which the I.R.E. holds its annual Winter Technical Meeting and the A.I.E.E. holds its Winter Convention.

The Institute of Radio Engineers will be host at the joint meeting this year.

### RECORD ARRAY OF TECHNICAL PAPERS ANNOUNCED FOR 1946 IRE WINTER TECHNICAL MEETING

From an array of technical papers of unprecedented number and quality, 87 outstanding contributions covering 16 general categories of subjects have been scheduled for delivery before the Institute of Radio Engineers' 1946 Winter Technical Meeting, to be held from January 23-26 at the Hotel Astor, New York, it was announced by Dr. A. E. Harrison, chairman in charge of Papers.

This is the largest number of papers ever scheduled before an I.R.E. meeting and they were chosen from the largest number of submissions in the history of the Institute. The level of excellence and importance of subject were so great, Dr. Harrison declared, that even by having three sessions on different subjects running concurrently—more than has ever been scheduled before—it was not possible to include all the outstanding papers submitted. More than twice the number of papers were submitted than could be presented.

Since this was the first and most opportune occasion for the Armed Services and Government Agencies to submit papers on vital war developments, a large number were selected from the Army and Navy and these Agencies for presentation. The categories of subjects and the number of papers to be given in each are as follows: Military Applications of Electronics, four papers to be presented Thursday morning, January 24; Frequency Modulation and Standard Broadcasting, four papers to be presented Thursday morning; New Circuit Developments, four papers to be presented Thursday morning; Television, nine papers to be presented Thursday afternoon; Radio Navigation Aids, seven papers to be presented Thursday afternoon; Vacuum Tubes, six papers to be presented Thursday afternoon; Microwave Vacuum Tubes, five papers to be presented Friday morning, January 25; Antennas, five papers to be presented Friday morning; Radar, seven papers to be presented Friday afternoon; Microwave Techniques, seven papers to be presented Friday afternoon; Crystal Rectifiers, four papers to be presented Friday afternoon; Industrial Electronics, six papers to be presented Saturday morning, January 26; Communications Systems and Relay Links, five papers to be presented Saturday morning; Radio Propagation, five papers to be presented Saturday morning; Broadcast Re-

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ceivers, five papers to be presented Saturday afternoon and Quartz Crystals, four papers to be presented Saturday afternoon.

## IRE PROGRAM HIGHLIGHTS

Papers of interest to broadcasters, to be given at Winter Technical Meeting of the Institute of Radio Engineers, January 23-26, 1946, at Hotel Astor, New York, N. Y.

### Thursday, January 24, 1946

Group B—Rose Room

Frequency Modulation and Standard Broadcasting

Chairman, Stuart L. Bailey

- 10:30 A. M.—“Frequency Allocations,” by Paul D. Miles, Federal Communications Commission, Washington, D. C.  
11:00 A. M.—“Field Intensities Beyond Line of Sight at 45.5 and 91 Megacycles,” by C. W. Carnahan, N. W. Aram, and E. F. Classen, Zenith Radio Corporation, Chicago, Ill.  
11:30 A. M.—“Phase and Frequency Modulation—A New Method,” by Robert Adler, Zenith Radio Corporation, Chicago, Ill., and F. M. Bailey, and H. P. Thomas, General Electric Company, Syracuse, N. Y.  
12:00 Noon—“Antenna for Frequency-Modulation Station WGHF,” by Andrew Alford, Consulting Engineer, New York, N. Y., formerly, Radio Research Laboratory, Harvard University, Cambridge, Mass.

### Thursday, January 24, 1946—2:00 p. m.-5:00 p. m.

Group A—Grand Ballroom

Television

Chairman, I. J. Kaar

- 2:00 P. M.—“Television in the Ultra-High Frequencies,” by Peter C. Goldmark, Columbia Broadcasting System, New York, N. Y.  
2:15 P. M.—“Television-Studio Equipment,” by James J. Reeves, Columbia Broadcasting System, New York, N. Y.  
2:30 P. M.—“Sight and Sound on One Carrier,” by Kurt Schlesinger, Columbia Broadcasting System, New York, N. Y.  
2:45 P. M.—“Ultra-High-Frequency Television Transmitters and Antennas,” by Robert Serrell, Columbia Broadcasting System, New York, N. Y.  
3:00 P. M.—“Ultra-High-Frequency Television Receivers,” by Harold T. Lyman, Columbia Broadcasting System, New York, N. Y.  
3:15 P. M.—Discussion of Preceding Papers.  
3:30 P. M.—“Electrooptical Characteristics of Television Systems,” by O. H. Shade, RCA Victor Division, Harrison, N. J.  
3:50 P. M.—“A Kinescope for Home Projection-Type Television Receivers,” by L. E. Swedlund, RCA Victor Division, Harrison, N. J.  
4:10 P. M.—“Improved Cathode-Ray Tubes with Metal-Backed Luminescent Screens,” by D. W. Epstein and L. Pensak, RCA Laboratories, Princeton, N. J.  
4:30 P. M.—“The Image Orthicon, a Sensitive Television Pickup Tube,” by Albert Rose, P. K. Weimer, and H. B. Law, RCA Laboratories, Princeton, N. J.  
4:50 P. M.—Discussion of Preceding Papers.

### Saturday, January 26, 1946—9:30 a. m.-12:00 Noon

Group C—Coral Room

Radio Propagation

Chairman, R. F. Guy

- 9:30 A. M.—“Development in Radio Sky-Wave Propagation Research and Applications During the War,” by

J. H. Dellinger and Newbern Smith, National Bureau of Standards, Washington, D. C.

- 10:00 A. M.—“The Role of Atmospheric Ducts in the Propagation of Short Radio Waves,” by J. E. Freehafer, Radiation Laboratory, Massachusetts Institute of Technology, Cambridge, Mass.  
10:30 A. M.—“X- and S-Band Propagation Measurements in Low-Level Ocean Ducts,” by M. Katzin, R. W. Baughman, and W. Binnian, Naval Research Laboratory, Washington, D. C.  
11:00 A. M.—“Measurement of the Angle of Arrival of Microwaves,” by W. M. Sharpless, Bell Telephone Laboratories, Inc., New York, N. Y.  
11:30 A. M.—“Microwave Propagation.” Part I. “The Effect of Rain Upon the Propagation of Waves in the One- and Three-Centimeter Region,” by S. D. Robertson and A. P. King, Bell Telephone Laboratories, Inc., New York, N. Y. Part II. “Propagation of Six-Millimeter Waves,” by G. E. Mueller, Bell Telephone Laboratories, Inc., New York, N. Y.

### Saturday, January 26, 1946—2:00 p. m.-4:00 p. m.

Group A—Grand Ballroom

Broadcast Receivers

Chairman, H. A. Wheeler

- 2:00 P. M.—“Theory of Impulse Noise in Ideal Frequency-Modulation Receivers,” by David B. Smith, Philco Corporation, Philadelphia, Pa.  
2:25 P. M.—“Discriminators for Frequency-Modulation Receivers,” by S. W. Seeley, RCA Laboratories, Industry Service Division, New York, N. Y.  
2:50 P. M.—“Capacitance-Coupled Intermediate-Frequency Amplifiers,” by Merwin J. Larsen, Stromberg-Carlson Company, Rochester, N. Y.  
3:15 P. M.—“Two New Miniature Tubes for Frequency-Modulation Conversion,” by R. M. Cohen, R. C. Fortin, and C. M. Morris, RCA Victor Division, Harrison, N. J.  
3:40 P. M.—“Magnetic Recorder as an Adjunct to the Home Receiver,” by Hans Jaffe, Brush Development Company, Cleveland, Ohio.

