

Engineering

NARBA CONFERENCE IN PROGRESS

The North American Regional Broadcasting Engineering Conference opened its scheduled meeting (see NAB REPORTS, p. 56) in Washington on Monday (4). Sessions are continuing this week.

FCC Commissioner E. K. Jett was elected Permanent Chairman.

A welcoming address was delivered by Mr. Francis Colt deWolf, chief of the Telecommunications Division of the Department of State.

A general desire to renew the agreement was expressed by all the nations involved, with the exception of Cuba, whose delegates indicated that they wished to examine certain phases of the situation in closer detail. NAB President Justin Miller has issued invitations to all delegates and others concerned in the Conference to attend a reception at which NAB will act as host. T. A. M. Craven, Cowles Radio Station, is representing the NAB.

Further developments will be given in next week's REPORTS.

Broadcast Advertising

HOW MANY FOR HOW MUCH?

The NAB cost comparison presentation, "How Many for How Much" is making quite an impression in advertising circles around the nation.

Herewith are excerpts of a review by Don Pitt of the presentation appearing in *Ad Age* (Jan. 14 issue), the official publication of the San Francisco Advertising Club:

"Radio reared up and answered back last week, after twenty years' silence on the question of competitive costs in national advertising, when the visual presentation, 'How Many for How Much' was simultaneously tossed like an atomic bomb into advertising circles here and in New York.

"Springing a New Year's surprise at last Wednesday's meeting, Frank E. Pellegrin, Director of Broadcast Advertising, National Association of Broadcasters, switched from the milder topic, 'The Contrast Between American and European Radio' to a graphic presentation of what a radio dollar buys today, and revealed at its first public showing the rebuttal by organized radio to the claims of newspaper and magazine advertising.

"Radio has not talked much about competition in the last twenty years," said Pellegrin, "Choosing rather to tell its

own hows and wherefores.' He said that six months ago radio was prodded into action after a Media Men's Club of New York heard presentations by newspapers and magazines and asked radio to reply. 'We didn't bring it up,' Pellegrin smiled, 'We were invited—and here it is!' "Ten years ago the national advertising box score read: Newspapers 42%, Magazines 32%, Radio 17%, and others 9%.

Score Today

"The scoreboard now places them like this: Magazines 34%, RADIO 33% and Newspapers 24%, others 9%.

Newspapers Taken Apart

"Underscoring the story with graphic visual charts, he related how full major network advertising was now delivered a potential of 28,135,000 families versus newspaper's 19,901,375. Even though he conceded that newspapers could assure that their ads were noted by 3,184,000 families against the networks' 2,982,000, radio was delivering that advertising at a cost of \$5.30 per thousand families to newspapers' \$8.21, a saving of 45%.

"It was the sort of presentation that called all the plays and had many Ad Clubbers wide-eyed. Radio men were lamenting that the surprise staging of the story hadn't given them an opportunity to fill the hall with clients. 'We could have jammed it to the walls,' they were saying on the way out.

Round Two: Magazines

"Four major women's magazines with a combined circulation of 13,750,000 with 43% noting the ads, came up with an average advertising cost per thousand families of \$7.20—against radio's \$5.30. Then a broad base of four weekly magazines, *Life*, *Saturday Evening Post*, *Collier's* and *Liberty*, entered the ring with a circulation of 11,323,024, to be left-jabbed by Pellegrin with a cost-comparative of \$8.75 against radio's \$5.30 per thousand families.

How Many?

"He finally punched home 'How Many for How Much?' with the conclusion that an advertising dollar now buys 189 families via radio, 139 through women's magazines, 122 through newspapers and 114 through the four named weeklies.

Rebuttal?

"We asked Mr. Pellegrin afterwards if newspapers and magazines had had an opportunity for rebuttal, since this was the first public showing of his data, to which he replied: 'Rebuttal? This is it! WE'RE answering THEM. If you mean re-rebuttal, I expect they will have their chance.'

NAB Headquarters Besieged

J. Allen Brown, Assistant Director of Broadcast Advertising, reveals that while Mr. Pellegrin has been making the presentation on the tour of NAB district meetings, headquarters in Washington have been besieged with

(Continued on next page)

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

Robert T. Bartley, *Director of FM Dept. and Government Relations*; John Morgan Davis, *General Counsel*; Willard D. Egolf, *Special Counsel*; Howard S. Frazier, *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*.

requests for this particular presentation. Plans for a brochure on the comparison will be taken up when Mr. Pellegrin returns to Washington soon.

F-M Department

ALLOCATION BULLETIN 19 ON WAY

Special Allocation Hearings Bulletin No. 19 is being printed and will soon be mailed to NAB members.

Bulletin 19 contains the testimony given before the Commission in a hearing held Jan. 18-19, 1945, to determine whether frequencies in the 42 to 50 megacycle band should be set aside for FM broadcast in addition to the assignment already made to FM in the 88 to 108 megacycles band.

Since the issuance of Special Allocation Hearings Bulletin No. 18, which was mailed to NAB members on Aug. 31, 1945, with an announcement that it would conclude the series, further hearings have been held by the Commission.

So that you may have available a complete record of the testimony, with its valuable technical information, we are continuing with bulletin No. 19. Other bulletins may follow.

CONFERENCES ON ENGINEERING DETAILS OF FM APPLICATIONS

In reviewing the engineering details of FM broadcast applications, including those conditionally granted and those still pending, and in preparing for the issuance of construction permits, the Commission has found a number of instances where the proposed service area appears to be inconsistent with the plan of allocation of metropolitan and rural FM channels. In some cases, the proposed equipment appears to make inadequate use of the channels. Since the majority of pending applications were filed prior to the present FM rules, or are otherwise incomplete concerning proposed service areas, additional data is often required by the Commission in determining the appropriate service areas to be established for the cities concerned.

In order to obtain more information on this subject and to make the best use of the FM band, the Commission will hold informal conferences with grantees and applicants. In cases where sufficient information is on file for the Commission to proceed, construction permits will be issued without the need for conferences. The Commission will request conferences where necessary as rapidly as its work load permits.

Programming

WAC-PUBLIC INTEREST ALLOCATIONS WEEK OF FEBRUARY 17-24

NAB is cooperating with the War Advertising Council, to which it is a contributing member, in providing an orderly coordination for the furtherance of radio projects in the public interest, both governmental and non-governmental.

The cooperative effort is further extended by close liaison with the Media Department of the Office of War Mobilization and Reconversion. In the NAB WEEKLY REPORTS will be published a list of both national and regional allocations, together with pertinent background material which will help program managers quickly determine the best means of programming these important messages.

For the week of February 17-24, National Brotherhood Week holds the spotlight.

Proclaimed annually by the President of the United States, Brotherhood Week is observed throughout the nation as a pledge to unity and to the recognition of the dignity and rights of each individual, whatever his race, creed, or national background. Brotherhood Week is sponsored by the National Conference of Christians and Jews, and has been supported by such men as Newton D. Baker, Basil O'Connor, Harold Stassen, Edward Stettinius, Thomas Lamont, Thomas J. Watson, William Green, Philip Murray, Eric Johnston, Paul G. Hoffman, Myron C. Taylor, Albert D. Lasker, Cleveland E. Dodge, General Jonathan Wainwright. Since 1928 the Conference has carried on a community program to diminish hate and prejudice, and build avenues of inter-faith and inter-group cooperation. The goal is the cultivation by Americans of the "practice of brotherhood"—the total elimination of group hatreds which kill the democratic spirit. Local committees will recruit individual Americans to pledge themselves to take a definite stand for brotherhood. State governors and local mayors and city and county officials will participate in nation-wide observances. This year, when the atomic bomb has underlined the indispensability of brotherhood for the survival of the human race, Brotherhood Week stresses the principle of "teamwork—in peace as in war" under the slogan "Join the American Brotherhood." If Americans have sufficient good-will and the disposition to work together, they can solve any postwar problem that may arise.

IMPORTANT REMINDER:

ANNUAL MEETING, AWD, MARCH 15-17

Station managers are urged to send their women staff members to a three-day conference, March 15th through 17th, Hotel Roosevelt, New York City, as announced last week. Top-flight executives of major industries and agencies, such as the Grocery Manufacturers of America, the Needlecraft Bureau, the Pan-American Coffee Bureau, the Millinery Fashion Bureau, J. Walter Thompson, N. W. Ayer, and the Good Housekeeping Institute, will entertain the delegates as well as furnish them with valuable information. The annual business meeting will be addressed by NAB and agency executives. On March 16th, their annual campaign will be launched—"Women's Responsibility in the Communicative Arts." Awards will be made to four outstanding women in other media. Walter Lippmann will address the luncheon and a panel of national women commentators will discuss "How Does Radio Sell Ideas?" Dr. Lyman Bryson will be moderator. Workshops and round-tables are also scheduled.

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This is the first national meeting of AWD in four years. Rooms for the first fifty women who register have been set aside by the Roosevelt Hotel. Some of the dinners and luncheons must be limited in number so the first persons making reservations will be assigned. Act now—this is an important event for radio—an opportunity to bring prestige to your station and colorful material to your program content.

HOAX PROGRAM SCARES PARIS

Reminiscent of the famous Orson Welles 1937 Invasion from Mars program, France's official radio network went on the air Monday (4) with an atomic-bomb-scare program that reduced Paris to a state of near-terror, and which has resulted in demands for resignation of the director by an indignant French press.

The program was built around supposed A-bomb experiments in America. The professor carrying on the experiments was said to have lost control of his apparatus and the French were warned that a wave of atomic disintegration was rolling over the Atlantic toward France.

An announcement followed stating that the whole thing was a joke, and that a Jean Noyer was the perpetrator. Subsequent periodic announcements failed to dispel the fears of the populace.

Later, an irritated mob invaded the streets and the radio headquarters had to be protected by the Army.

MINE SAFETY E.T. SERIES PLANNED

A transcribed series on mine safety is planned by the Bureau of Mines since several fatal disasters in coal mining areas indicate the need for a better understanding of safety measures. Willett Kempton, director of the Radio Section of the Department of the Interior, wrote broadcasters in 50 coal mine communities last week to ascertain their preferences for the format of such a series.

"The Bureau of Mines has made safety material available to mining areas for 35 years," Mr. Kempton pointed out, "but never before has it attempted to circulate this information through a radio series. In planning such a program, this bureau of the Interior Department wants the advice of broadcasters in the communities involved; with it, we can produce a series of maximum usefulness to the stations and to all listeners concerned with coal mining."

The question of sponsorship for the new Government series, will be "up to the individual stations," Kempton said. "The important thing is to reach listeners who are most directly concerned with the number of fatalities and the human and economic waste which result from mine

disasters. Whether the story of mine safety is aired as a sustainer or booked commercially is of little moment to the Department of the Interior."

Legal

NAB INTERVENES IN TAX PROBLEM

Dealing with a proposal that generally would involve any station which was incorporated in 1936-1939 but which did not commence business until 1940, Don E. Petty, NAB General Counsel, has presented to the Joint Committee on Internal Revenue Taxation for Post-War Taxation at the Hearings on Section 722 of the Internal Revenue Code on Tuesday (7) the following statement:

MR. CHAIRMAN, GENTLEMEN:

I am Don Petty, of Washington, D. C., General Counsel of the National Association of Broadcasters, appearing on behalf of the members of that Association.

Problem: A corporation organized during 1939 but which did not commence business until after January 1, 1940, is excluded from relief under Section 722.

(a) Section 722 (B) (4) applies only to taxpayers who "... either during or immediately prior to the base period, commenced business ..." (Underlining ours). The Bureau of Internal Revenue in its Bulletin on Section 722 at pages 44 and 45 has construed literally the statutory word "commenced" (as distinguished from "in existence" or "mere organizational activities such as incorporation or the issuance of capital stock").

(b) In its Bulletin, at page 130, the Bureau limits Section 722 (C) to "Domestic Corporations coming into existence after December 31, 1939 ..." (Underlining ours). Hence, a corporation in existence, i. e., organized prior to December 31, 1939, cannot qualify under this Section.

Recommendation: It is recommended that the hiatus existing in Section 722 be removed by amending said Section so that there will not be discrimination against corporations organized "during or immediately prior to the base period," i. e., prior to December 31, 1939, but which do not commence business until after January 1, 1940.

THE ESQUIRE CASE AND FREE SPEECH

Because the recent decision of the Supreme Court in connection with the *Esquire Magazine* case bears pertinently on the whole subject of free speech, below is reprinted in full the text of that decision for the information and guidance of the membership:

(Continued on next page)

DISTRICT MEETINGS AHEAD

11th District	March 18-19	Rodisson Hotel	Minneapolis, Minn.
8th District	March 21-22	Pontlind Hotel	Grand Rapids, Mich.
9th District	March 25-26	Palmer House	Chicago, Illinois
7th District	March 28-29	Gibson Hotel	Cincinnati, Ohio
4th District	April 11-12	Covolier Hotel	Virginia Beach, Va.
2nd District	April 25-26	Roosevelt Hotel	New York, N. Y.
5th District	April 29-30	San Carlos Hotel	Pensacola, Florida
1st District	May 13-14	Hotel Statler	Boston, Massachusetts
3rd District	May 16-17	Bellevue Stotford Hotel	Philadelphia, Pa.

SUPREME COURT OF THE UNITED STATES

No. 399.—OCTOBER TERM, 1945.

ROBERT E. HANNEGAN, as Postmaster General of the United States, *Petitioner*,

vs.

ESQUIRE, INC.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

[February 4, 1946.]

Mr. Justice DOUGLAS delivered the opinion of the Court.

Congress has made obscene material nonmailable (35 Stat. 1129, 18 U. S. C. § 334), and has applied criminal sanctions for the enforcement of that policy. It has divided mailable matter into four classes, periodical publications constituting the second class.¹ § 7 of the Classification Act of 1879, 20 Stat. 358, 43 Stat. 1067, 39 U. S. C. § 221. And it has specified four conditions upon which a publication shall be admitted to the second-class. § 14 of the Classification Act of 1879, 20 Stat. 358, 48 Stat. 928, 39 U. S. C. § 226. The Fourth condition, which is the only one relevant here,² provides:

"Except as otherwise provided by law, the conditions upon which a publication shall be admitted to the second class are as follows . . . Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers. Nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates."

Respondent is the publisher of *Esquire Magazine*, a monthly periodical which was granted a second-class permit in 1933. In 1943, pursuant to the Act of March 3, 1901, 31 Stat. 1107, 39 U. S. C. § 232, a citation was issued to respondent by the then Postmaster General (for whom the present Postmaster General has now been substituted as petitioner) to show cause why that permit should not be suspended or revoked.³ A hearing was held before a board designated by the then Postmaster General.⁴ The board recommended that the permit not be revoked. Petitioner's predecessor took a different view. He did not find that *Esquire Magazine* contained obscene material and therefore was nonmailable. He revoked its second-class permit because he found that it did not comply with the Fourth condition. The gist of his holding is contained in the following excerpt from his opinion:

"The plain language of this statute does not assume that a publication must in fact be 'obscene' within the intendment of the postal obscenity statutes before it can be found not to be 'originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry.'"

"Writings and pictures may be indecent, vulgar, and risqué and still not be obscene in a technical sense. Such writings and pictures may be in that obscure and treacherous borderland zone where the average person

hesitates to find them technically obscene, but still may see ample proof that they are morally improper and not for the public welfare and the public good. When such writings or pictures occur in isolated instances their dangerous tendencies and malignant qualities may be considered of lesser importance.

"When, however, they become a dominant and systematic feature they most certainly cannot be said to be for the public good, and a publication which uses them in that manner is not making the 'special contribution to the public welfare' which Congress intended by the Fourth condition.

"A publication to enjoy these unique mail privileges and special preferences is bound to do more than refrain from disseminating material which is obscene or bordering on the obscene. It is under a positive duty to contribute to the public good and the public welfare."

Respondent thereupon sued in the District Court for the District of Columbia to enjoin the revocation order. The parties stipulated at a pre-trial conference that the suit would not be defended on the ground that *Esquire Magazine* was obscene or was for any other reason nonmailable.⁵ The District Court denied the injunction and dismissed the complaint. 55 F. Supp. 1015. The Court of Appeals reversed. 151 F. 2d 49. The case is here on a petition for a writ of certiorari which we granted because of the importance of the problem in the administration of the postal laws.

