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## **NAB Opposes FM Reservations At FCC Hearing**

### **Briefs and Testimony Argue That Rule Is Illegal and Would Hamper FM Expansion**

NAB, CBS, NBC, Zenith Radio Corp., the National Maritime Union, radio stations and applicants filed briefs with the FCC or presented oral argument on Friday (12) in opposition to the commission's proposal to reserve every fifth FM channel for one year.

In its argument, NAB stated that the rule is illegal and contrary to the public interest and asked that an additional portion of the spectrum be indicated by the commission for the expansion of FM.

NAB pointed out in its brief that the Communications Act provides for the widest possible allocation of broadcasting facilities to qualified applicants to assure maximum effective broadcasting service for the listening public. When frequencies are available, NAB argued, the Act requires the FCC to grant facilities to qualified broadcasters who apply for a license.

The brief stated further that the Act provides that full hearings be afforded to applicants for broadcasting licenses. By proposing to reserve allocated and available frequencies, the brief went on, the FCC would at the same time anticipate issues and decide them without considering the merits of applications.

In oral testimony, NAB's General Counsel, Don Petty, was the first spokesman. In addition to questioning the commission's authority, he stated that the proposed reservation would retard the normal development of FM broadcasting.

Theodore Pierson, attorney for various radio interests, also questioned the legal authority of the commission under the Communications Act to reserve allocated frequencies from assignment.

In requesting that the

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### **STRATEGY COMMITTEE DISCUSSES INEXPERIENCED BROADCASTERS' ENTRY INTO RADIO FIELD**

The Special NAB Strategy Committees authorized by the Board of Directors met in Washington today to consider the many problems incident to the entry into the broadcast business of thousands of new broadcasters, many of them unfamiliar with the problems involved in the business.

The committee, after lengthy discussion, formulated a series of recommendations to be submitted to the Board of Directors at its meeting next month. NAB President Justin Miller, who presided, expressed himself as "well pleased" with the careful and thoughtful consideration which the committee had given to the subject.

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### **PR EXECUTIVE COMMITTEE REVIEWS POLICY, FORMULATES BOARD RECOMMENDATIONS**

The NAB Public Relations Executive Committee met in Washington Friday (12) to formulate recommendations to be presented to the Board of Directors respecting immediate and long-range public relations policy. The platform of public relations prepared by E. M. Kirby, former NAB Public Relations Consultant, was reviewed in detail.

Immediate steps to improve the printed publicity material gotten out by NAB were endorsed. Likewise, activity was planned to encourage and assist independent publishers in featuring articles and publications based upon fact and the constructive part which radio broadcasting performs in American cultural and economic life.

Dorothy Lewis, NAB Coordinator of Listener Activity, reported that the

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### **INSIDE THIS ISSUE**

A busy *en banc* session of the FCC Thursday (11) resulted in issuance of engineering approvals and CP's for thirty, conditional grants for five, and final CP's for six new FM stations. Also issued: three television CP's, and eight AM CP's. *(See FCC Actions)*

Forms to be used in making hotel reservations for the annual NAB convention will be mailed to the membership within the next ten days. (p. 545)

An "Exposition for Better Living" conducted by WNNH netted the station eighty-five participating sponsors. (p. 542)

The Census Bureau announces that 1,135,128 sets were produced in April. This figure exceeds the 1941 monthly average by eleven per cent. (p. 543)

Mutual outlines sales and promotion techniques used by its cooperative program department. (p. 543)

Promotions for two members of the FCC staff were announced last week. (p. 547)

Successful use of a state network for covering elections is reported by the Mid-South Network. (p. 545)

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

Kenneth H. Baker, *Director of Research*; Robert T. Bartley, *Director of FM Dept. and Government Relations*; Charles A. Batson, *Director of Information*; Robert C. Coleson, *Western Field Representative (Hollywood)*; Edward J. Heffron, *Executive Assistant-Public Relations*; Dorothy Lewis, *Coordinator of Listener Activity (New York City)*; James L. Middlebrooks, *Director of Engineering*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Don E. Petty, *General Counsel*; Arthur C. Stringer, *Director of Special Services*.