## Miscellany

### GAMBLE LAUDS WAR LOAN SUPPORT

Speaking in glowing terms of the support radio has given to the promotion of the War Loans, Ted R. Gamble, formerly in charge of Treasury War Finance Division, delivered an address before the Poor Richard Club in Philadelphia Thursday (17) on the occasion of the presentation of the club's “Gold Medal of Achievement for 1945.”

Parts of the address of particular interest to broadcasters are reprinted herewith:

“History will tell about a nation united in war for the principles of peace and plenty . . . how our labor and industry produced *more and better and quicker* than ever before. . . . Our Government spent \$318.5 billion between May 1, 1941, and December 31, 1945. In meeting these expenditures, the Treasury increased the public debt by \$223 billion, and I can reveal now, for the first time, that of this \$223 billion some \$53 billion was raised through the purchases by individuals alone of over 1,000,000,000 War and Victory Bonds. . . .

“The radio medium, through the Victory Loan, was used to the extent of \$219 million!

“Newspapers in that period represented \$110 million of the total!

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"Periodicals added another \$39 million!

"And outdoor added another \$32 million.

"All measurable advertising used in behalf of the war financing program had a value of \$400 million. That is what I meant when I used the word 'valuable'. . .

"Some contributions were unique. For example, Doug Coulter and Clarence Menser, Phil Carlin and Charles Barry, know that the 873 stations which carried the *Treasury Salutes* represented THE LARGEST CHAIN IN THE WHOLE HISTORY OF RADIO! . . .

"The money advertising helped raise for War's Hell will be used as savings for peacetime homes. The money which went for ships will be repaid by the education of the children of our nation. The DEFENSE of America in World War II will be realized in the FINANCIAL PROTECTION and old-age security of the 85,000,000 bondholders who now own a real share in America.

"You have helped build a secure America. . . A secure America will be a prosperous America."

### TRUMAN DECORATES PRICE

Byron Price was decorated by President Truman Tuesday (15) with the Medal of Merit for "exceptionally meritorious conduct" in directing the office of censorship during the war. The President pinned the medal on Price's coat at a White House ceremony.

The President read a citation in bestowing the medal which said that Price had "demonstrated the strength of this country in its unity in time of stress" by his "distinctive and complete success" in discharging his censorship duties.

His choice of voluntary censorship rather than the compulsory brand, the citation read, showed his faith in the integrity of the personnel and organizations disseminating news to the public and initiated an experiment in war-time censorship "unique in its inception and execution, previously untried in any country."

### UP AND AP WANT TO DISCONTINUE NEWS FOR OVERSEAS BROADCASTS

Hugh Baillie, president of the United Press Association, has issued a statement to the effect that William Benton, Assistant Secretary of State, has been advised that the United Press desired to discontinue furnishing news to the U. S. Government for overseas broadcasts and other uses.

Last Monday it was announced that the Board of Directors of the Associated Press had decided it was inexpedient to grant a State Department request to extend the date for terminating AP news service to the government.

"We have advised Mr. Benton, the Assistant Secretary of State, that it is the intention of the United Press to discontinue this service," Mr. Baillie said. "Mr. Benton stated that continuance of government news distribution activities was imperative in the national interest and that the services of the American press associations were essential thereto. To this we disagreed. However, Mr. Benton asked that discontinuance of our service be stayed until he had further opportunity to lay his case before us. To this we have agreed."

The AP has similarly indicated a desire to discontinue their service in the interests of overseas broadcasts.

William Benton, Assistant Secretary of State, has issued the following statement:

"I consider wholly unwarranted the fears expressed by the Board of Directors of the Associated Press 'that Government cannot engage in newscasting without creating the fear of propaganda which necessarily would reflect upon the objectivity of the news services from which such newscasts are prepared.'"

"The Associated Press, the United Press and the International News Service have been furnishing news to the United States Government for its short-wave broadcasts

overseas to the peoples of other countries. I regret that the Directors of the Associated Press have decided to discontinue their share of this service. They were asked to continue this service until such time as the Congress decided what should be the policy of this government with regard to the permanent short-wave broadcasting program, whether it should be in private hands or under government control. It is clear that such broadcasting must be continued.

"It is the fixed policy of the State Department to advance the cause of press freedom everywhere. Nothing in the international information program of the government, past or planned, contravenes this basic principle. I am proud of the objectivity maintained by our international broadcasts. One of the purposes of short-wave newscasting is to get reliable and objective American news into vast areas of the world where no other news from America can penetrate. I can only conclude that the directors of the Associated Press were not fully informed about the program."

### THREE HUNDRED ATTEND FCBA NINTH ANNUAL BANQUET

Approximately three hundred members and guests, said to be the largest in Association history, attended the Ninth Annual Banquet of the Federal Communications Bar Association January 11 at the Statler Hotel in Washington.

Honoring the members of the Federal Communications Commission, the banqueters also heard Major General Frank E. Stoner, Assistant Chief Signal Officer, United States Army, detail the record of outstanding service created during the war by the Signal Corps in cooperation with civilian technicians and the broadcasting industry. General Stoner, with the aid of a special army installation, established teletype communication direct from the speaker's table with Signal Corps headquarters around the world, including Manila, Tokyo, London and Berlin. Greetings were exchanged and many personal messages were sent by banquet guests to friends at the distant points. The entire proceedings were thrown on a screen which reproduced the teletype messages as they came over the machine.

Philip G. Loucks, elected President of FCBA at the afternoon business meeting which preceded the banquet, was installed in office by the retiring President, Eliot C. Lovett. Elected also were Carl I. Wheat, 1st V-P; Reed T. Rollo, 2nd V-P; William A. Porter, Secretary; Arthur H. Schroeder, Treasurer; Ralph A. Van Orsdel and Eliot C. Lovett, Executive Committee.

From 7 to 9 p. m. an FM demonstration was heard through developmental FM Station W3XL, 98.9 megacycles, Washington, D. C., courtesy of Everett L. Dillard, licensee. Thirty minutes of vocal and instrumental entertainment at the banquet was under the direction of Dwight E. Rorer, who participated also with Gene Archer, Charles F. Jeter and Sam P. Holland.

Willard D. Egolf, NAB Special Counsel, was banquet Chairman, with a committee consisting of Dwight E. Rorer, E. D. Johnston, John C. Spearman and Frank U. Fletcher.

### ADRIAN MURPHY NAMED VICE PRESIDENT AND GENERAL EXECUTIVE OF CBS

The appointment of Adrian Murphy as vice president and general executive of the Columbia Broadcasting System was announced Monday (14) by Frank Stanton, CBS president.

Mr. Murphy returns to the Columbia organization after more than three and a half years of wartime service in the Army of the United States. He has just been released from active duty as a Lieutenant Colonel.

Mr. Murphy was executive director of television for

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CBS in May, 1942, when he reported for duty as a Lieutenant in the Signal Corps. Later that year, he became Executive Officer of the Directorate of Planning for the Signal Corps in Washington.