The issues of *Esquire Magazine* under attack are those for January to November inclusive of 1943. The material complained of embraces in bulk only a small percentage of those issues.⁶ Regular features of the magazine (called "The Magazine for Men") include articles on topics of current interest, short stories, sports articles or stories, short articles by men prominent in various fields of activities, articles about men prominent in the news, a book review department headed by the late William Lyon Phelps, a theatrical department headed by George Jean Nathan, a department on the lively arts by Gilbert Seldes, a department devoted to men's clothing, and pictorial features, including war action paintings, color photographs of dogs and water colors or etchings of game birds and reproductions of famous paintings, prints and drawings. There was very little in these features which was challenged. But petitioner's predecessor found that the objectionable items, though a small percentage of the total bulk, were regular recurrent features which gave the magazine its dominant tone or characteristic. These include jokes, cartoons, pictures, articles, and poems. They were said to reflect the smoking-room type of humor, featuring, in the main, sex. Some witnesses found the challenged items highly objectionable, calling them salacious and indecent. Others thought they were only racy and risqué. Some condemned them as being merely in poor taste. Other witnesses could find no objection to them.

An examination of the items makes plain, we think, that the controversy is not whether the magazine publishes "information of a public character" or is devoted to "literature" or to the "arts". It is whether the contents are "good" or "bad". To uphold the order of revocation would, therefore, grant the Postmaster General a power of censorship. Such a power is so abhorrent to our traditions that a purpose to grant it should not be easily inferred.

The second-class privilege is a form of subsidy.⁷ From the beginning Congress has allowed special rates to certain classes of publications. The Act of February 20, 1792, 1 Stat. 232, 238, granted newspapers a more favorable rate. These were extended to magazines and pamphlets by the Act of May 8, 1794, 1 Stat. 354, 362. Prior to the Classification Act of 1879, periodicals were put into the second-class,⁸ which by the Act of March 2, 1863, 12 Stat. 701,

⁵ It was not contended that *Esquire Magazine* does not comply with the first three conditions of 39 U. S. C. § 226, set forth in note 2, *supra*.

⁶ Items taking up a part or all of 86 pages out of a total of 1972 pages.

⁷ It was found to be worth \$500,000 a year to *Esquire Magazine*. "A newspaper editor fears being put out of business by the administrative denial of the second-class mailing privilege much more than the prospect of prison subject to a jury trial." Chafee, *Freedom of Speech* (1920), p. 199.

⁸ Rates on periodicals, designed primarily for advertising purposes or for free circulation, were increased by the Act of July 12, 1876, 19 Stat. 78, 82.

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¹ "mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in sections twelve and fourteen." § 10 of the Classification Act of 1879, 20 Stat. 358, 39 U. S. C. § 224. For other periodical publications which are included in second-class matter, see 37 Stat. 550, 39 U. S. C. § 229; 31 Stat. 660, 39 U. S. C. § 230.

² The first three conditions are:

"First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively. Second. It must be issued from a known office of publication. Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided*, That publications produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting shall not be regarded as printed within the meaning of the clause."

³ Sec. 1 of that Act provides:

"When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested."

⁴ See 7 Fed. Reg. 3001.

705, included "all mailable matter exclusively in print, and regularly issued at stated periods, without addition by writing, mark, or sign." That Act plainly adopted a strictly objective test and left no discretion to the postal authorities to withhold the second-class privilege from a mailable newspaper or periodical because it failed to meet some standard of worth or value or propriety. There is nothing in the language or history of the Classification Act of 1879 which suggests that Congress in that law made any basic change in its treatment of second-class mail, let alone such an abrupt and radical change as would be entailed by the inauguration of even a limited form of censorship.

The postal laws make a clear-cut division between mailable and nonmailable material. The four classes of mailable matter are generally described by objective standards which refer in part to their contents, but not to the quality of their contents.⁹ The more particular descriptions of the first,¹⁰ third,¹¹ and fourth¹² classes follow the same pattern, as do the first three conditions specified for second-class matter.¹³ If, therefore, the Fourth condition is read in the context of the postal laws of which it is an integral part, it, too, must be taken to supply standards which relate to the format of the publication and to the nature of its contents, but not to their quality, worth, or value. In that view, "literature" or the "arts" mean no more than productions which convey ideas by words, pictures, or drawings.

If the Fourth condition is read in that way, it is plain that Congress made no radical or basic change in the type of regulation which it adopted for second-class mail in 1879. The inauguration of even a limited type of censorship would have been such a startling change as to have left some traces in the legislative history. But we find none. Congressman Money, a member of the Postal Committee who defended the bill on the floor of the House, stated that it was "nothing but a simplification of the postal code. There are no new powers granted to the Department by this bill, none whatever." 8 Cong. Rec. 2134. The bill contained registration provisions which were opposed on the ground that they might be the inception of a censorship of the press. *Id.*, p. 2137. These were deleted. *Id.*, pp. 2137, 2138. It is difficult to imagine that the Congress, having deleted them for fear of censorship, gave the Postmaster General by the Fourth condition discretion to deny periodicals the second-class rate, if in his view they did not contribute to the public good. Congress Money indeed referred to "the daily newspapers, with their load of gossip and scandal and every-day topics that are floating through the press" as being entitled without question to the second-class privilege. *Id.*, p. 2135. To the charge that the bill imposed a censorship, he pointed out that it only withheld the privileged rate from publications "made up simply of advertising concerns not intended for public education"; and added:

⁹ Sec. 7 of the Classification Act of 1879, as amended, 39 U. S. C. § 221 provides:

"Mailable matter shall be divided into four classes:

"First, written matter;

"Second, periodical publications;

"Third, miscellaneous printed matter and other mailable matter not in the first, second, or fourth classes;

"Fourth, merchandise and other mailable matter weighing not less than eight ounces and not in any other class."

¹⁰ First class. "Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing . . ." 39 U. S. C. § 222.

¹¹ Third Class. "Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products) and all other mailable matter not included in the first or second class, or in the fourth class . . ." 39 U. S. C. § 235.

¹² Fourth class. "Mail matter of the fourth class shall weigh in excess of eight ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 235 of this title, not exceeding eleven pounds in weight, nor greater in size than seventy-two inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery." 39 U. S. C. § 240.

¹³ See note 2, *supra*.

"We know the reason for which papers are allowed to go at a low rate of postage, amounting almost to the franking privilege, is because they are the most efficient educators of our people. It is because they go into general circulation and are intended for the dissemination of useful knowledge such as will promote the prosperity and the best interests of the people all over the country. Then all this vast mass of matter is excluded from that low rate of postage. I say, instead of being a censorship upon the press, it is for the protection of the legitimate journals of the country." *Id.*, 2135.

The policy of Congress has been clear. It has been to encourage the distribution of periodicals which disseminated "information of a public character" or which were devoted to "literature, the sciences, arts, or some special industry," because it was thought that those publications as a class contributed to the public good.¹⁴ The standards prescribed in the Fourth condition have been criticized, but not on the ground that they provide for censorship.¹⁵ As stated by the Postal Commission of 1911, H. Doc. 559, 62nd Cong., 2d Sess., p. 142:

"The original object in placing on second-class matter a rate far below that on any other class of mail was to encourage the dissemination of news and of current literature of educational value. This object has been only in part attained. The low rate has helped to stimulate an enormous mass of periodicals, many of which are of little utility for the cause of popular education. Others are of excellent quality, but the experience of the post office has shown the impossibility of making a satisfactory test based upon literary or educational values. To attempt to do so would be to set up a censorship of the press. Of necessity the words of the statute—'devoted to literature, the sciences, arts, or some special industry'—must have a broad interpretation."

We may assume that Congress has a broad power of classification and need not open second-class mail to publications of all types. The categories of publications entitled to that classification have indeed varied through the years.¹⁶ And the Court held in *Ex parte Jackson*, 96 U. S. 727, that Congress could constitutionally make it a crime to send fraudulent or obscene material through the mails. But grave constitutional questions are immediately raised once it is said that the use of the mails is a privilege which may be extended or withheld on any grounds whatsoever. See the dissents of Mr. Justice Brandeis and Mr. Justice Holmes in *Milwaukee Publishing Co. v. Burleson*, 255 U. S. 407, 421-423, 430-432, 437-438. Under that view the second-class rate could be granted on condition that certain economic or political ideas not be disseminated. The provisions of the Fourth condition would have to be far more explicit for us to assume that Congress made such a radical departure from our traditions¹⁷ and undertook to clothe the

¹⁴ See *Lewis Publishing Co. v. Morgan*, 229 U. S. 288, 301; Annual Report of Postmaster General (1892), p. 71.

¹⁵ See Report of the Postal Commission of 1906, H. Doc. 608, 59th Cong., 2d Sess., pp. xxxvi-xxxvii.

"But in what way can it be said that a requirement that a certain printed matter should be 'devoted to literature' serves to mark it off from anything else that can be put into print. There is practically no form of expression of the human mind that can not be brought within the scope of 'public information,' 'literature, the sciences, art, or some special industry.' It would have been just as effective and just as reasonable for the statute to have said, 'devoted to the interests of humanity,' or 'devoted to the development of civilization,' or 'devoted to human intellectual activity.'"

"The prime defect in the statute is, then, that it defines not by qualities but by purposes, and the purpose described is so broad as to include everything and exclude nothing."

"With the exception of a few instances where the publication has been excluded because the information was deemed not to be public, no periodical has ever been classified by the application of tests of this kind. Any attempt to apply them generally would simply end in a press censorship."

¹⁶ As we have seen, the Fourth condition bars admission to second-class privileges of publications "designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates." Publications of state departments of agriculture were not granted the special rate until the Act of June 6, 1900, 31 Stat. 660, 39 U. S. C. § 230. And that was not done for publications of benevolent and fraternal societies, of institutions of learning, trade unions, strictly professional, literary, historical and scientific societies until the Act of August 24, 1912, 37 Stat. 550, 39 U. S. C. § 229.

¹⁷ See *Deutsch, Freedom of the Press and of the Mails*, 36 Mich. L. Rev. 703, 715-727.

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Postmaster General with the power to supervise the tastes of the reading public of the country.¹⁸

It is plain, as we have said, that the favorable second-class rates were granted periodicals meeting the requirements of the Fourth condition, so that the public good might be served through a dissemination of the class of periodicals described. But that is a far cry from assuming that Congress had any idea that each applicant for the second-class rate must convince the Postmaster General that his publication positively contributes to the public good or public welfare. Under our system of government there is an accommodation for the widest varieties of tastes and ideas.¹⁹ What is good literature, what has educational value, what is refined public information, what is good art, varies with individuals as it does from one generation to another. There doubtless would be a contrariety of views²⁰ concerning Cervantes' *Don Quixote*, Shakespeare's *Venus & Adonis*, or Zola's *Nana*. But a requirement that literature or art conform to some norm prescribed by an official smacks of an ideology foreign to our system. The basic values implicit in the requirements of the Fourth condition can be served only by uncensored distribution of literature. From the multitude of competing offerings the public will pick and choose. What seems to one to be trash may have for others fleeting or even enduring values. But to withdraw the second-class rate from this publication today because its contents seemed to one official not good for the public would sanction withdrawal of the second-class rate tomorrow from another periodical whose social or economic views seemed harmful to another official. The validity of the obscenity laws is recognition that the mails may not be used to satisfy all tastes, no matter how perverted. But Congress has left the Postmaster General with no power to prescribe standards for the literature or the art which a mailable periodical disseminates.

This is not to say that there is nothing left to the Postmaster General under the Fourth condition. It is his duty to "execute all laws relative to the Postal Service." Rev. Stat. § 396, 5 U. S. C. § 369. For example, questions will arise as they did in *Houghton v. Payne*, 194 U. S. 88; *Bates & Guild Co. v. Payne*, 194 U. S. 106, and *Smith v. Hitchcock*, 226 U. S. 53, whether the publication which seeks the favorable second-class rate is a periodical as defined in the Fourth condition or a book or other type of

¹⁸ When Congress has been concerned with the content of matter passing through the mails, it has enacted criminal statutes making, for example, obscene material (35 Stat. 1129, 18 U. S. C. § 344), fraudulent material (35 Stat. 1130, 18 U. S. C. § 338), and seditious literature (40 Stat. 230, 18 U. S. C. § 334) nonmailable in any class. And it has granted the Postmaster General power to refuse to deliver mail for any person whom he finds to be using the mails in conducting lotteries or fraudulent schemes. Rev. Stat. 3929, 39 U. S. C. § 259.

But that power has been zealously watched and strictly confined. See, for example, S. Rep. 118, 24th Cong., 1st Sess., reporting adversely on the recommendation of President Jackson that a law be passed prohibiting the use of the mails for the transmission of publications intended to instigate the slaves to insurrection. It was said, p. 3:

"But to understand more fully the extent of the control which the right of prohibiting circulation through the mail would give to the Government over the press, it must be borne in mind, that the power of Congress over the Post Office and the mail is an exclusive power. It must also be remembered that Congress, in the exercise of this power, may declare any road or navigable water to be a post road; and that, by the act of 1825, it is provided 'that no stage, or other vehicle which regularly performs trips on a post road, or on a road parallel to it, shall carry letters.' The same provision extends to packets, boats, or other vessels, on navigable waters. Like provision may be extended to newspapers and pamphlets; which, if it be admitted that Congress has the right to discriminate in reference to their character, what papers shall or what shall not be transmitted by the mail, would subject the freedom of the press, on all subjects, political, moral, and religious, completely to its will and pleasure. It would, in fact, in some respects, more effectually control the freedom of the press than any seditious law, however severe its penalties. The mandate of the Government alone would be sufficient to close the door against circulation through the mail, and thus, at its sole will and pleasure, might intercept all communications between the press and the people . . ."

¹⁹ "The foolish judgments of Lord Eldon about one hundred years ago, proscribing the works of Byron and Southey, and the finding by the jury under a charge by Lord Denman that the publication of Shelley's 'Queen Mab' was an indictable offense are a warning to all who have to determine the limits of the field within which authors may exercise themselves." *United States v. One Book Entitled Ulysses*, 72 F. 2d 705, 708.

²⁰ In the present case petitioner's predecessor said in his report: "when the polls of public opinion submitted by the publication are examined, it is found that these pictures were characterized as obscene or indecent by 19 to 22% of the persons interviewed, and that 20 to 26% of the persons polled would object to having them in their homes."

publication. And it may appear that the information contained in a periodical may not be of a "public character." But the power to determine whether a periodical (which is mailable) contains information of a public character, literature or art does not include the further power to determine whether the contents meet some standard of the public good or welfare.

Affirmed.

Mr. Justice JACKSON took no part in the consideration or decision of this case.

SUPREME COURT OF THE UNITED STATES

No. 399.—OCTOBER TERM, 1945.

ROBERT E. HANNEGAN, as Postmaster General of the United States, *Petitioner*,
vs.

ESQUIRE, INC.

[February 4, 1946.]

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

Mr. Justice FRANKFURTER, concurring.

The case lies within very narrow confines. The publication under scrutiny is a periodical. It is therefore entitled to the special rates accorded by Congress provided it is published "for the dissemination of information of a public character, or devoted to literature, the sciences, art . . ." If it be devoted to "literature" it becomes unnecessary to consider how small an infusion of "information of a public character" entitles a periodical to the second-class mail rates when the bulk of its contents would not otherwise satisfy the Congressional conditions.

Congress has neither defined its conception of "literature" nor has it authorized the Postmaster General to do so. But it has placed a limitation upon what is to be deemed "literature" for a privilege which the Court rightly calls a form of subsidy. Matters that are declared nonmailable (Criminal Code § 211; 35 Stat. 1129, 36 Stat. 1339; 18 U. S. C. § 334) are of course not "literature" within the scope of the second-class privilege. But the Postmaster General does not contend that the periodical with which we are concerned was nonmailable. He merely contends that it was not devoted to the kind of "literature" or "art" which may claim the subsidy of second-class matter. But since Congress has seen fit to allow "literature" conveyed by periodicals to have the second-class privilege without making any allowable classification of "literature," except only that nonmailable matter as defined by § 211 of the Criminal Code is excluded, the area of "literature, the sciences, arts" includes all composition of words, pictorial representation, or notations that are intelligible to any portion of the population, no matter whether their appeal is extensive or esoteric. Since the Postmaster General disavows the nonmailability of the issues of the periodical he had before him and since Congress did not qualify "literature, the sciences, arts" by any standards of taste or edification or public elevation, the Postmaster General exceeded his powers in denying this periodical a second-class permit.