Association of Women Directors now has a total of 1,000 members who are playing an important role in bringing about a correct understanding of the American system of radio.

Justin Miller, NAB president, presided.

Present: William B. Quarton, WMT, Cedar Rapids; George Crandall, CBS, New York; Phil Hoffman, KRNT, Des Moines; Richard H. Mason, WPTF, Raleigh; James H. Moore, WSLs, Roanoke; Frank King, WMBR, Jacksonville; Matthew H. Bonebrake, KOCY, Oklahoma City, NAB Board Liaison Committee member; Edward J. Heffron, executive assistant-public relations, Charles Batson, director of information, Mrs. Dorothy Lewis, coordinator of listener activity, and C. E. Arney, Jr., secretary-treasurer, NAB.

#### NAB OPPOSES FM RESERVATIONS AT FCC HEARING

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commission allocate additional space in the spectrum for FM, Mr. Petty said that NAB did not recommend any specific band. He suggested that such a decision should be made by the commission.

CBS attempted to obtain FCC consent to introduce their statement which proposed that channels 5 and 6 be allocated for FM. The commission denied the request. The FCC then denied a CBS motion that a decision on the FM reservation rule be withheld until the commission had considered, in a proper allocation hearing, expansion of the present FM band.

After the commission had limited the issue under discussion to withholding channels, NBC argued only that the reservation rule would result in further retarding the development of FM transmission. The network representative pointed that in some areas there are more requests than there are frequencies available. He said that by opening all available frequencies to qualified applicants, much time would be saved in that a number of hearings would then be unnecessary.

Arguing for additional channels, NAB suggested in its brief that present FM allocations are insufficient to permit complete service from both independent stations and existing networks. The brief urged that plans be made to assure the widest possible service by providing enough FM channels so that any qualified

applicant would have an opportunity to serve his community.

(See Legal Department for complete text on NAB brief.)

#### STRATEGY COMMITTEE DISCUSSES INEXPERIENCED BROADCASTERS' ENTRY INTO RADIO FIELD

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Those present in addition to President Miller were Edgar Bill, WMBD, Peoria, Illinois; Frank Stanton, CBS, New York City; Wayne Coy, WINX, Washington, D. C.; Louis G. Caldwell, Washington, D. C.; Paul W. Morency, WTIC, Hartford, Connecticut; Don S. Elias, WWNC, Asheville, North Carolina; Horace Lohnes, Washington, D. C. From the NAB executive staff those present were A. D. Willard, Jr. executive vice president; Don Petty, general counsel; Ted Heffron, assistant to the president, and C. E. Arney, Jr., secretary-treasurer.

## Broadcast Advertising

### WNHC EXPOSITION FOR BETTER LIVING

A station promotion which started out as a home show and enlarged into an "Exposition of Better Living" resulted in 85 participating sponsors for WNHC, New Haven, Conn.

The station leased the largest auditorium available, the state armory, and sold booths to exhibitors, representing a variety of retail and industrial services such as household appliances, airplanes, sailboats, steelcraft cabin cruisers, Talon fasteners, building materials, appliances, furniture, rugs, draperies, upholstering, beverages, and everything that could contribute to better living.

Many exhibitors went to extra expense to install elaborate displays, occupying two and three booths. Each booth was 10 feet square and sold at \$125.00 each.

In addition to promoting the exposition over the station, James T. Milne, WNHC general manager, set up a \$2,000 budget for local newspaper advertising. However, the local newspaper refused to accept the station's advertising copy and some of the merchants felt the exposition would fail, but the final results were quite the contrary. Station hyped its promotion campaign to 15 daily plugs, added programs promoting the event and bought newspaper space in local weekly papers and in dailies in surrounding cities. Car cards and dasher boards on the outside of street cars were used in the all-out promotion which was constantly identified as the "WNHC Exposition of Better Living."

The exposition lasted six days and attracted 50,000 people. On the final day, a hot Saturday, 20,000 persons turned out despite the weather. Admission was 25¢. Each exhibitor received 200 free tickets for his customers.

Prizes given away included a 1946 Ford two-door sedan, a gas range, combination radio and phonograph console, household furnishings, etc.