In November, 1943, he went overseas as a Major assigned in an administrative capacity to the Signal Division of Supreme Headquarters Allied Expeditionary Forces. As a Lieutenant Colonel, in June, 1945, he was assigned to what subsequently became the Information Control Division of the United States Forces European Theater where he acted as Assistant Chief of ICD for operations under Brigadier General Robert A. McClure.

Murphy joined CBS in 1936 as an assistant to Paul W. Kesten, then vice president. In 1939, Murphy was appointed to head Columbia's television activities.

Adrian Murphy was born in New York City in May, 1905. He received a Bachelor of Science degree in 1927 from Princeton University.

Before joining the Columbia network, he was engaged in market research as the basis of industrial designing by the Norman Bel Geddes organization.

### WON'T CATER TO LONG HAIRS

The hundred member stations of the Australian Federation of Commercial Broadcasting Stations are not prepared to cater to the long-haired poseur, according to A. C. Paddison, executive of the Federation, testifying before a parliamentary committee investigating the broadcasting set-up in Australia.

"Our Job," he said, "is to provide entertainment for 7,000,000 Australians, and the best indication that we do that is that we keep them.

"There are certain highly articulate minorities," he continued, "who do not regard music as meeting cultural requirements unless it was composed by a blind German or a mad Russian.

"The purpose of music is to provide an emotional outlet and some relaxation. If the people prefer music by Bing Crosby, it is our duty to provide it.

"The job of the commercial stations is to find out what the majority want and to provide it."

### WE DON'T BELIEVE IT!

Ann Raidabaugh, WRVA Publicity Director, tells us (excitedly) that:

"Several weeks ago the weather report was omitted from one of WRVA's early morning newscasts. A few seconds later the U. S. Weather Bureau in Richmond called up much perturbed about the omission. Of all things! They had been waiting for it!"

### WOAI TECHNICAL DIRECTOR RETURNS

After three years' service with the Office of War Information, Charles Jeffers has returned to his post as Technical Director of WOAI, San Antonio.

While with the OWI, Jeffers served as Chief of the Engineering Division, Communications Facilities Overseas Branch.

### ADD TO DURR'S ADDRESS

The following addition to Commissioner Durr's address, which was published in last week's *REPORTS* (p. 25), was not received from the Commission in time for insertion in that issue:

"Only night before last, several million Americans were given a lesson in American history as an interlude between selections of recent song hits. The story was that of George Washington crossing the Delaware. It was told much as it was given us in our childhood history books but a moral had been added.

"Washington's troops were cold and ragged and hungry and ill-equipped. There were no equivalents of the landing barges of today, but only a collection of small, leaky skiffs. Large ice floes added to the difficulty and danger of his project. Everything was against success but Washington pushed ahead and through indomitable will and sheer character won a battle which was the turning point of a war and which paved the way for the establishment of a new nation founded upon the freedom and dignity of the individual.

"As in the case of a man, we were told, so in the case of a tobacco. It's character that counts—the pure, rich, mellow flavor, the smoothness, and the free drawing qualities.

"Isn't it fair to ask that our heroes be allowed to remain on their pedestals unless and until it has been clearly proven that they are not worthy of being heroes? Has salesmanship become of such vital importance that they must be dragged down and put to work as a tobacco peddler? If we believe that God created man in His own image, then isn't there something approximating sacrilege in cheapening the demonstrated potentialities of human greatness by evaluating them on the level with commercial wares?

"It was the sponsor of this same program who, in the midst of our trial following the attack on Pearl Harbor bore its part of the sacrifice with proud sorrow when Lucky Strike Green went to war.

"Four industry groups provide about 75 per cent of all national network revenue. Tobacco is one of them. Through the concentrated power of their dollars, large advertisers and their agencies have been more and more taking away from the broadcasters and networks their responsibility for program production. Isn't it inevitable that so long as they are in control, the dominating motive in program production will be not artistic merit or social value but effectiveness in selling commercial goods?

"In only one year, according to the trade journals, one advertiser spent approximately \$22,000,000 in advertising over the air its soap and related products. That was enough to operate one of our most important and useful educational broadcast stations, Station WOI, of Iowa State University, for 700 years at the rate of its present budget. Doesn't this indicate that our sense of values concerning radio has become rather badly warped?"

### AUSTRALIA'S RADIO NETWORK

The Australian Information Service states that Australia will have the largest nationally-owned radio network in the world when 17 new broadcasting stations, which the government is now building, are completed at the end of this year. When completed, they will bring the total of radio stations owned by the Commonwealth government through the postmaster-general's department to 53, including one of the most powerful shortwave transmitters in the world.

### LETTER TO EDITOR LAUDS RADIO

The following *letter to the editor* is reprinted from the January 4 issue of the *Toronto Globe & Mail*:

"When World War I ended, the news of the armistice was carried by every conceivable means here on the prairies. Telegraph, telephone and the press were all looked upon as 'angels of mercy' in bringing us the good news.

"I can remember horseback riders galloping to tell the news to a neighbor who may not have heard. Team and wagons rumbled on into the night to tell a distant neighbor. Creaky old buggies and democrats quickened their pace to be the first to tell. The once-a-week mail coming in by team, 20 miles, was greeted by homesteaders and all eagerly waiting for the distribution of their papers to read the details. Far into the night, by the light of kerosene lamps on the kitchen tables, every scrap of war news was read and reread.

"How different is the picture today! Through the progress of the radio industry, we're all right in the 'front

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line' as far as listening goes. Word-scenes right from the battle-fronts. We get the news of the signing of the surrender terms as soon as the ink is dry. Along with it come programs of universal thanksgiving and joyous celebration, where, before, we made these ourselves. Today, by radio, we all know the same thing at the same time.

"There is no waiting. For those who are bereaved, the air waves are used to give sympathy. Let it be hoped that on this first peacetime New Year we may all appreciate the wonderful power of radio. May we look forward to even greater miracles on its 50th anniversary.

"Orkney, Sask.

L. Warner."

## NEARLY 1,500,000 GREETING CARDS SENT TO WBEN

Buffalo, N. Y.—The 117th mailbag of used Christmas greeting cards reached WBEN Jan. 15 in response to nine brief announcements by Clint Buehlman requesting listeners to send in the cards for use by children in rural schools. That's about four tons of cards—nearly 1,500,000.

It all started with a letter from the New York headquarters of the Save the Children Federation, asking WBEN's help in the federation plan to obtain a million cards from all over the country. The "second-hand" cards are used by underprivileged children, many of whom rarely see such cards, for bookmarks, scrapbooks and aids in art instruction.

Buehlman made the brief mentions on his programs of Jan. 3 through Jan. 8. Cards immediately began pouring in from New York State, Pennsylvania and Ontario. Many cards, in envelopes bearing postmarks of the '30s, indicated a search of attics or a parting with keepsakes. A few listeners spent more than \$1 to send their cards by first class mail.

After the first deluge of cards, all contributors who phoned for additional information were advised to send the cards direct to the federation's New York office. It was learned that several schools and organizations did this, thereby lightening WBEN's huge mail load.

## WALKER REAPPOINTMENT TO FCC FORECAST

According to a press association release, associates of Paul A. Walker of Oklahoma, one of the original members of the Federal Communications Commission, forecast today his reappointment when his present term expires next June 30.