It seems to me important strictly to confine discussion in this case because its radiations touch, on the one hand, the very basis of a free society, that of the right of expression beyond the conventions of the day, and, on the other hand, the freedom of society from constitutional compulsion to subsidize enterprise, whether in the world of matter or of mind. While one may entirely agree with Mr. Justice Holmes, in *Leach v. Carlike*, 258 U. S. 138, 140, as to the extent to which the First Amendment forbids control of the post so far as sealed letters are concerned, one confronts an entirely different set of questions in considering the basis on which the Government may grant or withhold subsidies through low postal rates, and huge subsidies, if one is to judge by the glimpse afforded by the present case. It will be time enough to consider such questions when the Court cannot escape decision upon them.

District Meetings

13TH DISTRICT

The 13th District Meeting was held in Dallas Jan. 31, Feb. 1, with Director Martin B. Campbell, WFAA presiding. An address by President Justin Miller was followed by discussions on all phases of industry matters.

Unanimous approval of the program outlined by President Miller for the industry was expressed by attending members, who commended the Board of Directors on his selection to head the NAB.

Members of the 13th District urged all stations within the District to become members of BMB, and further urged BMB to continue its periodic station coverage studies.

Continuance of full active support of BMI was pledged.

Following are the resolutions adopted, and a list of those who attended the two-day meeting:

WHEREAS, the Board of Directors of the National Association of Broadcasters has elected the Honorable Justin Miller as President for a five-year term beginning October 1, 1945, and

WHEREAS, the outcome of plans and objectives of the Association as presented to the Broadcasters of the 13th District by the said Justin Miller represent a constructive program to enable the industry to operate most effectively in the public interest, now

THEREFORE, BE IT RESOLVED by the Broadcasters of the 13th District in session assembled this first day of February, 1946, that we heartily commend the Board of Directors for its action in selecting Justin Miller and pledge to him our wholehearted and continuing support, and cooperation.

WHEREAS BMB is in the process of making its first station coverage study and

WHEREAS there is an increased demand for a standard and authoritative study

BE IT RESOLVED that the 13th District urges all stations within the District to become members of BMB and further urges that BMB continue its periodic station coverage studies.

WHEREAS BMI was created and supported by the broadcasting industry

WHEREAS the interests of the industry can best be served by maintaining BMI at a high degree of efficiency and

WHEREAS the degree of this effectiveness is in direct proportion to the active cooperation and use of BMI music by the broadcasters

BE IT RESOLVED that the members of the 13th District extend to BMI their fullest active support and cooperation during the coming year.

WHEREAS in the past for the purpose of a better understanding of NAB-non-member stations within the 13th District have been invited to all sessions of the 13th District meetings and

WHEREAS that purpose seems to have been accomplished to the extent of almost unanimous membership

THEREFORE BE IT RESOLVED that all future business sessions of NAB District Meetings be confined to NAB members only.

WHEREAS the radio industry is confronted once again with the semi-annual chaos as a result of the adoption of daylight saving time in certain areas of the country and

WHEREAS the adoption of non-uniform time greatly inconveniences a large segment of the radio audience and causes a general disruption of local program service

THEREFORE BE IT RESOLVED that the 13th District urges NAB and its members to lend every effort, through every proper channel, to insure the adoption of

regulations to guarantee uniform time throughout the country.

WHEREAS the Research Committee of the NAB is making a study of the standards and methods of listener research

BE IT RESOLVED that the 13th District urges the Research Committee of NAB to continue its development of standards and techniques of radio audience research.

WHEREAS the TBA and the Dallas Stations and the Baker Hotel have acted as hosts for this convention and provided accommodations and entertainment under most trying conditions

BE IT RESOLVED that the members of the 13th District extends its hearty appreciation for the excellent service and entertainment.

WHEREAS under extremely crowded conditions this two-day meeting of the 13th District was planned and arranged by District Director Martin B. Campbell therefore

BE IT RESOLVED that the member stations and guests extend to Director Campbell our sincere appreciation.

Registration: Sheldon Hickox, NBC; Frank Pellegrin, NAB; Howard Barrett, KRBC; Jack Wallace, KBST; Jim Crocker, KRLD; Jim Douglas, General Electric; King H. Roberson, KTRH; Mrs. W. P. Hobby, KPRC; George W. Johnson, KTSA; Dick Cook, International News Service; Burton Bishop, KTEM; Frank Mayborn, KTEM; B. O. Cannon; W. P. Wright; Jim Turner, KTBC; Boyd Kelley, KPLT; Justin Anderson, AP; Charlie Jordan, WRR; Archie Taylor, KRGV; George Johnston, SESAC; Ralph Maddox, WFAA/KGKO; Eugene Roth, KONO; A. L. Pierce, KWFT; Joseph Carrigan, KWFT; Lee Clough, KLUF; Martin Campbell, WFAA/KGKO; Justin Miller, NAB; C. E. Arney, Jr., NAB.

Hugh Feltis, BMB; Carl Haverlin, Mutual; Ralph Wentworth, BMI; Pierre Weis, Lang-Worth; C. K. Beaver, WOAI; Hugh Half, WOAI; Kern Tips, KPRC; Frank Smith, KXYZ; Bill Bennett, KXYZ; Bob Bugh, KRIS; Ike Eikner, KRIS; Roy Suber, KVAL; Cecil Beardon, WTAW; Jack Keasler, Taylor-Howe-Snowden; Rhea Howard, Times Publishing Co.; T. E. Dillhenty, KCMC; Guy C. Hutchinson, Consulting Engineer; Karl Lambert, WFAA/KGKO; Ward Dorrell, C. E. Hooper; M. H. Coleman, KNOW; George Kercher, Edward Petry & Co.; Beauford Jester, KWTX.

George Cranston, WBAP/KGKO; Harold Hough, Fort Worth Star-Telegram; Jack Pritchett, WBAP/KGKO; Wilbur Douglas, WFAA/KGKO; R. G. Terrill, KSKY; Frank O. Myers, KCMC; Lewis O. Seibert, KGKL; Myrl Stein, KGKL; Frank Jones, KGKL; W. J. Harpole, KVOP; R. W. Carpenter, Mutual; Aubrey Escoc, KAND; Pat Adelman, KTBC; Russ Lamb, KFJZ; Aubrey Jackson, KGNC; Rex Preist, KTSA; Cecil Trigg, KROD; Jerry Fisher, KVIC; Jim Connolly, American Broadcasting; Charlie Woodson, KBWD; R. K. Flynn, KRLD; Marie Finney, State Department of Education; Wendell Mayes, KBWD; Ralph Hatcher, CBS; James H. Lawson, Jr., East-West Broadcasting; Keith Baldwin, WFAA/WBAP; J. H. Hubbard, KXOX; Harlow Roberts, AAAA-BMB; C. B. Locke, KFDM.

Clyde Rembert, KRLD; Pete Teddlie, WRR; Forrest Clough, KFJZ; Bill Laurie, KNET; J. M. McDonald, KCRS; Howard Roberson, KFDA; George Harding, Branham Co.; Tilford Jones, KXYZ; James Curtis, KPRO; J. C. Kellam, KTBC; Lawrence Swars, Noble & Swars; Dale Drake, WRR; Roy Terry, KOCA; Fred Peery, WOAI; Carr P. Collins, Jr., KWBU; Roy George, KRLD; H. T. Wheeler, KPRC; Jack McGrew, KPRC; Tom Whitehead; Harry Leadingham, AP; R. A. Cortez, KCOR; Hardy Harvey, KNOW; L. L. Hendrick, IRRV; Barney Lovin, WDAY; W. E. Wilcox, KRRV; B. V. Hammonds, KRRV; Wm. A. Roberts, KRLD; Clyde Pemberton, KFJZ.

G. E. Zimmerman, KARK; Gerald King, Standard; Carr P. Collins, KWBU; Hilda Packer, KWBU; Dorothy Craid, KWBU; Wade Barnes, NBC; A. L. Chilton, KSKY; Wm. Witty, RCA; O. L. Ted Taylor, KGNC; Tom Pateron, Taylor-Howe-Snowden; DeWitt Landis, KFYO; Clyde Melville, Taylor-Howe-Snowden; Ray Hollingsworth, KGNC; Clair Heyer, Radio Market Guide; Maury Long,

(Continued on next page)

Broadcasting Mag.; J. C. Rothwell, KSAM; N. A. Hallenstein, FCC; Lester Spillane, FCC; A. Frank Hamm, Graybar; N. J. Stowell, Graybar; Charles W. Balthrope, KABC; W. P. Jackson, KABC; Dave Russell, KFDM; R. Lee Glasgow, WACO; B. F. Orr, KTRH; Jas. G. Ulmer, KGKB.

12TH DISTRICT

William B. Way, KVOO, was unanimously elected as 12th District Director at the District Meeting held in Tulsa Feb. 4-5.

Full discussion of all industry matters occupied most of the two-day sessions, with addresses by President Miller, A. D. Willard, Jr., NAB Executive Vice President; Frank Pellegrin, Director of Broadcast Advertising; Hugh Feltis, President of BMB, and others prominent in the field of broadcasting.

The resolutions adopted, and a list of those attending the meeting, follow:

BE IT RESOLVED, That the members of the Twelfth (12th) District of the National Association of Broadcasters extends appreciation for the thoughtful manner in which the District Directors have handled the arrangements for this meeting, February 4th and 5th, 1946.

WHEREAS the Research Committee of the NAB is making a study of the standards and methods of listener research,

BE IT RESOLVED that the Twelfth (12th) District urges the Research Committee of NAB to continue its development of standards and techniques of radio audience research, provided that qualified personnel is selected and provided that a precept of their scope of operation is outlined in detail by the National Committee of NAB.

WHEREAS BMI was created and is supported by the broadcasting industry, and

WHEREAS the interests of the industry can best be served by maintaining BMI at a high degree of efficiency, and

WHEREAS, the degree of this effectiveness is in direct proportion to the active cooperation and use of BMI music by the broadcasters,

BE IT RESOLVED that the members of the Twelfth (12th) District extend to BMI their fullest active support and cooperation during the coming year, 1946.

WHEREAS, the Board of Directors of the National Association of Broadcasters elected the Honorable Justin Miller as President for a five year term beginning October 1, 1945, and

WHEREAS, the outcome of plans and objectives of the Association as presented to the Broadcasters of the Twelfth (12th) District by the said Justin Miller represent a constructive program to enable the industry to operate more effectively in the public interest, convenience, and necessity,

THEREFORE, BE IT RESOLVED by the Broadcasters of the Twelfth (12th) District in session assembled this fifth (5th) day of February, 1946, that we heartily commend W. B. Way, and the other members of the Board of Directors for its action in selecting Justin Miller, President, and pledge to him our wholehearted and continuing support and cooperation.

WHEREAS the existing network contracts with affiliated stations refer to New York City time,

BE IT RESOLVED that all future network contracts use the wording "standard" or "Uniform" time.

WHEREAS, BMB is in the process of making its first Station coverage study of audience listening, and

WHEREAS there is an increased demand for a standard and authoritative study of radio listening,

BE IT RESOLVED that the Twelfth (12th) District urges all stations within the District to become members of BMB and further urges that BMB continue its periodic station coverage studies on a six month or yearly basis,

provided the first survey is completely satisfactory to all parties concerned.

WHEREAS the radio industry is again confronted with the semi-annual chaos as a result of the adoption of daylight saving time in certain areas of the country, and

WHEREAS the adoption of non-uniform time greatly inconveniences a large segment of the radio audience and causes a general disruption of local programs, especially local public interest features, and

WHEREAS the practice of shifting programs twice yearly is detrimental to listener, client, and the radio industry,

THEREFORE, BE IT RESOLVED that until the President of the United States proclaims a uniform time, or until Congress approves a law to insure that all sections of the country operate on an equitable time zone, that the networks and independent radio stations continue to maintain broadcast schedules on standard time.

BE IT RESOLVED that Justin Miller, in his capacity as President of the National Association of Broadcasters, bring to the attention of the President of the United States the great inconvenience and confusion occasioned the radio audience and the radio stations of the country by the lack of uniform time.

AND, BE IT FURTHER RESOLVED, that he (the President of the United States) be urged to use his war-time powers to assure uniform time pending efforts to obtain legislation by the Congress to achieve this purpose permanently.

Registration: Sadie Adoon, KTUL; Bud Akin, KTUL; Helen Alvarez, KTUL; Ellis Atteberry, KCKN; Owen Balch, John E. Person Co.; Wade Barnes, NBC Recording; Hillis Bell, KVOO; Joe Bernard, KOMA; Tams Bixby, Jr., KBIX; L. A. Blust, Jr., KTUL; John Bondeson, WREN; Matt Bonebraae, KOCY; Olin Bragg, KTOK; Gustav Brandborg, KVOO; Verl Bratton, WREN; Kenyon Brown, KOMA; Paul A. Bruner, KBIX; Pat Buford, KHBG; Bill Bryan, KOMA; Dick Campbell, KOME; A. H. Caperton, ANA, Dr. Pepper Co.; R. W. Carpenter, Mutual Broadcasting; Adelaide L. Carrell, WBBZ; J. Fred Case, KWON; Mrs. J. Fred Case, KWON; Plez Clark, KFH; Grover Cobb, KSAL; James H. Connolly, ABC;

J. C. Denious, KGNO; Herbert Denny, Standard Radio; A. L. Donaldson, KTMC; Ward Dorrell, C. E. Hooper, Inc.; Jim Douglas, General Electric; J. Howard Engle, KOME; Maxine Eddy, KGFF; Wendell Elliot, KTSW; Bob Enoch, KTOK; John Esau, KTUL; Hugh Feltis, BMB; Martin Garber, KCRC; Mrs. M. C. Garber, KCRC; Jerry Gill, AP; George Gow, KFH; Maxae Graham, KTSW; James M. Griffith, KADA; Harold Grimes, KOME; Howard Hamilton, KVOO; Carl Haverlin, MBS; Clair Heyer, Radio Market Guide; Sheldon Hickox, NBC; Herschel Holland, KGNO; P. E. Jackson, KTMC; Karl Jansen, KTUL; Ray Jenson, KSAL; George Johnston, SESAC;

Alex Keese, KTOK; George Ketcham, KTUL; Jerry King, Standard Radio; R. J. Laubengayer, KSAL; Sherman P. Lawton, University of Oklahoma; Leo Legleiper, KGVB; Bob Lindsey, KFBI; Maury Long, Broadcasting Magazine; Clark Luther, KFH; Frank J. Lynch, KTOK; Bill McClarin, KVOO; D. W. McCoy, KFBI; Peter McDonald, KSAL; Clyde B. Melville, Taylor-Howe-Snowden; Albert E. Mickel; Justin Miller, NAB; Ken Miller, KVOO; David Milsten, KVOO-KTUL-KOME; Vernon Morelock, AAAA; Clem Morgan, KVGB; M. M. Murdock, KFH; Allen Page, KOMA; Frank E. Pellegrin, NAB; Tom Peterson, Taylor-Howe-Snowden; Russell Porter, KTSW; Mrs. Miriam Porter, KTSW; Bert Powell, KGFF; K. W. Pyle, KFBI; Jim Randolph, KVOO; Perry Reed, KVGB; Vernon E. Reed, KFH;

Fred Schwartz, KOME; Harry Schwartz, KOME; E. Fred Scraper, KFH; Bill Schudt, CBS; John Steele, KSWO; L. W. Stinson, KVOO; P. A. Sugg, WKY; Lawrence Swars, Nobel & Swars; George Tarter, KOCY; Jack Todd, KANS; Les Vanvorhis, KGNO; W. B. Way, KVOO; Pierre Weis, Lang-Worth; S. E. White, WKY; Ralph Wentworth, BMI; A. D. Willard, Jr., NAB; C. E. Wilson, KTMC; William Wyse, KWBW.

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6TH DISTRICT

Harris Elected Director

The 6th District meeting, scheduled for Thursday, Friday (7-8), was in progress in Memphis as NAB REPORTS went to press. A flash received at NAB Headquarters just before going to press reported that Wiley Harris, WJDX, Jackson, Mississippi, was unanimously elected 6th District Director for the term beginning after the 1946 NAB convention. A full report of the proceedings will be given next week.

Miscellany

BANNERMAN URGES MORE DEMOCRATIC RADIO FOR CANADA

Of interest to broadcasters is an address *Broadcasting and Democracy*, delivered recently before the Whitby, Ontario, Rotary Club by Glen Bannerman, well known throughout the industry for his outstanding performance as president of the Canadian Association of Broadcasters.

The text of Mr. Bannerman's address follows in full:

"Even as atomic energy can be developed to destroy humanity or to increase standards of living, the comparatively new means of communicating ideas by broadcasting can also be used for evil or good. In fact, it has already been used to promote evil by the now destroyed German Reich.