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WNHC installed a glass-enclosed broadcasting studio mounted on a platform three feet above the armory floor. In addition to presenting many of the station's artists and orchestra, announcers with portable mikes interviewed visitors and sponsors. A sound system carried all broadcasts to the throng-packed armory.

The promotion of the station exposition was a medium for displaying broadcasting's influence to the entire area. The business and industrial leaders, as a result, have a higher regard for radio as an advertising medium. A number of additional regular clients are expected to sign with the station as an aftermath of the exposition. The promotion netted WNHC a good profit and a big increase in audience. It is to become an annual event.

## Research Department

### APRIL SET PRODUCTION 11% HIGHER THAN 1941 AVERAGE, CENSUS BUREAU REPORTS

On July 5th the Census Bureau released figures for the production of radio sets for April 1946. This is a continuation of the radio section of its "Facts for Industry" (REPORTS, p. 485). During April, 1,135,128 sets were manufactured. This was 11% over the 1941 monthly average and 24% over the March 1946 production. Again, the bulk of the sets was in home radios—788,144 as compared with 636,570 for March 1946. The production of radio-phonograph combinations was 36% over the 1941 monthly production figures, while battery-operated and automobile radios, although gaining over production for the preceding month lagged well behind when compared with the production of these models in 1941.

As in the previous issue of "Facts for Industry," the statement is made that "There was no activity in FM sets or FM converters during April." That this does not indicate complete inactivity in FM, however, is shown by the following figures:

Radio-phonograph combinations (AM-FM and Television wired)	January 1946—	None
	February 1946—	None
	March 1946—	None
	April 1946—	990
Shipment values of "all other" sets (includes AM-FM sets, television sets, recorders and radio chassis) these are grouped together to avoid the disclosure of the operations of individual companies.	January 1946—	\$ 49,512
	February 1946—	31,760
	March 1946—	27,525
	April 1946—	420,860

The Census Bureau believes these figures "represent substantially complete coverage of the industry."

### 1946 CENSUS OF MANUFACTURES KILLED BY CONGRESS

The possibility of a Census of Manufacturers for 1946 disappeared into thin air last week when the House reaffirmed a Senate action in deleting the

### SCHEDULE OF NAB COMMITTEE MEETINGS

Date	Committee	Place
July 15-16	Music Advisory	New York
July 17-18	Freedom of Radio	New York
July 22	Engineering Executive	Washington
Aug. 3-4	Board Finance	Estes Park
Aug. 5	Board By-Law Revisions	Estes Park
Aug. 5	Board Certificates of Merit	Estes Park
Aug. 6	Board District Meeting Advisory	Estes Park
Aug. 12-13	Employee-Employer Relations	Washington
Sep. 9-10	Small Market Stations Executive	Washington

The NAB Board of Directors convenes at Estes Park, Colo., Aug. 6th for a three day session.

\$17,000,000 from the current Census appropriation necessary to conduct the survey and to make the Census of Business and Manufactures every five years. As things stand now the Census of Business will next be made in 1950.

The action is a severe blow to marketing and research activities because it will be necessary to continue on a basis of estimates rather than a complete and accurate census. Motives behind this denial by Congress have been reported as many and varied. They range all the way from a Congressional attempt to scuttle the program of the Secretary of Commerce to the contention that a Census of Manufactures would be out of date before it was completed due to the extremely fluid condition of business at the moment.

## Small Market Stations

### MUTUAL'S COOPERATIVE PROGRAM SELLING IS A COOPERATIVE VENTURE

Fulton Lewis, Jr., Mutual co-op feature, has proved to be a popular vehicle for station sales departments. The commentator is now sponsored on 193 MBS stations.

The effectiveness of a co-op program is shown in the 169% increase in the sale of Mexsana (Plough, Inc.) in two years of advertising over WOR, New York. There are hundreds of other success stories for this and other MBS co-ops on large and small stations across the nation.

B. J. Hauser, Mutual's director of cooperative programs, reveals that the network has plans for increasing its line-up of eleven co-op programs for local sponsorship.