The release says "the subject has not yet been taken up with President Truman because 'it is too early,' a colleague said. But Senator Thomas (D-Okla.) has written Robert E. Hannegan urging Walker's reappointment to another seven year term.

"One associate member of the Commission said there was little doubt, in his opinion, but that Walker would be reappointed. Similar statements were made by Oklahomans in responsible positions in Washington.

"Senator Thomas said Hannegan has not answered his letter and that 'I do not know what will be done about it—I haven't heard anything'."

## Federal Communications Commission Docket

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 21. They are subject to change.

**JANUARY 21, 1946—46**

**Monday, January 21**

Before the Chairman  
Commercial Television Broadcast

- NEW—Bamberger Broadcasting Service, Inc., Washington, D. C.—C. P. for new television broadcast station.
- NEW—Capital Broadcasting Company, Washington, D. C.—C. P. for new television broadcast station.
- NEW—Allen B. DuMont Laboratories, Inc., Washington, D. C.—C. P. for new television broadcast station.
- NEW—The Evening Star Broadcasting Company, Washington, D. C.—C. P. for new television broadcast station.
- NEW—Marcus Loew Booking Agency, Washington, D. C.—C. P. for new commercial television broadcast station.
- NEW—National Broadcasting Company, Inc., Washington, D. C.—C. P. for new commercial television broadcast station.
- NEW—Philco Radio & Television Corporation, Washington, D. C.—C. P. for new commercial television broadcast station.
- NEW—Scripps-Howard Radio, Inc., Washington, D. C.—C. P. for new commercial television broadcast station.

**Monday, January 21**

Consolidated Hearing

- WRRN—Frank T. Nied and Perry H. Stevens, d/b as Nied & Stevens, Warren, Ohio—C. P., 1440 kc., 5 KW, unlimited DA-night and day.
- WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—C. P., 1440 kc., 5 KW night, 5 KW day, unlimited DA-night.
- NEW—Crescent Broadcast Corporation, Shenandoah, Pa.—C. P., 580 kc., 1 KW, daytime.
- NEW—The Patriot Company, Harrisburg, Pa.—C. P., 580 kc., 5 KW, unlimited DA-night.
- WHP—WHP, Inc., Harrisburg, Pa.—C. P., 580 kc., 5 KW, unlimited DA-night.

**Monday, January 21**

Consolidated Hearing

To Be Held Before Commissioner Durr  
In Room 540, State Building, Civic Center,  
San Francisco, California

- KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—C. P., 1460 kc., 1 KW, unlimited.
- NEW—California Broadcasters, Inc., Bakersfield, Calif.—C. P., 1460 kc., 1 KW, unlimited DA-night and day.
- NEW—Bakersfield Broadcasting Co., Bakersfield, Calif.—C. P., 1490 kc., 250 watts, unlimited.
- NEW—L. John Miner, Taft R. Wrathall, & Grant R. Wrathall, d/b as Monterey Bay Broadcast Co., Santa Cruz, Calif.—C. P., 1460 kc., 500 watts, unlimited.
- KTYW—Cascade Broadcasting Co., Inc., Yakima, Wash.—C. P., 1460 kc., 1 KW, unlimited.
- NEW—Amphlett Printing Co., San Mateo, Calif.—C. P., 1490 kc., 250 watts, unlimited.
- NEW—San Jose Broadcasting Co., San Jose, Calif.—C. P., 1500 kc., 1 KW, unlimited DA-night and day.

**Monday, January 21**

To Be Held Before Commissioner Walker  
In Dallas, Texas, at a Place to Be Determined

Consolidated Hearing

- NEW—Permian Basin Broadcasting Co., Odessa, Texas—1450 kc., 250 watts, unlimited.
- NEW—Wendell Mayes, C. C. Woodson and J. S. McBeath, d/b as Odessa Broadcasting Co., Odessa, Texas—1450 kc., 250 watts, unlimited.
- NEW—Southwestern Broadcasting Corp., Odessa, Texas—1450 kc., 250 watts, unlimited.

**Tuesday, January 22**

- WWSW—WWSW, Inc., Pittsburgh, Pa.—In re Petition for Hearing or Rehearing and for Leave to Intervene in

(Continued on next page)



the matter of the grant of a construction permit to Central Broadcasting Company, Inc., Johnstown, Pa. (B2-P-3732)

### Wednesday, January 23

- NEW—Meadville Tribune Broadcasting Co., Meadville, Pa.—C. P., 1490 kc., 250 watts, unlimited.  
NEW—H. C. Winslow, Meadville, Pa.—C. P., 1490 kc., 250 watts, unlimited.  
NEW—Times Publishing Co., Erie, Pa.—C. P., 1490 kc., 250 watts, unlimited.

### Thursday, January 24

- WBOC—Peninsula Broadcasting Co., Salisbury Md.—C. P., 960 kc., 1 KW night, 1 KW day, unlimited DA-night.  
NEW—The Eastern Shore Broadcasting Co., Preston, Md.—C. P. 960 kc., 500 watts night, 500 watts day, unlimited DA-night.

### Thursday, January 24

Oral Arguments Before the Commission  
To Be Held in Room 6121 New P. O. Bldg.

- NEW—Calumet Broadcasting Corp., Hammond, Ind.—C. P., 1520 kc., 5 KW, daytime.  
WORL—Broadcasting Service Organization, Inc., Boston, Mass.—For renewal of license, 950 kc., 1 KW (Main), 500 watts (Aux), daytime.  
KGKO—KGKO Broadcasting Co., Ft. Worth, Texas—For renewal of license, 570 kc., 5 KW, unlimited DA-night.  
WBAP—Carter Publications, Inc., Ft. Worth, Texas—For renewal of license, 820 kc., 50KW, sharing equally with WFAA.  
WFAA—A. H. Belo Corporation, Dallas, Texas—For renewal of license, 820 kc., 50 KW, sharing equally with WFAA.

## Federal Communications Commission Action

### APPLICATIONS GRANTED

- Indian River Broadcasting Co., Fort Pierce, Fla.—Granted construction permit for a new station to operate on 1400 kc., 250 watts, unlimited time. (B3-P-3905)  
Fort Lauderdale Broadcasting Co., Fort Lauderdale, Fla.—Granted construction permit for a new station to operate on 1400 kc., 250 watts, unlimited time. (B3-P-3785)  
Dixie Broadcasting Co., Montgomery, Ala.—Granted construction permit for a new station to operate on 800 kc., 1 KW, daytime only. (B3-P-3691; Docket 6735)  
Edmund Scott, et al, d/b as San Mateo Comity Broadcasters, San Mateo, Calif.—Granted construction permit for a new station to operate on 1050 kc., 250 watts, daytime. (B5-P-4078)  
Pekin Broadcasting Co., Inc., Pekin, Ill.—Granted construction permit for a new station to operate on 1140 kc., 250 watts, daytime. (B4-P-3962)  
Oil Center Broadcasting Co., Odessa, Texas—Granted construction permit for a new station to operate on 1410 kc., 1 KW, DA, unlimited time. (B3-P-4246)  
WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted construction permit to change operations from 1420 kc., 1 KW, DA, unlimited, to 1420 kc., 5 KW, DA, unlimited time. (B1-P-3900)  
NEW—Jessica Longston, Burley, Idaho—Granted construction permit (B5-P-4142) for a new station to operate on 1400 kc., 250 watts, unlimited time; conditions.  
NEW—Radio Sales Corp., Twin Falls, Idaho—Granted construction permit for new station (B5-P-4048), to operate on 1450 kc., 250 watts, unlimited time; conditions.  
NEW—Southern Idaho Broadcasting and Television Co., Twin Falls, Idaho—Granted construction permit for

a new station (B5-P-4348) to operate on 1490 kc., 250 watts, unlimited time, transmitter site to be determined; conditions.

- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted construction permit (B4-P-3389) to change frequency from 1480 to 810 kc. and increase power from 5 KW to 50 KW day, 10 KW night, DA night, unlimited time; conditions.  
KOAM—The Pittsburg Broadcasting Co., Pittsburg, Kans.—Granted construction permit (B4-P-3198) to change frequency from 810 to 860 kc., increase power from 1 to 5 KW, and time of operation from daytime to unlimited; conditions.  
KGNC—Plains Radio Broadcasting Co., Amarillo, Texas—Granted construction permit (B3-P-3733), to change frequency from 1440 to 710 kc., increase power from 1 KW night, 5 KW-LS, to 10 KW, DA, unlimited time; conditions.  
KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Texas—Dismissed application (B3-P-4329) for construction permit to change frequency from 1400 to 860 kc. and increase power from 250 watts to 1 KW night, 5 KW day, DA night, unlimited time, in accordance with Commission's policy (Mimeo. 87866), announced January 5, 1946.

### DESIGNATED FOR HEARING

- Texoma Broadcasting Co., Wichita Falls, Texas, and Darrold Alexander Cannon, t/r as Wichtex Broadcasting Co., Wichita Falls, Texas, and John C. McCormack, et al, d/b as Okla. Television & Broadcasting Co., Tulsa, Okla.—Ordered that these applications be designated for hearing in a consolidated proceeding. Texoma Broadcasting Co. is applying for frequency 970 kc., 1 KW, daytime; Wichtex Broadcasting Co. for 990 kc., 1 KW, daytime, and Okla. Television and Broadcasting Co. for 990 kc., 1 KW, DA, unlimited time. (B3-P-3823); (B3-P-3981); and (B3-P-4006)  
Atlantic Shores Broadcasting, Ltd., Coral Gables, Fla., and Southern Media Corp., Coral Gables, Fla., and Miami Beach Publishing Co., Miami Beach, Fla.—Designated these three applications for consolidated hearing, all seeking a new station to operate on 1490 kc., 250 watts, unlimited time. (B3-P-3854; B3-P-4138; B3-P-4363)  
NEW—Fayette Associates, Inc., Montgomery, W. Va., and Joe L. Smith, Jr., Charleston, W. Va.—Upon consideration of petitions of applicants for leave to amend the Fayette Associates application, the Commission granted in part the petition to amend application of Fayette Associates, Inc., to change requested frequency from 1400 to 1340 kc.; accepted said amendment and granted construction permit (B2-P-3876) for a new station to operate on 1340 kc., 250 watts, unlimited time, and ordered that the application of Joe L. Smith, Jr., for a new station at Charleston to operate on 1400 kc., 250 watts, unlimited time, be consolidated with applications of other Charleston applicants—James H. McKee, Capitol Broadcasting Corp. and Chemical City Broadcasting Co., scheduled to be heard in a consolidated proceeding beginning January 29.  
WFMJ—WFMJ Broadcasting Co., Youngstown, Ohio—Upon consideration of a petition to intervene and enlarge the issues in the hearing upon application of WHIS, Daily Telegraph Printing Co. (Docket 6961), and WRRN, Neid and Stevens (Docket 6960), the Commission designated the application of WFMJ (B2-P-4311) for 1390 kc., 5 KW power, for consolidated hearing with the WHIS and WRRN applications to be heard beginning January 21.

### DOCKET CASE DECISIONS

The Federal Communications Commission announces its Proposed Findings of Fact and Conclusions (B-227) looking toward a grant of the application of Air-Waves, Inc., for a new station at Baton Rouge, Louisiana, to operate on 1400 kilocycles with power of 250 watts, and a denial of the

(Continued on next page)

application of Louisiana Communications, Inc., seeking the same facilities. (Dockets 6155 and 6157)

## MISCELLANEOUS

In the Matter of Promulgation of Rules and Regulations concerning the procedure to be followed by the Commission in passing upon assignments of license or transfer of control of corporate licenses—Upon consideration of a request filed by the National Association of Broadcasters for a 30 day extension of time within which to file briefs in proceedings in (Docket 7071) the Commission ordered that the request be granted and the time was extended to February 16, 1946.

Richard T. Sampson, Banning, Calif.—Granted petition to dismiss without prejudice application for a new station (B5-P-4060), and the Commission on its own motion ordered the application of Broadcasting Corp. of America, Indo, Calif., be removed from the hearing docket.

Booth Radio Stations, Inc., Lansing, Mich.—Granted petition for leave to amend its application for a new station, and the amendment presently on file with the Commission was accepted.

WFBR—Baltimore Radio Show, Baltimore, Md.—Withdrawn at request of applicant, petition to intervene in the hearing on application of Walter A. Graham for a new station in Tifton, Ga.

Valley Broadcasting Assn., Inc., McAllen, Texas—Denied without prejudice petition requesting that the consolidated hearing upon its application and that of Howard W. Davis, et al., be removed from Dallas where it is now scheduled for Feb. 6-9, to McAllen, Texas.

Bleecker P. Seaman and Carr P. Collins, Jr., d/b as Seaman and Collins, El Paso, Texas—Granted petition insofar as it requests leave to amend and remove application from hearing docket; and the amendment now on file with the Commission covering the matters was accepted and the application was removed from the hearing docket.

KFDA—Amarillo Broadcasting Corp., Amarillo, Texas—Granted authority to determine operating power by direct measurement.

WGOV—E. D. Rivers, Valdosta, Ga.—Granted authority to determine operating power by direct measurement.

WRAC—Robert W. Rounsaville, Cleveland, Tenn.—Granted authority to determine operating power by direct measurement of antenna power. The licensee is granted a waiver of Secs. 3.55(b) and 3.60 of the Commission's Rules and Regulations; conditions.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted petition for leave to amend its application (B5-P-3913), and the amendment was accepted.

Kankakee Daily Journal Co., Kankakee, Ill.—Granted motion for leave to amend its application for a new station, and the amendment covering same was accepted.

William L. Klein, Oak Park, Ill.—Granted motion to amend order to take depositions in re application for new station to add names but still limit witnesses to 25.

Valdosta Broadcasting Co., Valdosta, Ga.—Granted motion for leave to amend its application and the amendment filed was accepted.

Tri-County Broadcasting Corp., Orangeburg, S. C.—Granted motion to dismiss without prejudice its application for a new station. (B3-P-3890)

James H. McKee, Charleston, W. Va.—Ordered that hearing on application for a new station (B2-P-3738) be held on January 29th at the offices of the Commission in Washington, D. C. McKee has filed the petition waiving right to cross-examine witnesses who testified at consolidated hearing on Jan. 3-5.