"In its technical development, broadcasting stands ready at the command of men to observe either the best or the worst interests of humanity. It is the minds and thoughts of men and women which determine the way broadcasting will serve humanity. We are each responsible in our own way for the type of service which radio broadcasting renders in Canada. If we permit it to become highly centralized under the control of a few individuals, no matter how intelligent they may be, there is always danger of abuse. There is always danger that under these conditions broadcasting might be used to serve what the controlling group may think is the best interest of the Canadian people. What one or more persons think is in the best interest of the Canadian people is not necessarily so. That is why in a democracy no small centralized group of people are ever allowed for long to impose their ideas on the whole people without being subject to criticism and to change to the extent in which the citizens take an interest in the matter.

Listeners Should Dictate

"I have always been of the opinion that the strength of democracy lies in the variety of communities which make up the whole country. Provided the desires and wishes of each community can make themselves felt upon the actions of regional and central authority, that authority will not get very far out of line before it is corrected. It is because of this belief that I am of the opinion that the privately owned broadcasting stations in the many communities of Canada are an important factor in our democratic way of life. This is especially true, provided these privately owned stations have the freedom to serve the interests of their communities. Their only masters as to what they broadcast should be the listeners in their respective communities.

"From this background of thinking, let us take a look at the setup of radio broadcasting in Canada. There are presently 98 broadcasting stations in operation, with an additional 8 or 10 authorized but not yet operating. Of the 98 stations, 88 are privately owned and 10 are owned by the Canadian Broadcasting Corporation. In 1936, the people of Canada, through their Members in the Parliament of Canada, authorized the setting up of the Canadian

Broadcasting Corporation with complete control over all broadcasting in Canada. No person or persons can operate a broadcasting station in Canada until their application to do so has been approved, first by the Board of Governors of the Canadian Broadcasting Corporation, then by the minister responsible for the Radio Control Division of the Department of Transport, and finally by Order-in-Council of the Cabinet.

"Because the number of radio broadcasting frequencies is limited and because their frequencies are international in their use, control over the establishment of broadcasting stations is essential, irrespective of how the control is set up.

Extent of Government Control

"Other controls allocated by the Government under the Broadcast Act are specifically:

- (a) To control the establishment and operation of chains or networks of stations in Canada.
- (b) To prescribe the periods to be reserved periodically by any private station for the broadcasting of programmes of the Corporation.
- (c) To control the character of any and all programmes broadcast by the Corporation or private stations.
- (d) To determine the proportion of time which may be devoted to advertising in any programme broadcast by the stations of the Corporation or by private stations and to control the character of such advertising.
- (e) To prescribe the proportion of time which may be devoted to political broadcasts by private stations and the stations of the Corporation, and to assign such time on an equitable basis to all parties and rival candidates.

"Under the authority of these clauses, the Canadian Broadcasting Corporation has reserved to itself the exclusive right to establish permanent networks in Canada. It has also reserved to itself the sole right to rent telegraph or telephone lines from the line companies for the purpose of linking up two or more stations. Even where two privately owned stations desire to be linked together for a one-time commercial or sustaining programme, application with all details of the programme must be made to the Canadian Broadcasting Corporation for the renting of a line.

"Presently, the Canadian Broadcasting Corporation controls and operates two networks in English-speaking Canada and one network in the French language in the Province of Quebec. A majority of the privately owned stations are affiliated with one or the other of these networks.

Monopoly Is Complete

"It is apparent from these facts that the Corporation has a complete monopoly of all network broadcasting. While they broadcast over these networks both sustaining and commercially sponsored programmes originating in Canada and in the United States, any programme which, for one reason or another, officials of the CBC do not approve cannot be broadcast in Canada. This means, in fact, that you and I, as free men in our Canadian democracy, do not have the right at all times to decide for ourselves whether we shall or shall not listen to a given programme. That decision, in the case of some programmes, is made for us by officials of the Corporation. You may say, "But don't the networks in the United States exercise the same right in deciding what programmes they will or will not carry?" That is correct, but there are five independent national networks in the United States. If, for one reason or another, one of the networks does not wish to carry a given programme, any of the other networks may decide to carry it and it will only be dropped if they find that the listeners are not interested in such a programme. In Canada, if the CBC decides against carrying a given programme, there is no way in which you or I can decide whether or not we wish to listen to it, unless the programme originates in the United States and we are near enough to the border to tune in to a U. S. station.

(Continued on next page)

"I question whether a system which even in some degree precludes free men and women from making their own decisions is in the best interest of a democratic way of living. I must admit that no matter how intelligent and sincere they may be, I resent four or five people deciding for me whether or not I may or may not listen to a given programme. That is something as a citizen with the rights of citizenship I feel I should decide for myself.

Competition Needed

"What is the solution to this question? I have always believed that if there are to be two networks in Canada the ideal solution would be one network operated by the Canadian Broadcasting Corporation and one network operated independently by private interests, both subject to the same controls but both competing for talent, programmes commercially sponsored and sustaining, and both competing for audience. This type of competition would, I believe, stimulate better service to Canadian citizens by both networks. Not all people, and, in fact, not all broadcasters, agree with this point of view, but I am optimistic enough to believe that in time the suggestions I have made concerning the two networks will become a fact.

"It must not be thought from what I have said that I hold any views to the effect that the CBC has not made any contribution to broadcasting in Canada. In fact, they have made a real contribution because they have been placed in a position to make that contribution. Their personnel are fine and sincere people and they have worked hard in increasing the value of broadcasting as they see it for the Canadian people.

"At the same time, we should not lose sight of the great improvements and the contributions that the privately owned stations in our country have made to Canadian broadcasting. Their contributions to the public interest during the war years has established a record of which they have every right to be proud. Within the restrictions imposed upon them, they have served their communities and the public at large in a way that is worthy of high praise.

"Broadcasting is a growing and developing art as well as a business and the private stations will always be found in the forefront in improving their operations with sound ideas and plans.

Problems to Consider

"The entire broadcasting industry, including the CBC and the privately owned stations, faces many mutual problems. Take the question of programming the broadcast day, for example. They must seek to please a large number of listeners with widely varying tastes in music and drama. They try to provide something for every listener, symphony and chamber music for those who like it, jazz and swing for those of different musical tastes.

"Unfortunately, no way has been found to provide symphony music all the time for those who like it and at the same time jazz and swing all the time for those who like that type of music. Sixteen hours a day is the average broadcast day and there are not sufficient networks or stations for them to broadcast only the programmes that one segment of the audience likes without depriving the others of their fair share of programmes to meet their desires and tastes.

"Have you ever gone into a store selling magazines? At one end you will find the *Atlantic Monthly*, *Harper's*, and similar intellectual journals. Along the way you will find *MacLeans*, *New World*, *Saturday Evening Post*, etc., then the detective and adventure stories, together with magazines such as *True Story*. I venture to say that the people who enjoy reading *Atlantic Monthly* have probably never read a *True Story* magazine, if, indeed, they have ever heard of it. Yet on this continent there are thousands of people who read *True Story* to every one who reads *Atlantic Monthly*. Yet, gentlemen, this range of magazine readership is largely indicative of the audience which the broadcasting stations in Canada must try to please with their programmes during every day, 365 days a year. It is not an easy task and is not understood by many of our people.

Handling Advertising

"Much has been written and said for and against the advertising of goods and services by radio broadcasting. The privately owned stations of Canada, through their Association, the Canadian Association of Broadcasters, take the position that it is just as important to bring to their listeners information as to goods and services available for their comfort, need and enjoyment as it is to bring them information of events and happenings in the world at large and in their own communities.

"The Code of Ethics of the Canadian Association of Broadcasters sets it forth as follows:

"Recognizing the service that commercial sponsors render to listeners in making known to them the goods and services available in their communities, and realizing that the story of such goods and services goes into the intimacy of the listeners' home, it shall be the responsibility of member stations and their sales representatives to work with advertisers and agencies in improving the technique of telling the advertising story, so that such stories shall be in good taste, shall be simple, truthful and believable, and shall not offend what is generally accepted as the standard of morality."

"No one, most of all the private broadcasters, will claim that the present day technique of telling the advertising story is perfect. Some is good, some indifferent, and I venture to say, year by year less is bad.

"The advertising technique in broadcasting is comparatively new. It is different from other media such as newspapers and magazines. Advertisers, advertising agencies, and broadcasters alike have had to learn from experience ways to improve the telling of the story. There has been great improvement over the years. There will be greater improvement as time goes on, because joint committees of advertisers, advertising agencies, and the broadcasting industry are presently at work studying this question in an effort to reach the ideal set forth in the Canadian Association of Broadcasters Code of Ethics.

"I have attempted today to give you some of the highlights of the broadcasting industry in relation to democracy. They are only highlights, for the industry has many facets. New technical developments are on the way. How well they will serve us depends upon the alertness of every individual to see that their control and operation is in tune with our ideas of democratic operation. At all times we must insist on the right of our citizens by their listening habits to determine in the final analysis the programme structure of any broadcasting station."

KOPF HEADS NBC NETWORK SALES

The promotion of Harry C. Kopf, vice-president and general manager of the NBC Central Division headquarters in Chicago, to vice-president in charge of network sales, effective April 1, was announced this week by Niles Trammell, president of NBC. Kopf, who succeeds Roy C. Witmer, named staff vice-president on special assignments, will move to New York and will be succeeded by I. E. Showerman, NBC Eastern Division sales manager.

Kopf is a member of the NAB Public Relations Committee.

1004 STANDARD BROADCAST STATIONS

Since the last publication of the monthly comparative table of standard broadcast stations (October 5 REPORTS), the changes for Sept., Oct., Nov. and Dec. have been issued by the FCC.

During Sept., one station was licensed to operate and two construction permits were issued; Oct., three were licensed and six construction permits were issued; Nov., one licensed, 19 given construction permits; and during Dec., one was licensed with 20 receiving permits for construction. A 13-month comparative table follows:

(Continued on next page)

	1945												1946
	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1
Operating	919	921	923	924	925	928	931	933	934	935	938	939	940
Construction	24	24	22	21	23	23	24	24	23	24	27	45	64
	943	945	945	945	948	951	955	957	957	959	965	984	1004

During October, 2 C. P. FM stations were licensed:

53 COMMERCIAL FM STATIONS

9 COMMERCIAL TELEVISION STATIONS

	Jan. 1, 1946			Jan. 1, 1946	
Operating	48		Operating	6	
Construction	5		Construction	3	
	53			9	

(FM Conditional Grants 298)

FCC

JAMES NOW PORTER'S SPECIAL ASSISTANT

Lieutenant W. Ervin James, USNR, former assistant secretary of the Commission, who has been in service during the past two years, today entered upon his duties as special assistant to Chairman Paul A. Porter.

Lieutenant James joined the Commission staff in 1941 as assistant to Commissioner Clifford J. Durr. He became assistant secretary of the Commission in 1943. After receiving his Navy commission in 1944, Lieutenant James took his indoctrination course at Fort Schuyler, New York, and spent several months in the Naval Communications School at Harvard University. On the completion of his course at Harvard, he was attached to the battleship U. S. S. *Nevada*, where he was communications watch officer, legal officer, and aide to the executive officer. He saw action at Iwo Jima, Okinawa, and with the Third Fleet in the East China Sea.

Lieutenant James is a native of Montgomery, Alabama, and is a member of the bar of that state and of the District of Columbia Bar. Four of his brothers, Earl, Edward, Wilbur and Franklin, were also in the services. He is married and has one son, Walter Ervin II. The Jameses live at 1210 Martha Custis Drive, Alexandria, Virginia.

FCC GRANTS EXTENSION ON FILING OF TRANSFER PROCEDURE BRIEFS

The Commission issued the following announcement on Thursday (7):

The Commission adopted an order granting request of National Association of Broadcasters for a thirty-day extension of time within which briefs might be filed 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 transfers of control of corporate licensees (Docket 7071); and ordered that the time for filing briefs be extended until March 15, 1946.

APPLICATIONS IN CONFLICT WITH RULES DISMISSED

On Feb. 1, 1946, the Commission adopted four orders dismissing without prejudice a number of applications which involved direct conflicts with Commission Rules. The orders, however, provide procedures for reinstatement of the dismissed applications at the conclusion of general legislative proceedings now pending before the Commis-

sion. In the event the Commission's Rules are subsequently modified, suitable notice will be afforded all interested persons and a period will be provided in which to file competing applications. In the interest of orderly administration it is desired to emphasize that pending applications inconsistent with the Commission's Rules do not afford parties any equities or priorities on the frequency.

The applications thus dismissed are divided into four categories: (1) Those involving conflict with Section 3.25(a) in that they request duplicate nighttime operation on channels reserved for the exclusive nighttime use of one station only; (2) Applications involving conflict with Section 3.25(d) since nighttime operation is requested on a channel available for daytime operation only, in the United States; (3) Applications involving conflict with Section 3.22 which propose operation with a power in excess of 50 kw., the maximum permitted by Commission Rules; and (4) Applications requesting the use of frequencies included in the frequencies allocated for that service.

All interested parties affected by these orders have been or will be afforded opportunity to present evidence for consideration in connection with the Clear Channel and General Allocation Hearings. However, parties will not be permitted to offer evidence in those hearings on the merits of particular applications.

With respect to applications proposing operation in accordance with present rules on the frequencies listed under Section 3.25(a) (i.e., those requesting limited time or daytime only assignments), the Commission has been concerned with the possibility that a grant of a large number of such applications would further complicate the problems that are involved in the Clear Channel Hearing. Further study of this matter has resulted in the conclusion that in many instances placing additional daytime only stations on the U. S. 1-A channels may not unduly complicate the problems, and accordingly all such applications will be considered individually on their merits. When no conflict with a resolution of the general problems that are at issue in the Clear Channel hearing can be foreseen, additional daytime assignments on U. S. 1-A channels may be made before conclusion of the hearing. It is, however, possible to foresee that severe complications may arise by authorizing the operation of additional limited time stations, and such applications will be given careful consideration with a view to determining the possible complications, and in the event they can be foreseen, the applications may be conditionally granted for daytime operation only.

The orders, and applications affected, follow:

In re Applications of:

Iowa State College of Agriculture and Mechanical Arts (WOI), Ames, Iowa; for construction permit.

George D. Wray, Allen D. Morris, P. E. Furlow and John C. McCormack, d/b as Radio Station KTBS (KTBS), Shreveport, Louisiana; for construction permit.

United Broadcasting Company (WHKK), Akron, Ohio; for modification of license.

KXRO, Inc. (KXRO), Aberdeen, Washington; for construction permit.

World Publishing Company (KOWH), Omaha, Nebraska; for construction permit.

Pacific Coast Broadcasting Company (KPAS), Pasadena, California; for construction permit.

The St. Louis University (WEW), St. Louis, Missouri; for construction permit.

American Radiotelephone Company (KXA), Seattle, Washington; for construction permit.

Seattle Broadcasting Company (KOL), Seattle, Washington; for construction permit.

E. L. Kick and Roger B. Payne, d/b as Farwest Broadcasting Company (New), Bellingham, Washington; for construction permit.

(Continued on next page)

Skagit Valley Broadcasters, Inc. (New), Mount Vernon, Washington; for construction permit.

Broadcasting Corporation of America (KPRO), Riverside, California; for construction permit.

Milwaukee Broadcasting Company (Partnership) (WEMP), Milwaukee, Wisconsin; for construction permit.

West Central Broadcasting Company (New), Tulsa, Oklahoma; for construction permit.

Palo Alto Radio Station, Inc. (KYA); San Francisco, California; for construction permit.

KOIN, Inc. (KOIN), Portland, Oregon; for construction permit.

KXL Broadcaster (KXL), Portland, Oregon; for modification of license.

A. Frank Katzentine (WKAT), Miami Beach, Florida; for construction permit.

Intermountain Broadcasting Corporation (KDYL), Salt Lake City, Utah; for construction permit.

Louis Wasmer (KGA), Spokane, Washington; for construction permit.

Order

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February, 1946;

The Commission having under consideration the above-entitled applications for construction permits; and

WHEREAS, it appears that each of these applications requests the unlimited time use of a channel listed in Section 3.25(a) of the Commission's Rules and that such channels, commonly designated as I-A channels, are available for assignment to only one station, unlimited time; and

WHEREAS, a grant of each of these applications would be inconsistent with Section 3.25(a) since each channel requested is already assigned to an existing station for unlimited time operation; and

WHEREAS, the Commission is now engaged in a general hearing entitled "In the Matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741)," and has included among the issues therein the following:

"Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I-A channels and as I-B channels."