In supplying information for the NAB Small Market Stations Division study of this type of commercial programming, Sally Raynor of the Mutual Cooperative Program Department reports:

"An analysis of the more than 500 cooperative pro-

(Continued on next page)

gram sales on affiliated stations of the Mutual Broadcasting System reveals that the majority of co-op sponsors are strictly local concerns—department stores, drug stores, bottling companies, automotive agencies, insurance agents, apparel shops, sporting goods stores, dairies and ice cream companies; banks, loan associations, service stations, etc. This ties in with the basic idea of the cooperative program which Mutual pioneered as far back as 1937 . . . to supply affiliated stations with shows of network calibre which can be sold in individual markets, thus giving local merchants an opportunity to buy live, outstanding, radio personalities.

"Though it is obvious from the above that the stations themselves are doing the yeoman work of selling, Mutual does not feel its responsibility for a cooperative program ends with putting the show on the air. Accordingly, Mutual supplies stations with a wide variety of 'sales tools.' Possibly the most important of these is the basic presentation, a printed brochure slanted to local advertising prospects and including a synopsis of the program, biographical sketches of the talent, days and time of broadcast, talent cost and general selling ammunition. From time to time, this basic presentation is supplemented by up-to-the-minute news releases, sponsor lists which the station can use to sell local accounts similar to those using the show in other cities, photographs of talent, success stories from various sponsors, audience building, newspaper ad mats, etc.

"Nor does Mutual feel that its responsibilities end when a sale is made. Autographed pictures of talent and letters of appreciation are sent to the sponsor; newspaper ads for sponsor use are sent to the station. Letters sent over the talent's signature are made available to the advertiser to be sent out from New York to his sales staff, clients or prospects. At the request of the advertiser, a ten-second recorded introduction to the program—for local use—may also be made by the talent.

### How the Stations Sell Co-ops

"That Mutual stations are finding Co-ops a profitable type of operation is borne out by letters received by the Cooperative Program Department. R. B. McAlister, general manager, of KICA, Clovis, New Mexico, explains it this way 'What's behind this success in selling Mutual Co-op programs? In the first place, we made our first concerted effort to sell them. Secondly, we had carried most of the programs sustaining long enough for them to stand on their merits. Finally, we have selected sponsors whose products are sold to the persons who are interested in the broadcasts they sponsor'.

"Jim Ownby, of WMJM, Cordele, Georgia, has this to say, 'The Cooperative Department at Mutual makes it a very simple task for small market stations such as WMJM to bring to the local advertiser a news program, a sports feature or a woman's program at a cost that is in line with local rates. All cooperative programs available to this station have been sold. What we have done in selling these is actually the result of the excellent showmanship built into the cooperative program itself. It stands to reason that an advertiser

wants all his money can buy, and a nationally known news commentator for example is a most inviting and very saleable type of program'.

"Doyle Cain of KFXD, Nampa, Idaho, writes, 'We make a special effort here at KFXD to sell co-op programs for several reasons. First, because a co-op usually is a "good clean account." By that we mean the servicing of the account is cut by almost 50%. Most of the cost of the cooperative is absorbed in reducing the work of program and production. Second, we have found sponsors very willing to tie in their local business to the popularity of a nationally known person. We always emphasize the importance and popularity of the co-op talent and the fact that prepared publicity including mats, pictures, promotional announcements and sometimes show cards are available at cost to the local sponsor of a co-op program'.

"From John H. French, general manager of WBHF, Cartersville, Georgia, 'Clients in this section of the country—and I know this is equally true in other sections—are anxious to link their firm names with figures that enjoy national reputations. All I have to do is mention that I have available such personalities as Fulton Lewis, Jr., Frazier Hunt, Cedric Foster, etc. and the client automatically sees his name in equal billing with one of the above mentioned. I can truly say it is the personal appeal of these figures that makes the sale. I would also like to go on record as saying that these Mutual Cooperative Programs are the greatest help to station sales that I have ever encountered. Congratulations to Mutual for supplying its member stations with such help'.

### Co-ops for National Spot

"Though, as we said before, the prime function of a co-op is to supply local concerns with outstanding radio personalities, co-ops also represent an ideal medium for the national advertiser who wants (a) to concentrate his selling efforts in selected markets where the potential is greatest; (b) to give additional selling help in certain areas where it is needed; (c) to conduct a test campaign in one, two, three or more selected cities. On a cooperative basis, this advertiser, like the strictly local sponsor, can buy a live network show in any number of individual markets and pay only a pro-rated share of the talent fee. In this way, he is assured of the prestige and major audience of a network program at a fraction of the overall cost. Regional advertisers whose distribution is limited to a few markets have also found this a profitable form of advertising.