Capital Broadcasting Corp., Little Rock, Ark.—Granted petition to dismiss without prejudice application for new station. (B3-P-3729)

KVOM, Inc., Marshall, Texas—Upon consideration of petitions of KVOM Inc. and Marshall Broadcasting Co., the Commission ordered that the consolidated hearing on these applications heretofore designated at Dallas for Jan. 28-29, be postponed until Feb. 13-14

and transferred from Dallas to Marshall, Texas, to be heard at a place and time to be subsequently determined by the Commission; and further ordered that consolidated hearing on applications of Permian Basin Broadcasting Co., Southwestern Broadcasting Co. and Odessa Broadcasting Co., heretofore scheduled to be heard on Jan. 21-24 be postponed until Feb. 11-12, to be heard in Dallas at a time and place to be determined by the Commission.

W1110—Miami Valley Broadcasting Corp., Dayton, Ohio—Granted petition for leave to intervene in the hearing on applications of Greater Peoria Broadcasters, Inc., et al., now scheduled to be held March 25-27 at Peoria.

The Kentucky Broadcasting Co., Lexington, Ky.—Granted petition to sever its application from the hearing docket in the proceedings involving applications of Scripps-Howard Radio, Inc., and Cleveland Broadcasting Co., Inc., both for Cleveland, scheduled for hearing on January 14.

KFRE—J. E. Rodman, Fresno, Cal.—Ordered that application for construction permit to increase power from 250 watts to 1 KW and change frequency from 1340 to 1060 kc, be designated for hearing in a consolidated proceeding with the application of KARM, The George Harm Station, a Corp., Fresno, Cal. (B5-P-3757)

KARM—The George Harm Station, a Corp., Fresno, Cal.—Ordered that the application of KARM to change frequency from 1430 to 1030 and make changes in the DA system, be designated for hearing in a consolidated proceeding with application of KFRE listed above. (B5-P-3784)

KFVS—Southern Ill. Broadcasting Co., Inc., Centralia, Ill.—and Oscar C. Hirsch, tr/as Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Ordered that application for construction permits to operate in their respective cities on the frequency 960 kc., 1 KW, unlimited time, be designated for hearing in a consolidated proceeding. (B4-P-4181) and (B4-P-4289)

WHEC—WHEC, Inc., Rochester, N. Y.—Denied petition to sever its application from a consolidated hearing with the applications of Albany Broadcasting Co. and Fort Orange Broadcasting Co., Inc., and grant its application without a hearing.

Mack Radio Sales Co., Camden, N. J.—Ordered that petition of Mack Radio Sales Co., intervenor in the proceeding in re applications of WTNJ, et al. (requesting that the Commission enter its order reopening the record in the matter of the application of City of Camden for renewal of license, setting the application for further hearing, and authorizing Mack Radio Sales Co. to adduce testimony concerning changes in conditions since Nov. 19, 1941), be held in abeyance pending submission by Mack Radio Sales Co. within 20 days from Jan. 16 of (1) a detailed tender of proof of events occurring after the close of hearings in this cause on Nov. 19, 1941, to be introduced in support of the allegations in the petition; and (2) a showing of the respects in which such evidence, if introduced at the reopened hearing, would be material and not merely cumulative, and would, if proved, substantially alter the Proposed Decision in this cause.

Palm Beach Broadcasting Corp., Palm Beach, Fla.—Granted authority to take depositions on January 29th, in re application for a new station.

City of Sebring, Fla., Sebring, Fla.—Granted petition for leave to take depositions on Feb. 2 in re application for new station.

News Journal Corp., Daytona Beach, Fla.—Granted petition requesting the designation of its application for a new station at Daytona Beach, 1340 kc., 250 watts, unlimited time, in a consolidated hearing with two other applications for the same frequency at Daytona Beach, to be held on February 16.

Upon consideration of a request from the National Foundation for Infantile Paralysis, Inc., the Commission has granted a waiver of the requirements of Section 3.406 of its Rules and Regulations respecting station identification announcements applicable to all stations carrying the broadcast commemorating the late President Roosevelt's birthday, to be broadcast from 11:15 p. m. to 12 midnight, on January 30, 1946.

(Continued on next page)



WLDS—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer (assignors) Milton Edge and Edgar J. Korsmeyer, d/b as Edge & Korsmeyer (assignees), Jacksonville, Ill.—Granted consent to voluntary assignment of license of Station WLDS from Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, to Milton Edge and Edgar J. Korsmeyer, d/b as Edge & Korsmeyer, for a consideration of \$12,000 to Hobart Stephenson for his one-third interest in the assignor partnership. (B4-AL-496)

Scripps-Howard Radio, Inc., Washington, D. C.—Granted motion to dismiss without prejudice application for new television station. (B1-PCT-98)

H. C. Winslow, Meadville, Pa.—Granted motion to acceptance of movant's late appearance in re application for new station.

Capitol Radio Corp., Des Moines, Iowa—Granted petition insofar as it requests leave to amend and remove application from hearing docket; accepted the amendment and removed application from hearing docket.

WGAC—Twin States Broadcasting Co., Augusta, Ga.—Granted petition for leave to intervene in the hearing on applications of Newberry Broadcasting Co., Newberry, S. C., and Robert Lex Easley, Laurens, S. C.

WOOP, Inc., Dayton, Ohio—Granted motion to take depositions in the hearing now scheduled for Feb. 4-15 on petitioner's application for a new station.

Crescent Broadcast Corp., Shenandoah, Pa.—Granted motion for leave to amend its application for new station, and the amendment filed was accepted.

Evan Evans, et al. d/b as Pottsville Radio Co. and John W. Grenoble et al. d/b as Miners Broadcasting Service, Pottsville, Pa.—Granted petition of Miners Broadcasting Service for leave to amend its application, accepted said amendment, and granted petition of Pottsville Radio Co. to dismiss without prejudice its application (Docket 7088).

## NOTICES OF HEARING MAILED BY DOCKET SECTION

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—1600 kc., 250 watts, unlimited.

NEW—Myron E. Kluge and Dean H. Wickstrom, a partnership d/b as Valley Broadcasting Co., Pomona, Calif.—1600 kc., 500 watts, unlimited.

NEW—Capitol Radio Corp., Des Moines, Iowa—1600 kc., 1 KW, unlimited.

NEW—Sabine Area Broadcasting Corp., Orange, Texas—1600 kc., 250 watts, unlimited.

NEW—WOOP, Inc., Dayton, Ohio—1600 kc., 5 KW, unlimited.

NEW—Charlotte Broadcasting Co., Charlotte, N. C.—1600 kc., 1 KW, unlimited DA-night and day.

NEW—Burlington-Graham Broadcasting Co., Burlington, N. C.—1600 kc., 500 watts night, 1 KW day, unlimited time.

NEW—McClatchy Broadcasting Co., Modesto, Calif.—1600 kc., 250 watts, unlimited.

NEW—United Broadcasting Co., Inc., Montgomery, Ala.—1600 kc., 1 KW, unlimited.

NEW—Roy A. Lundquist and D. G. Wilde, co-partners, d/b as The Skagit Valley Broadcasting Co., Mt. Vernon, Wash.—1600 kc., 250 watts, unlimited.

NEW—The Gazette Co., Cedar Rapids, Iowa—1600 kc., 5 KW, unlimited DA-night.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—1600 kc., 5 KW, unlimited DA-night and day.