WHEREAS, the above applicants have had or will have opportunity to offer evidence in the foregoing hearing,

Now, therefore, IT IS ORDERED, that the above-entitled applications BE AND THEY ARE HEREBY DISMISSED WITHOUT PREJUDICE to the filing of a petition for reinstatement after the conclusion of the proceeding in Docket No. 6741.

In re Application of:

Midland Broadcasting Company (KMBC), Kansas City, Missouri; for construction permit.

The Community Broadcasting Company (WTOL), Toledo, Ohio; for construction permit.

Topeka Broadcasting Association, Inc. (WIBW), Topeka, Kansas; for construction permit.

Order

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February, 1946;

The Commission having under consideration the above-entitled applications for construction permits; and

WHEREAS, it appears that each of these applications requests the use of the frequency 540 kilocycles; and that under the Commission's Rules governing the allocation of frequencies, this frequency is not available for assignment to standard broadcast stations; and

WHEREAS, the matter of the allocation of the frequency 540 kc. is in issue in the Commission's pending general proceeding entitled "In the Matter of Allocation of Frequencies to the various classes of Non-Governmental Services in the Radio Spectrum from 10 kc. to 30,000,000 kc." (Docket No. 6651);

WHEREAS, the above applicants have had or will have opportunity to offer evidence in the foregoing hearing,

Now, therefore, IT IS ORDERED, that the above-entitled applications BE AND THEY ARE HEREBY DISMISSED WITHOUT PREJUDICE, to the filing of a petition for reinstatement after the conclusion of the proceeding in Docket No. 6651.

In re Application of:

Southland Industries, Inc. (WOAI), San Antonio, Texas; for construction permit.

Order

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February, 1946;

The Commission having under consideration the above-entitled application for construction permit; and

WHEREAS, it appears that this application requests power in excess of 50 kilowatts; and

WHEREAS, a grant of such application would be inconsistent with Section 3.22(a) of the Commission's Rules which provides a maximum of 50 kw. power; and

WHEREAS, the Commission is now engaged in a general hearing entitled "In the Matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741)," and has included among the issues therein, the following:

"What minimum power and what maximum power should be required or authorized for operation on clear channels";

WHEREAS, the above applicant has had or will have opportunity to offer evidence in the foregoing hearing,

Now, therefore, IT IS ORDERED, that the above-entitled application BE AND IT IS HEREBY DISMISSED WITHOUT PREJUDICE, to the filing of a petition for reinstatement after the conclusion of the proceeding in Docket No. 6741.

BY THE COMMISSION,

T. J. SLOWIE, *Secretary*.

In re Application of:

Capital Broadcasting Company (WWDC), Washington, D. C.; for construction permit.

Order

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February, 1946;

The Commission having under consideration the above-entitled application for construction permit; and

WHEREAS, it appears that this application requests the unlimited time use of a channel listed in Section 3.25(d) of the Commission's Rules; and

WHEREAS, a grant of this application would be inconsistent with Section 3.25(d) and Appendix I of the North American Regional Broadcasting Agreement since the channel requested is not available for assignment to unlimited time stations in the United States; and

WHEREAS, the Commission is now engaged in a general hearing entitled "In the Matter of Clear Channel Broadcasting in the Standard Broadcast Band" (Docket No. 6741) and has included among the issues therein the following:

1. What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Regional Broadcasting Agreement.
2. Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I-A channels and as I-B channels; and

WHEREAS, the above applicant has had or will have opportunity to offer evidence in the foregoing hearing.

WHEREAS, the United States is now participating in a series of international conferences concerning the revision and extension of the provisions of the North American Regional Broadcasting Agreement;

(Continued on next page)

Now, therefore, IT IS ORDERED, that the above-entitled application BE AND IT IS HEREBY DISMISSED WITHOUT PREJUDICE, to the filing of a petition for reinstatement after the conclusion of the proceeding in Docket No. 6741.

BY THE COMMISSION,
T. J. SLOWIE,
Secretary.

Federal Communications Commission Docket

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 11. They are subject to change.

Monday, February 11

Consolidated Hearing

Before Commissioner Wills

To Be Held in Civil Service Examination Room, Federal Building, Miami, Florida

- NEW—Southern Media Corp., Coral Gables, Fla.—C. P. 1490 kc., 250 watts, unlimited.
NEW—Atlantic Shores Broadcasting, Ltd., Coral Gables, Fla.—C. P. 1490 kc., 250 watts, unlimited.
NEW—Miami Beach Publishing Co., Miami Beach, Fla.—C. P. 1450 kc., 250 watts, unlimited.
NEW—Cedar Rapids Broadcasting Corp., Inc., Cedar Rapids, Iowa—C. P. 1450 kc., 250 watts, unlimited.
NEW—Radio Corporation of Cedar Rapids, Cedar Rapids, Iowa—C. P. 1450 kc., 250 watts, unlimited.
NEW—Moline Dispatch Publishing Co., Moline, Ill.—C. P. 1450 kc., 250 watts, unlimited.

Thursday, February 14

To Be Held Before Commissioner Denny, Civil Service Room, U. S. P. O. Building, Savannah, Georgia

- NEW—A. C. Neff, Savannah, Ga.—C. P. 1400 kc., 250 watts, unlimited.
NEW—Atlantic Broadcasting Co., Savannah, Ga.—C. P. 1400 kc., 250 watts, unlimited.
NEW—Chatham Broadcasting Co., Savannah, Ga.—C. P. 1400 kc., 250 watts, unlimited.

Friday, February 15

- NEW—Rupert W. Bradford & Harry F. Pihl, a partnership d/b as Bradford & Pihl, Bemidji, Minn.—C. P. 1450 kc., 250 watts, unlimited.
NEW—Russell E. Kaliher, Bemidji, Minn.—C. P. 1450 kc., 250 watts, unlimited.

Consolidated Hearing

Before Commissioner Wills

To Be Held in Civil Service Room, Federal Building, Miami, Florida

- NEW—Peninsula Broadcasting Corp., Coral Gables, Fla.—C. P. 1450 kc., 250 watts, unlimited.
NEW—Everglades Broadcasting Co., Miami, Fla.—C. P. 1450 kc., 250 watts, unlimited.
NEW—Paul Brake, Miami, Fla.—C. P. 1450 kc., 250 watts, unlimited.

Monday, February 11

- NEW—Valdosta Broadcasting Co., Valdosta, Ga.—C. P. 950 kc., 1 KW night,* 5 KW day, unlimited DA-night.
WLOF—Hazlewood, Inc., Orlando, Fla.—C. P. 950 kc., 5 KW, unlimited DA-night.
NEW—E. T. Wright, Orlando, Fla.—C. P. 950 kc., 1 KW, unlimited DA-night.

WGOV—E. D. Rivers, Valdosta, Ga.—C. P. 950 kc., 1 KW, unlimited DA-night.

To Be Held Before Commissioner Walker, Federal Court Room, Federal Building, Dallas, Texas

- NEW—Permian Basin Broadcasting Co., Odessa, Texas—C. P. 1450 kc., 250 watts, unlimited.
NEW—Southwestern Broadcasting Corp., Odessa, Texas—C. P. 1450 kc., 250 watts, unlimited.

Wednesday, February 13

- NEW—Albert S. Drohlich & Robert A. Drohlich, d/b as Drohlich Brothers, Flint, Michigan—C. P. 1470 kc., 1 KW, unlimited DA-night and day.
NEW—Booth Radio Stations, Inc., Grand Rapids, Mich.—C. P. 1470 kc., 1 KW, unlimited DA-night and day.

To Be Held Before Commissioner Walker, Harrison County Courtroom, Marshall, Texas

- NEW—Marshall Broadcasting Co., Marshall, Texas—C. P. 1450 kc., 250 watts, unlimited.
NEW—KVOM, Inc., Marshall, Texas—C. P. 1450 kc., 250 watts, unlimited.

Federal Communications Commission Actions

APPLICATIONS GRANTED

- NEW—Air Time, Inc., Joplin, Mo.—Granted construction permit for a new station to operate on 1230 kc., 250 watts, unlimited time. (B4-P-4237)
NEW—Courier Broadcasting Service, Inc., Birmingham, Ala.—Granted construction permit for a new standard noncommercial broadcast station to operate on 900 kc., 1 KW, daytime only. (B3-P-3681) (The program plans for this station include local entertainment, educational, agricultural, fraternal, news, public service and Protestant (including Negro) religious programs. Cost of operation to be financed by subscriptions totalling \$660 a week and by public contributions.)
NEW—C. H. Fisher and B. N. Phillips, d/b as Valley Broadcasting Co., Eugene, Ore.—Granted construction permit for new station to operate on 1400 kc., 250 watts, unlimited time. (B5-P-3754)
KODK—Edwin A. Kraft, Kodiak, Alaska—Granted construction permit for a new standard broadcast station to operate on 1230 kc., 250 watts, unlimited time. (B-P-3279).
NEW—Natrona County Tribune, Casper, Wyo.—Granted construction permit for a new station to operate on 1230 kc., 250 watts, unlimited time. (B5-P-4301)
NEW—Vermont Broadcasting Corp., Burlington, Vt.—Granted construction permit for new station to operate on 1230 kc., 250 watts, unlimited time. (B1-P-4183)
WSBT—The South Bend Tribune, South Bend, Ind.—Granted construction permit to increase power from 1 to 5 KW., unlimited time, install a new transmitter and make certain changes in directional antenna system for day and night use. (B4-P-4294)
KOAL—Eastern Utah Broadcasting Co., Price, Utah—Granted construction permit to change frequency from 1450 to 1230 kc., 250 watts, unlimited time. (B5-P-3960)
KGHI—KGHI Broadcasting Service, Little Rock, Ark.—Granted construction permit in part, to install new antenna and ground system, and change transmitter and studio locations. (That part of CP requesting change in frequency from 1230 to 1240 kc., was not granted.) (B3-P-3953)
KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted construction permit to increase day-

(Continued on next page)

time power from 5 KW-LS to 10 KW, on 1070 kc., 1 KW night, unlimited. (B4-P-3820)

KQV—Allegheny Broadcasting Corp., Pittsburgh, Pa.—Granted construction permit to increase power from 1 to 5 KW, change transmitter location, install new transmitter, and install directional antenna system for day and night use. (B2-P-3992)

WOL—Cowles Broadcasting Co., Washington, D. C.—Granted construction permit to increase power from 1 to 5 KW, on 1260 kc., unlimited time; directional antenna. (B1-P-4004)

DESIGNATED FOR HEARING

WHBC—The Ohio Broadcasting Co., Canton, Ohio—Designated for consolidated hearing with applications of Central Broadcasting Co. (B4-P-3809; Docket 6940) and Wise State Broadcasting Co. (B4-P-4039; Docket 6941), the application of WHBC (B2-P-3939) for construction permit to increase power from 1 to 5 KW, install a new transmitter, and make changes in equipment.

KRIC—KRIC, Inc., Beaumont, Texas—Granted petition to have its application (B3-P-4410) for a construction permit to change frequency from 1450 to 1470 kc., increase power from 250 watts to 5 KW, designated for consolidated hearing with four other Texas applications, and the Commission ordered the application of KRIC designated in a consolidated proceeding with applications of San Jacinto Broadcasting Co., Houston, KRBC, Abilene, Agr. and Mechanical College of Texas, College Station, Texas, and KPLC, Lake Charles, La., and further ordered that the Bills of Particulars issued in connection with these applications be enlarged to include the KRIC application.

WNEW—Greater New York Broadcasting Corp., New York City—Designated applications of WNEW for renewal of license (B1-R-1049) and for construction permit (B1-P-4309) to increase power from 10 to 50 KW on frequency 1130 kc., for hearing in a consolidated proceeding with the application of Missionary Society of St. Paul the Apostle for a construction permit for a new station to operate on 1130 kc., 10 KW.

Missionary Society of St. Paul The Apostle, New York City—Designated application (B1-P-4234) for a new station, for hearing in a consolidated proceeding with the application of WNEW listed above.

WKEU—Radio Station WKEU, Griffin, Ga.—Designated for hearing application for amendment to construction permit, license to cover construction permit (B3-L-1827) authority to determine operating power by direct measurement (B3-Z-1625), and application for renewal of license (B3-R-819).

WADC—Allen T. Simmons, Village of Tallmadge, Ohio—Adopted order designating for hearing application for construction permit to change frequency from 1350 kc. to 1220 kc. and increase power from 5 KW to 50 KW, to be heard in consolidated proceeding with application of The WGAR Broadcasting Co. for construction permit to increase power of Station WGAR from 5 KW to 50 KW on frequency 1220 kc. (B2-P-4243) (Action taken 2/1/46.)

Old Colony Broadcasting Co., Inc., Brockton, Mass.—Granted petition to have its application (B1-P-4411) for a new station, designated for consolidated hearing with other applications in the Boston area, and ordered the application of Old Colony Broadcasting Company requesting the frequency 1450 kc., 250 watts power, unlimited time, designated for hearing in a consolidated proceeding with applications of Bay State Beacon, Inc., Mitchell G. Meyers, Ruben E. Aronheim and Milton H. Meyers, Cur-Nan Company, Plymouth County Broadcasting Corp., all at Brockton, and The Templestone Radio Mfg. Corp., Boston.

Gulf Broadcasting Co., Inc., Mobile, Ala.: Gillette & Jesse Gilbert Burton, Jr., a partnership known as Burton Broadcasting Co., Mobile—Adopted orders designating these two applications for hearing in a consolidated proceeding. Both applicants request frequency 1340 kc., 250 watts, unlimited time. (B3-P-3728; and B3-P-4233)

Narragansett Broadcasting Co., Fall River, Mass.—Granted petition to have its application (B1-P-4409), designated for hearing in a consolidated proceeding with applications of Bay State Broadcasting Co., South-eastern Mass. Broadcasting Corp., New Bedford, Mass., all applicants requesting the frequency 1400 kc., 250 watts, and further ordered that the Bills of Particulars issued in connection with these applications be enlarged to include the application of Narragansett Broadcasting Co.

Citrus Belt Broadcasters, Inc., Winter Haven, Fla.; Winter Haven Broadcasting Co., Winter Haven, Fla.—Adopted an order designating these two applications for hearing in a consolidated proceeding. Both applicants request the frequency 1490 kc., with 250 watts power, unlimited time. (B3-P-4331; and B3-P-4332)

WHAT—Independence Broadcasting Co., Philadelphia, Pa.—Granted petition of WHAT to consolidate for hearing its application to change operation from 1340 kc., 100 watts, share time WTEL, to 820 kc., 1 KW, daytime with applications of Camden Broadcasting Co., Camden, N. J.; Chambersburg Broadcasting Co., Chambersburg, Pa., and Crescent Broadcasting Corp., Philadelphia, and ordered these applications designated for hearing in a consolidated proceeding, and the bills of particulars issued be amended to include WHAT.

Medford Printing Co., Medford, Ore.: S. W. McCready, Medford, Ore.—Ordered that the applications of Medford Printing Co. (B5-P-4188) and S. W. McCready requesting a new station to operate on 1230 kc., 250 watts, unlimited time, be designated for hearing in a consolidated proceeding.

The Commission ordered the following applications, all requesting use of frequency 1550 kc., for hearing in a consolidated proceeding:

Radio Station WSOC, Inc. (WSOC), Charlotte, N. C., to change from 1240 to 1500 kc., increase power from 250 watts to 50 KW and employ a directional antenna at night. (B3-P-3818)

Radio Springfield, Inc., Springfield, Ill., for a new station to operate on 1550 kc., 1 KW, DA, unlimited time. (B4-P-3822)

Atlanta Radio Enterprises, Inc., Atlanta, Ga., for a new station to use 1550 kc., 10 KW, unlimited time, DA-N. (B3-P-4257)

Hampden-Hampshire Corp. (WHYN), Holyoke, Mass., construction permit to change frequency from 1400 to 1550 kc., increase power from 250 watts to 10 KW, unlimited time DA. (B1-P-4347)

WCBS, Decatur, Ill., for a new station to use 1550 kc., 250 watts, unlimited time. (B4-P-4349)

The following applications, all designated for hearing, are listed in order of channel requests:

550 Kilocycles

Designated in a consolidated proceeding with other applications requesting the 550 channel, scheduled to be heard in Washington on February 25, are the applications of Capital City Broadcasting Corp., Baton Rouge, La. (B3-P-4433), and Public Service Broadcasting Corp., Knoxville, Tenn. (B3-P-4434), both requesting 550 kc., 1 KW, directional antenna, unlimited time.