"It is interesting to note that, during the past few weeks, Mutual has received heartening word from many affiliated stations which report that the late summer and early fall will bring the largest batch of co-op sales since this type of program first went on the air. Sales plans are now being organized to take full advantage of the increased production of consumer goods and the renewed interest in advertising. At the same time, Mutual is on the lookout for outstanding, audience-building programs to supplement its present line-up of eleven programs available for local sale."

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## SPONSORED ELECTION RETURNS ON MID-SOUTH NETWORK

Small regional networks offer an excellent medium for covering state-wide election returns under sponsorship of a single firm. The group selling done by Bob McRaney, general manager, Mid-South Network in Mississippi, illustrates what can be done in the way of sponsored public interest programming. The sponsor, a retail furniture concern, has outlets in several cities.

The network covered news direct from state headquarters and used local pick-ups of the turn of events in each city in which a station was located. The election was adequately covered by the news and special events staff of each station, Associated Press wire service, and through cooperation of newspapers in each of the cities.

The client sponsoring the Mid-South broadcast of the election returns was McClure Furniture Stores. Terrific interest in Mississippi elections resulted in an all time high in audience. The Mid-South Network is composed of WCBT Columbus; WELO, Tupelo; WMOX, Meridian; and WROX, Clarksdale, Mississippi.

## Legal Department

### TEXT OF NAB BRIEF ON FM CHANNEL RESERVATION

(For story see page 541)

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C.

In the Matter of Promulgation of Rules and Regulations and Standards of Good Engineering Practice for FM Broadcasting Other Than Non-Commercial Educational Broadcast Service

Docket No. 6768

#### Brief of National Association of Broadcasters

Pursuant to the Order issued by the Federal Communications Commission in the above matter, on June 6, 1946, the National Association of Broadcasters, herein called NAB, appears for and on behalf of its members.<sup>1</sup>

<sup>1</sup>The NAB Board of Directors approved the following resolution adopted by the NAB FM Executive Committee:

"NAB Counsel be authorized and directed to file a brief and appear at oral argument in FCC Document No. 6768. [Proposed Reservation Rule].

"The Committee recommends that he reiterate the position of NAB that provision should be made for sufficient channels to accommodate all qualified applicants,

"and that he oppose the withholding of any channels from those already allocated,

"and that he urge the Commission to indicate at this time a specified portion of the spectrum for future allocation to FM broadcasting for the further development of this service.

"The Committee disagrees with the Commission that the objectives of Section 307(b) can best be served by a reservation of presently allocated channels and is of the opinion that these objectives can be better served by the allocation of additional channels for FM use and the Committee is strongly of the opinion that reservation of channels at this time will obstruct the speedy development of FM broadcasting and therefore recommends that the Commission at this time designate such additional channels either as a result of a Commission hearing or by its own action.

"Such action by the Commission would assure equitable distribution of service to the listening public as to territory covered and would provide facilities for both present and future applicants and would contribute to the sound development of FM broadcasting."

## CONVENTION HOTEL RESERVATIONS

Under the arrangements which have been made with the Chicago Convention Bureau and the Hilton Hotels, operators of the Palmer House and the Stevens, we feel that the hotel requirements of all NAB members, active and associate, who desire to attend the 24th annual convention to be held October 21 to 24, will be taken care of adequately.

NAB is handling exclusively the reservations of rooms in the Palmer House and Stevens. It has nothing whatever to do with other hotels where arrangements must be made direct with the management.

At the Palmer House and Stevens, reservations from the blocks of rooms set aside for NAB will be made only in accordance with a certification from NAB headquarters. Reservation forms, together with pre-registration and certification forms, will be mailed to the membership sometime within the next week or ten days. In order to facilitate processing, only requests for reservations submitted on these standard forms will be certified. Members, therefore, are requested not to write letters to NAB or to the Palmer House or Stevens respecting room reservations but to use the standard form.