NEW—San Joaquin Broadcasters, Inc., Modesto, Calif.—1600 kc., 250 watts, unlimited.

NEW—Piedmont Carolina Broadcasting Co., Inc., Reidsville, N. C.—1600 kc., 500 watts night, 1 KW day, unlimited time.

## APPLICATIONS FILED AT FCC

### 610 Kilocycles

NEW—KHTN, Inc., Houston, Texas (P. O. Temp. c/o Robert T. Bartley, 5148 Tilden St., N. W., Washington 16, D. C.—Construction permit for a new standard

broadcast station to be operated on 610 kc., power of 5 KW, directional antenna night and unlimited hours of operation.

WQXQ—Interstate Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new transmitter, make changes in antenna system and specify frequency as Ch. #249, 97.7 mc..

NEW (FM)—Royal Oak Broadcasting Co., Royal Oak, Mich. (P. O. 212 West Sixth St)—Construction permit for a new FM (community) broadcast station to be operated on frequency and coverage to be determined.

### 630 Kilocycles

KMAC—Howard W. Davis, tr/as The Walmac Company, San Antonio, Texas—Construction permit to change frequency from 1240 to 630 kc., increase power from 250 watts to 5 KW, install new transmitter and directional antenna for day and night use and change transmitter location.

### 980 Kilocycles

NEW—Skyland Broadcasting Corp., Dayton, Ohio—Construction permit for a new standard broadcast station to be operated on 980 kc., power of 1 KW night and 5 KW daytime and unlimited hours of operation, employing directional antenna for night use. Amended to change power to 5 KW day and night, change type of transmitter and changes in D.A. for day and night use.

### 1110 Kilocycles

NEW—Bay City Broadcasting Co., a partnership composed of J. A. Clements, T. C. Dodd and John George Long, Bay City, Texas—Construction permit for a new standard broadcast station to be operated on 1110 kc., power of 1 KW and unlimited hours of operation. Amended: to specify transmitter and studio location in Bay City, Texas and make changes in antenna.

### 1230 Kilocycles

NEW—Veterans' Broadcasting Co., a partnership composed of Max H. Jacobs, Douglas B. Hicks and Tom J. Harling, Jr., Houston, Texas (P. O. 305 Southern Standard Bldg.)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.

### 1370 Kilocycles

WDEF—WDEF Broadcasting Co., Chattanooga, Tenn.—Construction permit to change frequency from 1400 to 1370 kc., increase power from 250 watts day and night to 5 KW day and 1 KW night, install new transmitter and directional antenna for night use, and change transmitter location.

### 1390 Kilocycles

NEW—Blue Ridge Broadcasting Corp., Roanoke, Va.—Construction permit for a new standard broadcast station to be operated on 1390 kc., power of 1 KW, and unlimited hours of operation, employing directional antenna day and night. Amended to change frequency to 1490 kc., power to 250 watts, change type of transmitter and install vertical antenna and change transmitter location.

### 1400 Kilocycles

NEW—J. E. Richmond, Percy M. Whiteside, Homer W. Wood, Charles A. Whitmore and Morley M. Maddox d/b as Tulare-Kings Counties Radio Associates, S.W. of Visalia, Calif.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation. (Request of attorney.)

### 1460 Kilocycles

WACO—Frontier Broadcasting Co., Inc., Waco, Texas—Special service authorization to operate on 1460 kc. with power of 250 watts for a period of 90 days.

(Continued on next page)

## 1470 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Construction permit to change frequency from 1150 kc. to 1470 kc., and change hours of operation from daytime to unlimited time. Amended to request increase in power from 1 KW to 5 KW, install new transmitter and directional antenna for night use.

## 1570 Kilocycles

NEW—Herbert W. Brown and David A. Brown d/b as Central Valley Radio, Lodi, Calif.—Construction permit for a new standard broadcast station to be operated on 1570 kc., 250 watts power and daytime hours of operation. Amended re antenna changes.

## FM APPLICATIONS

- NEW—Agricultural and Mechanical College of Texas, College Station, Texas (P. O. College Station, Texas)—Construction permit for a new FM (Metropolitan) broadcast station with coverage of 7,860 square miles.
- NEW—Radio Station WBIR, Inc., Knoxville, Tenn.—Construction permit for a new FM (Metropolitan) broadcast station to be operated on 45.1 mc. with coverage of 3,230 square miles. Amended to change antenna system and transmitter location.
- NEW—Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley d/b as WAPO Broadcasting Service, Chattanooga, Tenn. (P. O. Read House, 9th & Broad Sts.)—Construction permit for a new FM (Metropolitan) broadcast station to be operated with coverage of 21,596 square miles.
- NEW—Dorothy S. Thackrey, San Francisco, Calif. (P. O. 75 West St., New York, N. Y.)—Construction permit for a new FM (Rural) broadcast station.
- NEW—Percy B. Crawford, Philadelphia, Penna.—Construction permit for a new FM (Metropolitan) broadcast station.
- NEW—KALE, Inc., Portland, Ore. (P. O. Box 31, Studio Bldg.)—Construction permit for a new FM (Metropolitan) broadcast station.
- NEW—Westinghouse Radio Stations, Inc., Portland, Ore. (P. O. 1619 Walnut St., Philadelphia, Pa.)—Construction permit for a new FM (Metropolitan) broadcast station.
- NEW (FM)—WSAZ, Inc., Huntington, W. Va. (P. O. 924½ Fourth Avenue)—Construction permit for a new FM (metropolitan) broadcast station.

## TELEVISION APPLICATIONS

- NEW—Columbia Broadcasting System, Inc., St. Louis, Mo.—Construction permit for a new experimental television broadcast station to be operated on 460-476 mc. Amended to change frequency to 480-496 mc.
- NEW—Intermountain Broadcasting Corp., Salt Lake City, Utah—Construction permit for a new commercial television broadcast station to be operated on Channel #2 (54-60 mc.), ESR 1060. Amended re antenna changes.
- NEW—National Broadcasting Co., Inc., Los Angeles, Calif.—Construction permit for a new commercial television broadcast station to be operated on Channel #4 (66-72 mc.), ESR 14,000. Amended to change transmitter location and antenna changes.
- NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new experimental television broadcast station to be operated on 460-476 mc. Amended to change frequency to 480-496 mc.
- NEW—Columbia Broadcasting System, Inc., Pasadena, Calif.—Construction permit for a new experimental television broadcast station to be operated on 460-476 mc. Amended to change frequency to 480-496 mc.
- NEW—WBEN, Inc., Buffalo, N. Y.—Construction permit for a new commercial television broadcast station to be operated on Channel #3 (60-66 mc.), ESR 1340. Amended to change frequency to Channel #4 (66-72 mc.).

- NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Construction permit for a new experimental television broadcast station to be operated on 460-476 mc. Amended to change frequency to 480-496 mc.
- NEW—Industrial Tool & Die Works, Inc., Minneapolis, Minn.—Construction permit for a new experimental television broadcast station to be operated on Channel #4 (78-84 mc.). (Request of attorney.)
- W9XZC—Zenith Radio Corporation, Chicago, Ill.—Modification of construction permit (B4-PVB-125 as modified) for a new experimental television broadcast station) for extension of completion date.
- NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new commercial television broadcast station to be operated on Channel #8 (186-192 mc.) with ESR of 721. (Request by applicant.)