790 Kilocycles

Designated for hearing the application of KPHO, Phoenix Broadcasting, Inc., Phoenix, Ariz., for construction permit to change frequency from 1230 to 790 kc., increase power from 250 watts to 5 KW, install a new transmitter and DA, and change the transmitter location in Phoenix. (B5-P-3799)

Designated for consolidated hearing the applications of Lee Segall Broadcasting Co. for a new station at Houston, Texas, to operate on 790 kc., 1 KW, daytime (B3-P-4182); Texas Star Broadcasting Co. (KTHT), Houston (B3-P-4361), application to change frequency from 1230 to 790 kc., increase power from 250 watts to 5 KW day, 1 KW night, install new transmitter and DA for night use and change

(Continued on next page)

transmitter location; Lubbock County Broadcasting Co., Lubbock, Texas, for a new station to operate on 790 kc., 1 KW, DA night use, unlimited time (B3-P-4062); Plains Radio Broadcasting Co. (KFYO), Lubbock, Texas, for a construction permit to change frequency from 1340 to 790 kc., increase power from 250 watts to 5 KW, install a new transmitter and DA for night use, and change transmitter location at Lubbock, and Veterans' Broadcasting Co., a partnership, Houston, Texas, for a new station to use frequency 1230 kc., 250 watts unlimited time (B3-P-4362), contingent upon grant of KTHT's application to change frequency from 1230 to 790 kc.

830 Kilocycles

Designated for hearing in a consolidated proceeding the application of Southern Calif. Broadcasting Co. (KWKW), San Gabriel, Calif., for construction permit to change frequency from 1430 to 830 kc., increase power from 1 to 5 KW, install new transmitter and antenna, and change transmitter location; and application of Orange County Broadcasting Co., Santa Ana, Calif., for construction permit for a new station to operate on 830 kc., 5 KW, daytime only. (B5-P-4242)

850 Kilocycles

Designated for hearing in a consolidated proceeding the application of The A. S. Abell Co., Baltimore, Md. (B1-P-4297), for a construction permit for a new station to operate on 850 kc., 1 KW, DA, unlimited time, and the application of Berks Broadcasting Co. (WEEU), Reading, Pa., for a construction permit to change its hours from daytime to unlimited, install a new transmitter and DA for night use, and change transmitter location of station operating on 850 kc.

940 Kilocycles

Designated for hearing the application of Bluegrass Broadcasting Co., Inc., for a new station at Versailles, Ky., to operate on 940 kc., 1 KW, unlimited time. (B2-P-4315)

950 Kilocycles

Designated for hearing in a consolidated proceeding the application of Radio Americas Corp., Mayaguez, P. R., for a new station (B-P-4296) to operate on 950 kc., 1 KW, unlimited time, with application of Puerto Rico Communications Authority for a new station at Piedras, P. R., to operate on frequency 940 kc., 10 KW, DA, unlimited time. (B-P-4397)

960 Kilocycles

Designated for consolidated hearing the application of Lubbock Broadcasting Co., Lubbock, Texas, for a new station to operate on 960 kc., 1 KW, daytime only, with application of Worth Broadcasting Co. (B3-P-4448), for a new station at Fort Worth, Texas, 960 kc., 5 KW, daytime only.

980 Kilocycles

Designated for consolidated hearing the application of Skyland Broadcasting Corp. (B2-P-3748), for a new station at Dayton, Ohio, to operate on 980 kc., with 5 KW, DA, unlimited time, with application of Ohio-Michigan Broadcasting Co. (B2-P-4046), for a new station at Toledo, Ohio, on the same frequency with 5 KW power and DA for night time, unlimited time, and application of Greater Muskegon Broadcasters, Inc. (B2-P-3977), for a new station at Muskegon, Mich., to operate on 980 kc., 1 KW, daytime only.

1030 Kilocycles

Designated for consolidated hearing the application of Fort Wayne Broadcasting, Inc. (B4-P-4178) for a new station at Fort Wayne, Ind., and the application of Marion Radio Corp. (B4-P-4429), for a new station in Marion, Ind., both requesting frequency 1030 kc., with 1 KW power, daytime only.

1050 and 1070 Kilocycles

Designated for hearing in the same consolidated proceeding including applications of Palladium Publishing Co.,

Benton Harbor, Mich., and Myles H. Johns, Milwaukee, Wis., the applications of William L. Lipman, for a new station at Kenosha, Wisc., to use frequency 1050 kc., 250 watts, daytime only (B4-P-4436), and application of Monona Broadcasting Co. (B4-P-4404), for a new station at Madison, Wis., to operate on frequency 1070 kc., with 10 KW, DA at night, unlimited time.

1060 Kilocycles

Designated for hearing the application of Westinghouse Radio Stations, Inc. (KYW), Philadelphia, Pa., for a construction permit to install a new directional antenna system retaining its present frequency of 1060 kc., and its present power of 50 KW, unlimited time. (B2-P-3855)

1080 Kilocycles

Designated for hearing the application of Lake Superior Broadcasting Co. (B4-P-4278), for a new station at Duluth, Minn., to operate on 1080 kc., 10 KW, directional antenna, unlimited time.

Designated for consolidated hearing the application of Mid-America Broadcasting Corp. (B2-P-2760), for a new station at Louisville, Ky., to operate on 1080 kc., 1 KW night, 5 KW-LS, DA, unlimited time, with application of Kentucky Broadcasting Corp., Inc. (WINN), Louisville (B2-P-4169), to change frequency from 1240 to 1080 kc., increase power from 250 watts to 1 KW night, 5 KW day, install new transmitter and directional antenna, and change transmitter location.

1090 Kilocycles

Designated for consolidated hearing the application of W. Wright Esch, (WMFJ), Daytona Beach, Fla. (B3-P-4320), to change frequency from 1450 to 1090 kc., increase power from 250 watts to 1 KW, install a new transmitter and directional antenna for night use, and change transmitter location, with application of KTHS (B3-P-3814; Docket 7086), already in hearing docket, to move station to West Memphis, Ark., increase power, etc., on frequency 1090 kc.

1150 Kilocycles

Designated for consolidated hearing the application of Fostoria Broadcasting Co. (B2-P-4430), Fostoria, Ohio, for a new station to operate on 1150 kc., with 1 KW, daytime only, with application of Northwestern Ohio Broadcasting Corp. (B2-P-4447), for a new station at Lima, Ohio, on frequency 1150 kc., with 1 KW power, directional antenna, unlimited time.

1170 Kilocycles

Designated for hearing in a consolidated proceeding the applications of Finley-McKinnon Broadcasting Co. (B5-P-3705), for a new station at San Diego, Cal., with the application of Valley Broadcasting Co. (B5-P-4202), for a new station at San Jose, Cal., both requesting frequency 1170 kc., with 5 KW, DA, unlimited time.

1230 Kilocycles

Designated the application of New England Broadcasting Co. (B1-P-4196), for a new station at Worcester, Mass., requesting frequency 1230 kc., 250 watts power, unlimited time, for consolidated hearing in the same proceeding with applications for Woonsocket, R. I., Norwich and Waterbury, Conn., to be heard February 25-March 1.

Designated for hearing in a consolidated proceeding the application of Richard T. Sampson (B5-P-4442), for a new station at Oceanside, Cal., to operate on 1230 kc., 100 watts power, unlimited time, with application of John Gordon Studebaker, et al., d/b as Studebaker Broadcasting Co. (B5-P-3910), for a new station at San Diego, to operate on 1230 kc., with 250 watts, unlimited time.

1320 Kilocycles

Designated for hearing in a consolidated proceeding the application of Harold Thomas (WATR), (B1-P-3950), to change studio location of WATR from Waterbury, Conn., to Springfield, Mass., and increase power from 1 to 5 KW.

(Continued on next page)

install a new transmitter and DA, on its present frequency of 1320 kc., with application of WMAS, Inc. (WMAS), Springfield, Mass. (B1-P-4313), to change frequency from 1450 to 1320 kc., increase power from 250 watts to 5 KW, install a new transmitter and a directional antenna, and change transmitter location at Springfield.

1340 Kilocycles

Designated for hearing the application of The Ashland Broadcasting Co. (WCMI), (B2-P-4422), for construction permit to install a synchronous amplifier at Huntington, W. Va., operating on the frequency 1340 kc., with 250 watts power, unlimited time, synchronized with station, WCMI, Ashland, Ky.

Designated for hearing in a consolidated proceeding application of WestTex Broadcasting Co. (B3-P-4437), San Angelo, Texas, with application of Abilene Broadcasting Co. (B3-P-4438), Abilene, Texas, both requesting new stations to operate on 1340 kc., with 250 watts power, unlimited time.

1360 Kilocycles

Designated for hearing in a consolidated proceeding the applications of Luck-McDonald Co. (B3-P-4413) and Fort Worth Broadcasting Co. (B3-P-4439), both requesting a new station at Fort Worth, Texas, to operate on 1360 kc., 1 KW power, unlimited time, directional antenna.

1420, 1430 and 1440 Kilocycles

Designated for hearing the application of North Jersey Radio, Inc. (B1-P-4306), for a new station at Newark, N. J., to operate on the frequency 1430 kc., 5 KW, directional antenna at night, unlimited time.

Designated for hearing in a consolidated proceeding the application of The Capital Broadcasting Co. (B1-P-4318), for a new station at Annapolis, Md., to operate on 1430 kc., with 100 watts night, 250 watts-LS, unlimited time, with application of The Chesapeake Radio Corp. (B1-P-4139), for a new station at Annapolis to operate on 1440 kc., 250 watts, daytime only, and the application of Baltimore Broadcasting Corp. (WCBM), Baltimore, Md. (B1-P-3969), for a consolidated permit to change frequency from 1400 to 1420 kc., increase power from 250 watts to 5 KW, and install a new transmitter and directional antenna.

1450 Kilocycles

Designated for hearing in a consolidated proceeding the application of Thomas G. Harris, individually and as Trustee for Coleman Gay, et al., (B3-P-4355), Austin, Texas, with application of Charles W. Balthrope (B3-P-4375), San Antonio, both requesting new stations to operate on 1450 kc., 250 watts unlimited time, in Austin and San Antonio, respectively.

Designated for hearing in a consolidated proceeding the application of Meridian Broadcasting Co., Meridian, Miss. (B3-P-4174), with application of Duke H. Thornton (B3-P-4449), Philadelphia, Miss., both applicants requesting frequency 1450 kc., 250 watts, unlimited time.

1490 Kilocycles

Designated for hearing in a consolidated proceeding with application of WDNC, to be heard in a consolidated proceeding on March 8-16 in Washington, D. C., involving applications of Rebel Broadcasting Co., et al., the application of Public Information Corp. (B3-P-4431), for a new station at Durham, N. C., to operate on 1490 kc., with 250 watts power, unlimited time, contingent upon the grant of WDNC's application to change frequency from 1490 to 620 kc.

Designated for hearing in a consolidated proceeding the application of John W. Davis (B5-P-4299), for a new station at Portland, Ore., with application of John H. Fitzgibbon, Roy Jarman and Temple V. Ehmsen (B5-P-4432) for a new station at Oregon City, Ore., both applicants requesting frequency 1490 kc., 250 watts power, unlimited time.

Designated for hearing in a consolidated proceeding the application of Andalusia Broadcasting Co. (B3-P-4445), for a new station at Andalusia, Ala., with application of Troy Broadcasting Corp. (B3-P-4446), for a new station at Troy,

Ala., both requesting use of frequency 1490 kc., with 250 watts power, unlimited time.

Designated for hearing the application of Collinson-Wingate Broadcasting Co. (B4-P-4440), for a new station at Topeka, Kans., to operate on 1490 kc., 250 watts, unlimited time, in a consolidated proceeding with applications of Wichita Broadcasting Co., Inc., et al., requesting the frequency 1490 kc., to be heard in Wichita on March 11-19.

1520 Kilocycles

Designated for hearing the application of Radio Air Ways, Inc. (B5-P-3771), for a new station at Eugene, Oregon, to operate on 1520 kc., with 1 KW power, unlimited time.

1540 Kilocycles

Designated for hearing in a consolidated proceeding the application of Henry F. Fett (B2-P-4441), with application of Suburban Broadcasting (B2-P-4232), both applicants for a new station in Dearborn, Mich., to operate on frequency 1540 kc., 1 KW, daytime only.

1560 Kilocycles

Designated for hearing the application of New Laurel Radio Station, Inc., (WAML), Laurel, Miss. (B3-P-4369), for a construction permit to change frequency from 1340 to 1560 kc., increase power from 250 watts to 1 KW, install a new transmitter and a new antenna and ground system, and change transmitter location at Laurel.

LICENSE RENEWALS

Granted renewal of following station licenses for the period ending August 1, 1947:

WARM, Scranton, Pa.; WJLB, Detroit, Mich.; KRLC, Lewiston, Idaho; WHLB, Virginia, Minn.; WHDF, Calumet, Mich.; KFVD, Fort Dodge, Iowa.

MISCELLANEOUS ACTIONS

WPTZ—Philco Radio & Television Corp., Philadelphia, Pa.; W3XPD, W3XPE, W3XPF, W3XPG, W3XPH, W3XPI, W3XPK, W3XPL—Portable-Mobile, area of Central Md., N.E. Md., S.E. Pa. & D. C.; W10XP, W10XPA, W10XPB, W10XPC, W10XPR—Portable-Mobile, area of Wash., D. C., Phila. and New York; W3XE, W3XF—Springfield Twp., Pa.; W10XAD, W10XAE, W10XAF—Portable, area of Wash., D. C., Phila. and New York, N. Y.; W3XAF—Arlington, Va.—Granted modification of television license and/or construction permit to change corporate name to Philco Products, Inc.

W10XWA—Westinghouse Radio Stations, Inc., Portable-Mobile, to be used within continental U. S.—Granted license to cover construction permit which authorized a new developmental broadcast station, upon an experimental basis only; conditions. Frequencies that may be assigned by Commission's Chief Engineer from time to time; power 5 KW peak; emission: A0, A1, A2, A3, A4, A5, special and special for FM.

WJWC—J. W. Woodruff, et al., d/b as Columbus Broadcasting Co., area of Columbus, Ga.—Granted license to cover construction permit covering new relay broadcast station to be used with standard station WBBL; freqs. 1622, 2058, 2150, 2790 kc.; 15 watts.