At an early date a special bulletin, more fully covering the details of this and other convention preliminary arrangements, will be sent to the membership.

## General Statement

NAB submits that the public interest will not be served by the reservation of channels as described in said Order of June 6, 1946, for the following reasons:

1. The Federal Communications Commission does not have the legal authority to reserve from assignment channels now allocated for FM broadcasting.

2. The reservation from assignment of channels now allocated for FM broadcasting will increase the already present serious scarcity of FM channels.

NAB submits that the public interest will be served by:

(1) The assignment of channels now allocated to FM broadcasting upon the request of qualified applicants therefor.

(2) The indication by the Federal Communications Commission of a specific additional portion of the spectrum for future allocation to FM broadcasting.

## I

### The Legal Authority of the FCC to Reserve Allocated Channels from Assignment

First. The Federal Communications Commission has no legal authority to withhold an allocated and available frequency from a qualified applicant.

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As is clear from the cases construing the Communications Act, the only purpose of regulating radio broadcasting at all was to allocate the then limited number of available frequencies in such a way that as many stations as possible could operate as effectively as possible. "Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to governmental regulation." *NBC v. United States*, 319 U. S. 190, 226.

It necessarily follows from this that "the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel." *FCC v. Sanders Radio Station*, 309 U. S. 470, 475.

We need not discuss, for the purposes here, the full implication of the term "available frequency" as used by the Supreme Court, since the question is the authority of the Commission with respect to frequencies concededly made available by the Commission for the use of frequency modulation broadcasters. It is enough to say, as was held by the United States Court of Appeals in *Stahlman v. FCC*, 126 F. (2d) 124, 127: "Possessing [the proper qualifications] the applicant's eligibility is unchallengeable, assuming there is an *unused* frequency free of interference with an established station. That is the rule announced by the Supreme Court in the *Sanders* case." (Italics supplied).

Second. The Federal Communications Commission has no legal authority to issue a general order reserving allocated channels from assignment.

The Commission's power and duty in the assignment of licenses may not be exercised in this way, for Section 309(a) of the Communications Act of 1934 prohibits the Commission from determining that the public interest, convenience, or necessity will *not* be served by the grant of an application prior to a full hearing thereon.

Were the Commission to issue a general order withholding designated available channels from any assignment, it would, in effect, be foreclosing the consideration of applications for such channels and, consequently, be determining, without any hearing at all, that their use was not in the public interest. This the Commission has no authority to do, for in order to prevent the criterion of public convenience, interest, or necessity from being "interpreted as setting up a standard so indefinite as to confer an unlimited power," (See *FRC v. Nelson Bros*, 289 U. S. 266, 285) the Communications Act prescribes the fundamentals of fair play, by requiring that interested parties be afforded an opportunity to be heard and that the Commission's judgments express a reasoned conclusion. *FCC v. Pottsville Broadcasting Co.*, 309 U. S. 134, 143.

Section 307(b) of the Communications Act of 1934 furnishes no answer to the foregoing. That Section requires the Federal Communications Commission, in considering applications for licenses "*When and insofar as there is demand for the same*," (Italics supplied) to make such distribution of licenses as will provide a fair and efficient distribution of service among the several states and communities.

Viewed in its context, as part of Section 307, and

therefore, as defining and limiting the criterion of "public convenience, interest, or necessity" this language can only mean that the Federal Communications Commission may not permit such assignment of channels that one state or community will be served at the expense of another.

Obviously, therefore, unless and until the Commission has before it an application, the granting of which would result in one state or community receiving service at the expense of another, no question of inequitable distribution can arise.

As Section 307(b) itself makes clear, that question may arise only "when and insofar as there is demand" for a specific license to use a specific channel, at which time and not before, the Commission must consider, in making its findings with respect to such demand, "the relative advantages in service which will be enjoyed by the public through the distribution of facilities." *FRC v. Nelson Bros.*, 289 U. S. 266, 285.

The Supreme Court had before it there a General Order of the Commission issued pursuant to its authority with respect to the distribution of facilities. The Court held the order valid only after finding that it was no more than a rule of procedural convenience to require applicants to frame precise proposals and present definite issues, and consequently, that it was not in derogation of the Commission's duty to afford applicants a full hearing.