## TELEVISION APPLICATIONS GRANTED

WCBW—Columbia Broadcasting System, Inc., New York City—Granted construction permit (B1-PCT-311), for authority to increase power by installing new tubes in the final amplifiers of both transmitters; effective radiated power (KW) 1.72 visual; 1.67 aural; effective antenna height above ground 937 visual, 965 aural.

## MISCELLANEOUS APPLICATIONS

- NEW—Radiophone Broadcasting Station WOPI, Inc., Area of Bristol, Tenn., and Bristol, Va.—Construction permit for a new relay broadcast station to be operated on 30.82, 33.74, 35.82 and 37.98 mc., power of 2 watts and A3 emission.
- NEW—Alamance Broadcasting Co., Inc., Area of Burlington, N. C.—Construction permit for a new relay broadcast station to be operated on 30.82, 33.74, 35.82 and 37.98 mc., power of 2 watts and A3 emission.
- W2XJC—Atlantic Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PEX-55 as modified, which authorized a new developmental broadcast station) for approval of transmitter site. (Request of attorney.)
- WABF—Metropolitan Television, Inc., New York, N. Y.—Construction permit to change type of transmitter and make changes in antenna system and specify frequency of Channel #53 (98.5 mc.).
- W4XCT—Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley d/b as WAPO Broadcasting Service, Chattanooga, Tenn.—Construction permit to change transmitter location and antenna system.
- WSXMY—Miami Valley Broadcasting Corp., Area of Dayton, Ohio—License to cover construction permit (B2-PEX-62) which authorized a new developmental broadcast station.
- WABC-FM—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to change type of transmitter and make changes in antenna system.
- WMVG—Jere N. Moore, Milledgeville, Ga.—Modification of construction permit (B3-P-3883) for approval of transmitter location, and antenna, changes in transmitting equipment and change studio location.
- WPTZ—Philco Radio & Television Corp., area of Philadelphia, Pa., and Portable-mobile—Modification of license to change corporate name to Philco Products, Incorporated. Also: W10XAF, W10XAE, W10XAD, W3XF, W3XAF, W3XE, W10XPC, W10XPI, W10XPB, W10XPA, W10XP, W3XPL, W3XPK, W3XPI, W3XPH, W3XPG, W3XPF, W3XPE, W3XPD.
- WSXGZ—Gus Zaharis, Jr., Charleston, W. Va.—License to cover C.P. (B2-PVB-103, as mod.) which authorized a new experimental television broadcast station.
- B5-PVB-161—Amended 11-23-45—The Times-Mirror Co., Pasadena, Calif.—Construction permit for a new experimental television broadcast station to be operated on Channel #4 (66-72 mc.).

(Continued on next page)



ated on 480-920 mc. with power of 500 watts for aural and 1 KW (peak) for visual. Amended: to change frequency from 480-920 mc. to 510-545, 700-735 and 885-920 mc., aural power from 500 watts to 5 KW and specify emission as A0, A3, A4, A5 and/or special (FM and pmls. type).

WBBM (FM)—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit to change type of transmitter and make changes in antenna system.

Sun Country Broadcast Co., Tucson, Ariz. (P. O. 74 E. Pierson St., Phoenix, Ariz.)—Construction permit for a new FM (metropolitan) broadcast station to be operated on frequency to be assigned by chief engineer of FCC and coverage not specified.

H. Dudley Swim, Twin Falls, Idaho (P. O. 113 Shoshone St. North)—Construction permit for a new FM broadcast station to be operated on 100 megacycles.

Birney Immes, Jr., Meridian, Miss. (P. O. Gilmer Hotel, Columbus, Miss.)—Construction permit for a new FM broadcast station to be operated on frequency to be assigned and coverage to be designated.

## 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.

**Martin J. Goldstein** and Isabelle Goldstein, trading as Realflex Products Co., 335 38th Street, Brooklyn, and 5216 Third Avenue, Brooklyn, selling and distributing automotive specialties, including spark plug cable sets, are charged in a complaint issued with misrepresentation. In addition the respondents are charged with having used the trade names of various well- and favorably-known concerns as names or designations for the respondents' products, among such trade names being those of the Champion Spark Plug Company, The Goodyear Tire and Rubber Company, and the Zenith Radio Corporation. (5413)

**Star Brush Mfg. Co. et al.**—Misuse of the word "bristle" in the labeling of paint and varnish brushes is alleged in a complaint against Star Brush Manufacturing Co., Inc., and its subsidiary, Whiting-Adams Co., Inc., both of Boston, and American Brush Co., Inc., Roxbury, Mass. Other respondents named in the complaint are Alex Schumann, Lawrence R. Schumann and Leroy E. Foulkrod, officers of Star Brush Manufacturing Co., Inc., and Whiting-Adams Co., Inc.; Frank L. Kozal, an official of Star Brush Manufacturing Co., Inc.; and Abraham Furst and Melvin Furst, officers of American Brush Co., Inc. (5412)

**Ronald Gage Davis**, trading as Spartan Company, 1428 West 28th Street, Minneapolis, engaged in assembling, selling and distributing novelties, among which is a game called "Checkmates," and Dorothy LeFold, sales manager for the

respondent Davis, having active charge of his advertising and other business activities, with an office at Room 1498, Merchandise Mart, Chicago, are charged in a complaint with misrepresentation. (5414)

### CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

### STIPULATION

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

**Sig Kosterlitz**, Hans Kosterlitz and Herbert A. Kosterlitz, trading as Regina Knit Sportswear Co., 310 W. Adams Street, Chicago, selling and distributing knit sportswear consisting principally of women's sweaters, have stipulated to cease and desist from use of the words "mohair" or "angora mohair" as designations for garments containing fibers other than mohair, and from the use of other words or terms of like meaning that tend to convey the impression that such garments are made of mohair; and from advertising, branding, labeling, invoicing or selling products composed in whole or in part of rayon without clearly disclosing, by use of the word "rayon," the fact that such products are composed of or contain rayon; and, when a product is composed in part of rayon and in part of fibers and materials other than rayon, from failing to disclose in immediate conjunction 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. (4132)

### FTC CASES CLOSED

The Federal Trade Commission has ordered that the case growing out of the complaint issued against Josten Manufacturing Co., Owatonna, Minn., and its directors be closed without prejudice to the right of the Commission to reopen the case and resume trial thereof in accordance with its regular procedure.

The complaint charged the respondents with misrepresentation in connection with the issuance of catalogs and price lists of jewelry and trophies.

This matter coming on for consideration by the Commission upon request of the respondents, and it appearing to the Commission that the respondents have expressed their intentions, in writing, to be bound by the Trade Practice Conference Rules promulgated for the Catalog Jewelry and Giftware Industry on December 23, 1943, and that they have furnished satisfactory evidence of such intention, the Commission ordered the case closed without prejudice as above stated.

The Commission has also dismissed without prejudice the case growing out of its complaint against Max Rabinowitz, alias M. J. Roberts, and Irving Alinkofsky, alias Irving Alin, trading as Orco Case Co., formerly at 15 East 40th Street, New York.

The respondents formerly engaged in the sale of luggage and giftware and were charged in the complaint with misrepresenting the prices of their products. The case was closed because the business conducted by the respondents has been discontinued and there is no indication that it will be resumed.