WKBZ—Ashbacher Radio Corp., Muskegon, Mich.; John E. Fetzer and Rhea Y. Fetzer, d/b as Fetzer Broadcasting Co., Grand Rapids, Mich.—Adopted an order denying application of Ashbacher Radio Corp. for special service authorization to operate station WKBZ on 1230 kc. for the remainder of its current license term in lieu of operation on 1490 kc., the frequency presently assigned to and used by said station, and also application filed by Fetzer Broadcasting Co. requesting temporary authority for operation of station WJEF on 1230 kc.; and further ordered that the temporary authority be and is issued to Fetzer Broadcasting Co. for operation of station WJEF, Grand Rapids, Mich.,

(Continued on next page)

- as previously authorized, pending outcome of the consolidated hearing referred to above, provided, however, that the said temporary authority shall be subject to cancellation at any time by the Commission without notice or hearing should it appear upon the basis of the said hearing that a grant of the application of the Ashbacker Radio Corp. for a construction permit (B2-P-3609), would better serve the public interest than a grant of the application of Fetzter Broadcasting Co. (B2-P-3590).
- WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Adopted an order setting forth the issues on which the hearing in the above application of Ashbacker Radio Corp. shall be held in consolidation with hearing upon the application of Fetzter Broadcasting Co.
- E. T. Wright, Orlando, Fla.—Adopted order granting motion for leave to amend application for construction permit so as to specify a frequency of 1230 instead of 950 kc. and make certain other changes, and ordered that the application, as amended, be retained on the hearing docket to be heard in a consolidated proceeding with applications of Valdosta Broadcasting Co., Hazelwood, Inc. (WLOF), and E. D. Rivers (WGOV) scheduled for February 11, 1946. (Docket No. 7111)
- John E. Fetzter and Rhea Y. Fetzter, d/b as Fetzter Broadcasting Co., Grand Rapids, Mich.—Adopted order setting aside and vacating the grant made on June 27, 1944, for a new station (B2-P-3590) and license to cover same granted Feb. 5, 1945 (B2-L-1855), to operate on 1230 kc., 250 watts, unlimited time, and ordered that said application be designated for hearing in a consolidated proceeding with application of Ashbacker Radio Corp. (B2-P-3609)
- Marshall Broadcasting Co., Marshall, Texas, and KVOM, Inc., Marshall, Texas.—Adopted order granting petition of Marshall Broadcasting Co. for leave to amend its application to show corrected and additional data and to remove from hearing docket; accepted amendment filed simultaneously with the petition; and removed application as amended from hearing docket (Docket 6706). The Commission further ordered that the petition of KVOM, Inc., to dismiss without prejudice its application for construction permit be granted. (B3-P-3717; Docket 6707)
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Adopted an order directing that a conditional authorization be issued to WGAR Broadcasting Co. for the operation of station WGAR on 1220 kc. with 50 KW power, unlimited time, and for the installation of a new transmitter and a new directional antenna for day and night use at the site specified in the instant application; and further ordered that such conditional authorization shall be subject to being withdrawn if at the conclusion of the consolidated hearing upon the applications of WADC and WGAR, it is shown that public interest will be better served by a grant of the Simmons application. (Action taken 2/1/46.)
- KHQ—Louis Wasmer (Transferor), Spokane Chronicle Co. (Transferee), Louis Wasmer, Inc. (Licensee), Spokane, Wash.—Granted consent to voluntary transfer of control of Louis Wasmer, Inc., licensee of station KHQ, from Louis Wasmer to Spokane Chronicle Co., for the consideration of \$1,295,000 plus an amount equal to the net profits of the licensee from Jan. 1, 1945 to closing date. (B5-TC-468)
- WARM—Lou Poller (Transferor), Martin F. Memolo (Transferee), Union Broadcasting Co. (Licensee), Scranton, Pa.—Granted consent to voluntary transfer of control of Union Broadcasting Co., licensee of station WARM, from Lou Poller to Martin F. Memolo, for a consideration of \$50,000 cash now on deposit in escrow, of which \$25,000 was taken from funds on hand and balance obtained through 5% bank loan payable \$2,000 monthly. (B2-TC-469)
- so as to change the orientation and phasing of the DA in daytime operation, and add supplemental engineering data.
- San Bernadino Broadcasting Co., San Bernadino, Calif.—Granted motion to take deposition in re application (B5-P-3908), limiting to 25 the number of witnesses.
- KFXM—Lee Bros. Broadcasting Co., San Bernadino, Calif.—Granted authority to take depositions in re application (B5-P-4093), limiting to 25 the number of witnesses.
- United Broadcasting Co., Ogden, Utah.—Granted motion for leave to amend application (B5-P-4107), so as to specify the frequency 1490 instead of 960 kc., and to make other changes concerning engineering exhibit.
- WQXR—Interstate Broadcasting Co., Inc., Long Island, City, N. Y.—Granted petition for leave to intervene in the consolidated proceeding scheduled for Feb. 4, in re application of WWRL and others applying for 1600 kc.
- WDNC—Durham Radio Corp., Durham, N. C.—Granted motion to take depositions in re its application. (B3-P-3107)
- Mt. Vernon Radio & Tele. Co., Mt. Vernon, Ill.—Granted motion for leave to amend its application (B4-P-4265), so as to change Exhibit B relating to stock ownership, etc.
- WLAP—American Broadcasting Corp., Lexington, Ky.—Granted motion for leave to take depositions in re its application (B2-P-4102).
- WGOV—E. D. Rivers, Valdosta, Ga.—Granted motion for leave to amend his application (B3-P-3213) so as to specify a new DA system; power of 5 KW daytime; 1 KW night, instead of 1 KW day and night, and make other changes.
- Nashville Broadcasting Co., Nashville, Tenn.—Granted request to dismiss application (B2-P-3190) without prejudice.
- J. O. Emmerich, Bogalusa, La.—Granted petition to dismiss without prejudice application (B3-P-3805) for a new station.
- The following action was taken by Commissioner Denny on February 1
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted motion insofar as it requests leave to intervene in the hearing upon application of KSEI (Docket 6865), but denied insofar as it requests enlargement of issues in the case.
- WLOF—Hazelwood, Inc., E. T. Wright, Orlando, Fla.—Upon consideration of petitions of WLOF and E. T. Wright for reconsideration and grant of their applications, it was ordered that the application of WLOF (Docket 6864, B3-P-3973) and application of E. T. Wright (Docket 7111, B3-P-4268), be removed from the hearing docket, and the petitions for reconsideration and grant were denied. It was further ordered that the bills of particulars heretofore issued in these proceedings be amended to delete these two applications from the proceedings.
- Western Union Teleg. Co.—Granted petition for continuance of oral argument in re the rules relating to Sec. 214 of the Act, and ordered continuance of oral argument from Feb. 21 to May 21, 1946, and the time for filing a statement by any person desiring to be represented at such oral argument as required in the Commission's Order of Jan. 16, to be extended to April 6, 1946. (Action taken 2-8.)
- KSD—Pulitzer Publishing Co., St. Louis, Mo.—Denied motion requesting amendment of hearing notice issued in re application (B4-P-4089), so as to strike the first issue, which deals with technical, financial and other qualifications of applicant. (Action taken 2-7.)
- Arkansas-Oklahoma Broadcasting Corp., Fort Smith, Ark.—Granted petition insofar as it requests opening of the record in re applications of petitioner and Donald W. Reynolds; denied insofar as petition requests leave to take depositions of Milton W. Woodward, without prejudice, however, to the presentation by petitioner of the testimony only of Milton W. Woodward at a further hearing in this matter on Feb. 28, at Wash-

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ACTION ON MOTIONS

- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted motion for leave to amend application (B2-P-4095)

ington, said further hearing to be limited to the purposes hereby stated. (Action taken 2-7.)

Roger T. Peacock, Sr., tr/as Daytona Beach Broadcasting Co., Daytona Beach, Fla.—Granted motion for leave to amend application (B3-P-4122) so as to add Rodger T. Peacock, Jr., to the partnership, and substitute said partnership of Roderick T. Peacock, Sr., and and Rodger T. Peacock, Jr., a partnership, trading as Daytona Beach Broadcasting Co., for Rodger T. Peacock, Sr., trading as Daytona Beach Broadcasting Co.; to add articles of partnership to the application, and to make other changes.

TELEVISION

The Commission enbanc on February 1 set for hearing the following applications for television stations in metropolitan districts. In these cases, the number of applicants exceed the channels allocated under the Commission's Report of November 21, 1945:

New York-Northeastern New Jersey (7 channels—Metropolitan)

American Broadcasting Co., Inc. (B1-PCT-79); Bamberger Broadcasting Service, Inc. (B1-PCT-15); Bremer Broadcasting Corp. (Newark) (B1-PCT-57); Debs Memorial Radio Fund, Inc. (B1-PCT-116); Palmer K. & Lois C. Leberman (B1-PCT-129); Marcus Loew Booking Agency (B1-PCT-105); Metropolitan Television, Inc. (B1-PCT-12); News Syndicate Co., Inc. (B1-PCT-83); Philco Radio & Television Corp. (B1-PCT-37); Raytheon Mfg. Co. (B1-PCT-115); Sherron Metallic Corp. (Huntington, N. Y.) (B1-PCT-149); Twentieth Century Fox-Film Corp. (B1-PCT-132); Westchester Broadcasting Corp. (White Plains, N. Y.) (B1-PCT-58); WLIB, Inc. (B1-PCT-114).

(There are three licensed commercial television broadcast stations in New York City, namely, WNBC (NBC), WCBW (CBS), and WABD (Allen B. DuMont Lab., Inc.)

Los Angeles—7 Channels—Metropolitan

American Broadcasting Co., Inc. (B5-PCT-81); Earl C. Anthony, Inc. (B5-MPCT-12); Walt Disney Productions (Burbank) (B5-PCT-156); Consolidated Broadcasting Corp., Ltd. (B5-PCT-70); Fox West Coast Theatres (B5-PCT-142); Hughes Productions, Division of Hughes Tool Co. (B5-PCT-17); Don Lee Broadcasting System (B5-MPCT-18); Metro-Goldwyn-Mayer Studios, Inc. (B5-PCT-106); National Broadcasting Co., Inc. (B5-PCT-24); Television Productions, Inc. (B5-PCT-160); The Times-Mirror Co. (B5-PCT-92); Warner Bros. Broadcasting Corp. (B5-PCT-66); Dorothy S. Thackrey (B5-PCT-165).

Philadelphia—4 Channels—Metropolitan

Bamberger Broadcasting Service, Inc. (B2-PCT-42); Wm. Penn Broadcasting Co. (B2-PCT-150); Pennsylvania Broadcasting Co. (B2-PCT-97); Philadelphia Daily News, Inc. (B2-PCT-119); The Philadelphia Inquirer, a Division of Triangle Publications, Inc. (B2-PCT-73); Seaboard Radio Broadcasting Corp. (B2-PCT-72); WCAU Broadcasting Co. (B2-PCT-13); WDAS Broadcasting Station, Inc. (B2-PCT-74); Westinghouse Radio Stations, Inc. (B2-PCT-34); WFIL Broadcasting Co. (B2-PCT-53).

(There is one licensed commercial television station in Philadelphia, namely WPTZ, Philco Radio & Television Corp.)

Detroit—5 Channels—Metropolitan

The Evening News Assn. (B2-PCT-100); International Detrola Corp. (B2-PCT-44); The Jam Handy Organization, Inc. (B2-PCT-54); King Trendle Broadcasting Corp. (B2-PCT-45); United Detroit Theatres Corp. (B2-PCT-50); WJR, The Goodwill Station (B2-PCT-55).

San Francisco-Oakland—6 Channels—Metropolitan

American Broadcasters Co., Inc. (B5-PCT-158); The Associated Broadcasters, Inc. (B5-PCT-46); Don Lee Broadcasting System (B5-PCT-22); Hearst Publications, Inc. (B5-PCT-162); Hughes Productions, Division of Hughes

Tool Co. (B5-PCT-18); Television Productions, Inc. (B5-PCT-151); Dorothy S. Thackrey (B5-PCT-164).

Pittsburgh—4 Channels—Metropolitan

Allegheny Broadcasting Corp (B2-PCT-147); Allen B. DuMont Lab., Inc. (B2-PCT-139); Scripps-Howard Radio, Inc. (B2-PCT-122); WCAE, Inc. (B2-PCT-143); Westinghouse Radio Stations, Inc. (B2-PCT-35).

Cleveland—5 Channels—Metropolitan

Allen B. DuMont Lab., Inc. (B2-PCT-161); National Broadcasting Co., Inc. (B2-PCT-23); Scripps-Howard Radio, Inc. (B2-PCT-121); United Broadcasting Co. (B2-PCT-77); The WGAR Broadcasting Co. (B2-PCT-59); WJW, Inc. (B2-PCT-146).

Baltimore—3 Channels—Metropolitan

Hearst Radio, Inc. (B1-PCT-68); Maryland Broadcasting Co. (B1-PCT-109); The Tower Realty Co. (B1-PCT-39); Jos. M. Zamoiski Co. (B1-PCT-61).

Providence—1 Channel—Metropolitan

The Outlet Co. (B1-PCT-87); The Yankee Network, Inc. (B1-PCT-101).

Harrisburg—1 Channel—Metropolitan

WHP, Inc. (B2-PCT-154); Keystone Broadcasting Corp. (B2-PCT-135).

Lancaster—1 Channel—Community

Lancaster Television Corp. (B2-PCT-145); WGAL, Inc. (B2-PCT-138).

Federal Communications Commission Applications

APPLICATIONS ACCEPTED FOR FILING

500 Kilocycles

NEW—Capital City Broadcasting Corp., Baton Rouge, La. (P. O. 1849 North Street, Baton Rouge, La.)—Construction permit for a new standard broadcast station to be operated on 550 kc., power of 1 KW, directional antenna night and unlimited hours of operation.

600 Kilocycles

KFSD—Airfan Radio Corporation, Ltd., San Diego, Calif.—License to cover construction permit (B5-P-3877) which authorized installation of a new transmitter.

630 Kilocycles

NEW—Washington Broadcasters, Inc., Spokane, Wash. (P. O. Temp. 921 Tower Bldg., Washington 5, D. C.)—Construction permit for a new standard broadcast station to be operated on 630 kc., power of 5 KW, directional antenna and unlimited hours of operation.

950 Kilocycles

WLOR—Hazelwood, Inc., Orlando, Fla.—Construction permit to change frequency from 1230 to 950 kc., increase power from 250 watts to 5 KW, install new transmitter and directional antenna and change transmitter location from near Orlando, Fla., to near Orlovista, Fla. Amended to change type of transmitter and to provide the use of directional antenna for day and night operation.

1010 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3026, as modified, which authorized increase in power, installation of new

(Continued on next page)

transmitter and changes in directional antenna for day and night use) for extension of completion date from 2-28-46 to 5-29-46.

1230 Kilocycles

- KWTX—Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert E. Levy, Ross M. Sams & Davis Stribling, Waco, Texas—Modification of construction permit (B3-P-3176, which authorized a new standard broadcast station) for approval of antenna and transmitter location, specify studio location and to correct name of Robert G. Levy to read Robert E. Levy.
- NEW—Illmo Broadcasting Corp., Quincy, Ill. (P. O. 1000 Monroe St.)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.
- WDSM—WDSM, Incorporated, Superior, Wis.—Voluntary transfer of control of licensee corporation from James J. Conroy, Roland C. Buck, George W. Welles, Jr., Victoria B. Conroy and Joseph H. Weisberg to Ridson, Incorporated.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Construction permit to move the present licensed main transmitter from corner Post Road & Chester Avenue, White Plains, New York, to Secor Road, 2.8 miles west of White Plains, Town of Greenburgh, New York, to be used as an auxiliary, with power of 250 watts.
- NEW—Tidewater Broadcasting Corp., Norfolk, Va. (P. O. Johnson Abbott Bldg., 317 Bank St.)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 100 watts and unlimited hours of operation.

1280 Kilocycles

- WMRO—Martin R. O'Brien, Aurora, Ill.—Voluntary assignment of license to WMRO, Inc.

1340 Kilocycles

- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Construction permit to install new transmitter.
- WBRK—Monroe B. England, Pittsfield, Mass.—Voluntary assignment of license to Western Massachusetts Broadcasting Company.

1390 Kilocycles

- KNOE—James A. Noe, Monroe, La.—Modification of construction permit (B3-S-1203, which authorized change in frequency) for change in frequency from 1230 to 1390 kc., increase power from 250 watts to 5 KW and installation of new transmitter and directional antenna for night use.

1400 Kilocycles

- KGVL—Truett Kimzey, Greenville, Texas—Modification of construction permit (B3-P-3343, which authorized a new standard broadcast station) for approval of antenna and transmitter location and to specify studio location.
- KHON—Aloha Broadcasting Co., Ltd., Honolulu, T. H.—Modification of construction permit (B-P-3736, which authorized a new standard broadcast station) for changes in transmitting equipment, approval of antenna and approval of transmitter and studio locations.

1410 Kilocycles

- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to change frequency from 1400 kc. to 1410 kc., increase power from 250 watts day and night to 1 KW day and 50 watts night, install new transmitter and make changes in vertical antenna.

1490 Kilocycles

- WKAY—Glasgow Broadcasting Co., Glasgow, Ky.—Modification of construction permit (B2-P-4008, which

authorized a new standard broadcast station) to make changes in transmitting equipment, for approval of antenna and transmitter and studio locations.

WMGR—S. Marvin Griffin, Bainbridge, Ga.—Modification of construction permit (B3-P-3893, which authorized a new standard broadcast station) for changes in transmitting equipment, approval of transmitter location and change studio location and approval of antenna.

NEW—Joseph Triner, Charles M. Hickman, George Herrmann, Jr., Edward J. Faltysek and William L. Klein, d/b as Village Broadcasting Co., Oak Park, Ill.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation. Amended to change name of applicant from William L. Klein to Joseph Triner, Charles M. Hickman, George Herrmann, Jr., Edward J. Faltysek and William L. Klein, d/b as Village Broadcasting Co.

1590 Kilocycles

- KVGB—KVGB, Inc., Great Bend, Kansas—Construction permit to change frequency from 1400 kc. to 1590 kc., increase power from 250 watts to 1 KW and install new transmitter.
- NEW—Ojai Broadcasting Co., Ventura, Calif. (P. O. 1109 Rowan Bldg., 458 S. Spring St., Los Angeles, Calif.)—Construction permit for a new standard broadcast station to be operated on 1590 kc., power of 1 KW and unlimited hours of operation. (Call "KFVO" reserved.)

APPLICATIONS TENDERED FOR FILING

- WEST—Associated Broadcasters, Inc., Easton, Pa.—Construction permit to change frequency from 1400 kc. to 1230 kc.
- NEW—E. L. Roberts, Gadsden, Ala.—Construction permit for a new standard broadcast station to be operated on 1350 kc., power of 1 KW, directional antenna and unlimited hours of operation.
- NEW—Voice of Dixie, Inc., Birmingham, Ala.—Construction permit for a new standard broadcast station to be operated on 690 kc., power of 10 KW, directional antenna night and unlimited hours of operation.
- NEW—Kentucky Lake Broadcasting System, Inc., Paris, Tenn.—Construction permit for a new standard broadcast station to be operated on 1340 kc., power of 250 watts and unlimited hours of operation.
- KGCO—Mandan Radio Association, Mandan, N. D.—Construction permit to increase power from 250 watts to 1 KW, install new transmitter and directional antenna for night use.
- NEW—Sierra Broadcasting Service, a partnership consisting of Leonard R. Trainer and Reginald H. Shirk, Hot Springs, N. Mex.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.
- KNAK—Granite District Radio Broadcasting Company, Salt Lake City, Utah.—Construction permit to change frequency from 1400 to 1280 kc., increase power from 250 watts to 500 watts and make changes in transmitting equipment.
- NEW—Rogue Valley Broadcasting Co., Inc., Ashland, Ore.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.
- NEW—J. Paul Stone and R. M. Ware, Jr., Fitzgerald, Ga.—Construction permit for a new standard broadcast station to be operated on 1240 kc., power of 250 watts and unlimited hours of operation.
- NEW—A. J. Fletcher, Greensboro, N. C.—Construction permit for a new standard broadcast station to be operated on 850 kc., power of 1 KW and daytime hours of operation.
- NEW—George Dyson, Jr., d/b as The Alton Broadcasting Co., Alton, Ill.—Construction permit for a new standard broadcast station to be operated on 1300 kc., power of 1 KW and daytime hours of operation.

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NEW—Northern States Broadcasting Co., Fargo, N. D.—Construction permit for a new standard broadcast station to be operated on **790 kc.**, power of 5 KW, Directional antenna night and unlimited hours of operation.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Construction permit to increase power from 1 KW night, 5 KW daytime to 5 KW day and night using directional antenna for day and night.

NEW—Alvin E. Nelson, Inc., San Francisco, Calif.—Construction permit for a new standard broadcast station to be operated on **1030 kc.**, power of 50 KW, directional antenna and unlimited hours of operation.

WDEV—Lloyd E. Squier and William G. Ricker, d/b as Radio Station WDEV, Waterbury, Vt.—Construction permit to change hours of operation from daytime to unlimited, install directional antenna for day and night use.

NEW—Jose E. del Valle, Santurce, P. R.—Construction permit for a new standard broadcast station to be operated on **740 kc.**, power of 10 KW, directional antenna and unlimited hours of operation.

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—Construction permit to change frequency from **920 to 940 kc.**, increase hours of operation from daytime to unlimited using 1 KW day and night and install directional antenna for night use.

WOLS—Florence Broadcasting Co., Inc., Florence, S. C.—Construction permit to change frequency from **1230 to 930 kc.**, increase power from 250 watts to 1 KW, install new transmitter and directional antenna for night use and change transmitter location.

NEW—W. Walter Tison, Tampa, Fla.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

NEW—R. E. Northcutt, W. L. Gillmor and W. C. Turner, d/b as the General Broadcasting Company, Independence, Mo.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Construction permit to increase power from 1 KW to 10 KW, install new transmitter.

NEW—Northern Kentucky Airwaves Corp., Covington, Ky.—Construction permit for a new standard broadcast station to be operated on **1050 kc.**, power of 250 watts and daytime hours of operation.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Construction permit to change frequency from **1340 to 930 kc.**, increase power from 250 watts to 1 KW, install new transmitter and directional antenna for night use and change transmitter location.

WIIK—United Broadcasting Company, Cleveland, Ohio.—Construction permit to change frequency from **1420 to 640 kc.**, increase power from 5 KW to 50 KW, install new transmitter, install directional antenna for day and night use and change transmitter location.

WIIKK—United Broadcasting Company, Akron, Ohio.—Construction permit to change frequency from **640 to 1420 kc.**, increase power from 1 KW to 5 KW, change hours of operation from limited to unlimited, install new transmitter and directional antenna for day and night use and change transmitter location. (Contingent upon grant of WIIK application for **640 kc.**)

NEW—Carroll-Grayson Broadcasting Corp., Galax, Va.—Construction permit for a new standard broadcast station to be operated on **1400 kc.**, power of 250 watts and unlimited hours of operation.

NEW—Shawnee Broadcasting Company, Chillicothe, Ohio.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

NEW—Kenneth Kesterson and Charles Penix, a partnership, d/b as Radio Engineering Service, Pine Bluff, Ark.—Construction permit for a new standard broadcast station to be operated on **1400 kc.**, power of 250 watts and unlimited hours of operation.

NEW—Mary C. Hamilton (Mrs. G. W.), William B. Davies, Fielding H. Atchley, Robert E. McCallum, Jr., d/b as Hub City Broadcasting Co., Jackson, Tenn.—Con-

struction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

NEW—Southwest Broadcasters, Inc., Raton, N. M.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

NEW—John A. Fagerstedt, Weiser, Idaho.—Construction permit for a new standard broadcast station to be operated on **550 to 1600 kc.**, power of 250 watts and unlimited hours of operation.

Empire Newspapers-Radio Co., Endicott, N. Y.—Construction permit for a new standard broadcast station to be operated on **1450 kc.**, power of 250 watts and unlimited hours of operation.

Express Publishing Company, San Antonio, Texas.—Construction permit for a new standard broadcast station to be operated on **1450 kc.**, power of 250 watts and unlimited hours of operation.

East-West Broadcasting Company, a partnership composed of John C. Griffith, James H. Lawson, Jr., James G. Ulmer, James G. Uhmer, Jr., M. Ward Bailey and T. S. Christopher, Fort Worth, Texas.—Construction permit for a new standard broadcast station to be operated on **1540 kc.**, power of 250 watts and unlimited hours of operation.

James C. Wallentine, d/b as The Uintah Broadcasting Company, Vernal, Utah.—Construction permit for a new standard broadcast station to be operated on **1340 kc.**, power of 250 watts and unlimited hours of operation.

Radio & Television Broadcasting Company of Idaho, Pocatello, Idaho.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, power of 250 watts and unlimited hours of operation.

MISCELLANEOUS APPLICATIONS ACCEPTED FOR FILING

NEW—The Capital Broadcasting Co., Annapolis, Md. (P. O. Carvel Hall Hotel, King George St.)—Construction permit for a new FM (Metropolitan) broadcast station to be operated on Channel #261, **100.1 mc.**, or as assigned by FCC and coverage of 11,700 square miles.

NEW—Trent Broadcast Corp., Trenton, N. J. (P. O. 35 West State St.)—Construction permit for new FM broadcast station to be operated on frequency to be specified and coverage of 9,260 square miles.

W2XDK—Sherron Metallic Corp., Brooklyn, N. Y.—Modification of construction permit (B1-PVB-142) which authorized a new experimental television broadcast station for extension of completion date from 1-22-46 to 7-1-46.

WBGO—The Board of Education of Newark in the County of Essex, Newark, N. J.—Modification of construction permit (B1-PED-50) which authorized a new noncommercial educational broadcast station for extension of completion date from 2-12-46 to 8-12-46.

WBGO—The Board of Education of Newark in the County of Essex—Modification of construction permit (B1-PED-50) which authorized a new noncommercial educational broadcast station for change in antenna system.

W9XEK—Courier-Journal & Louisville Times Co., Louisville, Ky.—Modification of construction permit (B2-PEX-66, which authorized change in frequency, transmitter, emission, antenna and increase power) for extension of completion date from 1-22-46 to 3-22-46.

NEW—KJBS Broadcasters, a partnership consisting of William B. Dolph, Elizabeth N. Bingham, Helen S. Mark, Alice H. Lewis, Glenna G. Dolph, Edwin P. Franklin, D. Worth Clark and Hope D. Pettey, San Francisco, Calif.—Construction permit for a new FM (Metropolitan) broadcast station to be operated on **44.7 mc.** and coverage of 7,557 square miles. Amended to change frequency from **44.7 mc.** to Channel #253, **98.5 mc.**

WLAR—Lowell F. Arterburn, tr/as Athens Broadcasting Co., Athens, Tenn.—Modification of construction permit (B3-P-3929, which authorized a new standard broad-

(Continued on next page)

- cast station) for approval of antenna and approval of transmitter and studio locations.
- NEW—George Bennett, Russell Bennett and Hal Douglas, d/b as Fayetteville Broadcasting Co., Fayetteville, Ark.—Modification of construction permit (B3-P-4218, which authorized a new standard broadcast station) for approval of antenna and approval of transmitter location.
- KGKO—KGKO Broadcasting Co., Fort Worth, Texas—Involuntary assignment of license to Carter Publications, Inc., and A. H. Belo Corporation. (Call "KERA" reserved for A. H. Belo Corp.)
- KFYR—Meyer Broadcasting Co., Bismarck, N. D.—Construction permit to install new transmitter.
- NEW—KCMO Broadcasting Co., Kansas City, Mo. (P. O. 1515 Commerce Trust Bldg. 922 Walnut St.)—Construction permit for a new FM (Metropolitan) broadcast station to be operated on Channel #40, 95.9 mc. and coverage to be determined. Amended to change type of transmitter.
- NEW—Belvedere Broadcasting Corp., Baltimore, Md. (P. O. 1408 Kingsway Road)—Construction permit for a new FM (Metropolitan) broadcast station to be operated on frequency to be assigned by FCC and coverage to be determined by FCC.
- NEW—WINX Broadcasting Co., Washington, D. C. (P. O. Eighth & Eye Sts., N. W.)—Construction permit for a new FM (Metropolitan) broadcast station to be operated on Channel #262, 100.3 mc. and coverage of 12,419 square miles.
- NEW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit for a new FM broadcast station to be operated on frequency to be determined by FCC and coverage of 4,650 square miles. Amended to change antenna system.
- NEW—Monroe B. England, Pittsfield, Mass.—Voluntary assignment of conditional grant of construction permit for a new Metropolitan FM station to Western Massachusetts Broadcasting Company.
- NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new commercial television broadcast station to be operated on Channel #1, 50-56 mc. and ESR of 1.720. Amended to change frequency from Channel #1, 50-56 mc. to Channel #5, 76-82 mc.
- NEW—Midwest Broadcasting Co., Milwaukee, Wis. (P. O. 800 Brunder Bldg.)—Construction permit for a new FM (Metropolitan) broadcast station to be operated on frequency and coverage to be assigned by FCC. (Call "WPAW" reserved.)
- WTMJ-FM—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit to change type transmitter and antenna system.
- NEW—Frank E. Hurt & Son, a Partnership composed of Frank E. Hurt & Edward P. Hurt, Nampa, Idaho (P. O. 1024-12th Avenue So.)—Construction permit for a new FM (Metropolitan) broadcast station to be operated on Channel #240, 95.9 mc., and coverage of 7,000 square miles.
- Cowles Broadcasting Co., Wheaton, Md. (P. O. 1627 K St., N. W., Washington, D. C.)—Construction permit for a new developmental broadcast station to be operated on 107.7 mc. or any frequency selected by the Commission between 106-108 mc., power of 1 KW and special for facsimile emission.
- WKNE—WKNE Corporation, Keene, N. H.—Voluntary transfer of control of licensee corporation from Harry C. Wilder, Mark S. Wilder, Helen W. Miller, Frank Lyman, Jr., David Carpenter, N. L. Kidd, George W. Smith and Philip H. Faulkner, to Joseph K. Close, Lyman Spitzer, Abbott K. Spencer and Robert T. Colwell. (1290 kc.)
- Eagle Printing Company, Inc., Butler, Pa.—Construction permit for a new FM (Community) broadcast station to be operated on frequency and coverage not specified. Amended to specify frequency as to be determined by FCC, coverage as 13,780 square miles, change class of station from Community to Metropolitan and specify population, transmitter site and antenna system.
- Skyway Broadcasting Corporation, Asheville, N. C. (P. O. % Chas. G. Lee, Legal Bldg., Asheville, N. C.)—Construction permit for a new standard broadcast station to be operated on 1380 kc., power of 5 KW day and and 1 KW night, directional antenna night and unlimited hours of operation.
- State Broadcasting Company, Oklahoma City, Okla. (P. O. Oklahoma City, Okla.)—Construction permit for a new standard broadcast station to be operated on 730 kc., power of 1 KW and daytime hours of operation.
- Radio Asheville, Inc., Asheville, N. C. (P. O. Geo. H. Wright, Wachovia Bank Building.)—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 250 watts and unlimited hours of operation. Amended, re stockholders. (Call "WCRA" reserved.)

APPLICATION RETURNED

The Northern Kentucky Radio Corp., Covington, Ky.—Construction permit for a new standard broadcast station to be operated on 1050 kc., power of 250 watts and daytime hours of operation.

APPLICATIONS FOR RENEWAL OF STANDARD BROADCAST STATION LICENSES

Marshall Electric Company, Marshalltown, Iowa, KFJB.
Amarillo Broadcasting Corp., Amarillo, Texas, KFDA.
Spokane Broadcasting Corp., Spokane, Wash., KFIO.
Dalton Broadcasting Corporation, Dalton, Ga., WBLJ.
Nebraska Broadcasting Company, Hastings, Nebr., KHAS.
WCBT, Inc., Roanoke Rapids, N. C., WCBT.
Millard Eidson, Independent Executor of Estate of Clarence Scharbauer, deceased, Midland, Texas, KCRS.
Keystone Broadcasting Corp., Harrisburg, Pa., WKBO.
J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company, Columbus, Ga., WRBL.
Fredericksburg Broadcasting Corp., Fredericksburg, Va., WFVA.
Valradio, Inc., El Centro, Calif., KXO.
North Shore Broadcasting Company, Salem, Mass., WESX.

FM APPLICATIONS

NEW—Amarillo Broadcasting Corp., Amarillo, Texas—Construction permit for a new FM (Metropolitan) broadcast station to be operated on 45.1 mc. and coverage of 5,600 square miles. Amended to change transmitter site and antenna system.

NEW—Independence Broadcasting Co., Philadelphia, Pa.—Construction permit for a new FM (Metropolitan) broadcast station to be operated on Channel 78, 103.5 mc. and coverage to conform population. Amended to specify studio site.

NEW—Midwest F. M. Network, Inc., Milwaukee, Wis.—Construction permit for a new FM (Metropolitan) broadcast station to be operated on Channel #55, 98.9 mc. and coverage to be assigned. Amended to change antenna system and specify max. 3 KW transmitter.

Federal Trade Commission Docket

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against it.

Ever Charge Products. A complaint alleging misrepresentation of the effectiveness of a powdered preparation
(Continued on next page)

designated "Ever-Charge," for use in storage batteries, has been issued against Irving A. Grubman, trading as Ever-Charge Products, 2806 West Ninth Street, Los Angeles. (5419)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

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

Henry Berg, Bessie Berg, Robert Berg and Harold Berg, members of a copartnership trading as Berg Sales Co., 119 South Wells Street, Chicago, stipulated that in connection with the sale of leather billfolds they will cease and desist from selling or otherwise disposing of their merchandise by means of a game of chance, gift enterprise or lottery scheme. (4143)

Burns Cuboid Co., Inc., 414 East Fourth Street, Santa Ana, Calif., has entered into a stipulation to discontinue misrepresenting the therapeutic properties of a device design-

nated "Cuboids," advertised as capable of mitigating or curing disabilities of the feet. (4142)

Homasote Co., Inc., West Trenton, N. J., stipulated that it will cease and desist from certain misrepresentations in connection with the sale of Homasote Board, designed for use in the construction of prefabricated houses. (4144)

Raymor Food Products Co., 179 North Michigan Avenue, Chicago, stipulated that they will cease and desist from misrepresenting the therapeutic properties of their Raymor drug preparations. (4141)

FTC CASE CLOSED

The Federal Trade Commission has closed without prejudice the case growing out of its complaint which charged Identification Plate and Machine Co., Inc., and its officers, John B. Pollard and Robert C. Fairberg, with misrepresentation in connection with the sale of name plates and stamping machines.

The case was closed because the charter of the corporate respondent has been dissolved and the whereabouts of the individual respondents are unknown.

When the complaint was issued the respondents had their place of business at 133 West 25th Street, New York.