In view of all this, the Commission can neither exercise its power nor fulfill its duty under Section 307(b) by the issuance of a general order which, at one stroke, anticipates issues and decides them without consideration and judgment on the basis of a full hearing.

## II

### The Interest of the Public in the Reservation of Channels from Assignment

Assuming that the Federal Communications Commission has the legal authority to reserve from assignment channels allocated for FM broadcasting, such reservation will not serve the public interest.

Section 303(g) of the Communications Act of 1934, among other things, requires the Commission to "encourage the *larger and more effective* use of radio in the public interest" (Italics supplied). There are those who now contend that the number of channels allocated to FM are not sufficient. We are informed that in some areas applications for channels exceed the available allocated channels. We are further informed that there are not sufficient channels allocated to permit the public to receive service from both independent stations and existing networks. Assuming these facts, even if all presently allocated channels are used, the public interest will not be adequately served.

In view of this it cannot be said that it is in the public interest to create an even greater scarcity of FM channels by withholding any portion of those already allocated. On the contrary, it is evident that any withholding at this time will violate the spirit of Section 303(g) by encouraging the *smaller and less effective* use of radio in the public interest.

During the past year, the Federal Communications Commission has established a definite allocation pat-

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tern for present FM broadcasting, and has recognized the need for reasonable certainty in this regard.

On August 24, 1945, the Federal Communications Commission stated:

"The Commission does not propose to reserve any FM channels from assignment at the present time." On December 15, 1945, the Federal Communications Commission indicated the channels available for assignment to metropolitan FM broadcasting without reserving any channels so allocated.

On April 24, 1946, in the Clear Channel Hearings, the Acting Chairman of the Commission stated:

" . . . The Commission regards the FM band as finally settled between 88 and 108, and the receiver manufacturers have been so advised, and receiver production and transmitter production has gone forward. I think it is imperative that we keep the public record straight on that, so the manufacturers will know where they are. I know the Commission regards its decision of 88 to 108 as absolutely the last word, as final. \* \* \* There is constantly a re-examination of allocations in the radio spectrum, but the present allocation of 88 to 108 is final." Official Report of Proceedings, Docket No. 6471, pages 1583, 1584.

The reservation proposal is at best a temporary and ineffective expedient. It is obvious that any change of policy by the Federal Communications Commission at this time which is not designed to anticipate the long range problem of possible future scarcity of FM channels will only serve to confuse all persons interested in the development and use of FM broadcasting and to retard its normal and sound expansion and growth.

### III

#### The Solution to the Problem of Scarcity

From the standpoint of the public interest the solution to the problem of possible scarcity of FM broadcast channels is the immediate indication by the Commission of an additional specific portion of the spectrum for future allocation to FM broadcasting.

It is submitted that the public interest demands that there always be available enough FM channels so that any qualified applicant can enter the field. Therefore, we suggest that the Commission at this time indicate an additional specific portion of the spectrum for FM broadcasting. This does not mean that the Commission must immediately assign channels in such additional portion of the spectrum. Rather, it should be considered as a field for expansion to provide for such applicants as the Federal Communications Commission must have had in mind when it ordered a hearing to determine whether the reservation of a portion of the allocated channels, as discussed under point II above, would serve the public interest.

The indication by the Federal Communications Commission of a portion of the spectrum for future expansion and development of FM broadcasting would further serve the public interest by setting, before the urgent need arises, the general future pattern for FM. Manufacturers of equipment could then design their products to serve the range of the additional portion

#### FIFTEENTH DISTRICT HOLDS SPECIAL MEETING

A special meeting of the Fifteenth District membership has been called for August 12th in Monterey, California, by District Director William B. Smullin, KIEM.

This session will enable the district director to report on proceedings at the Board of Directors meeting August 6th through 9th. NAB President Justin Miller will attend.

of the spectrum when and if the same is assigned for use by the Commission. The public would thus be saved large sums of money, and the development of FM would proceed rapidly without the necessity of waiting periods for "change over" of radio receiving sets.

Finally, such a designation would make available sufficient channels so that, as requests for licenses are made, each area of the country could be served by competing FM services.

#### Conclusion

It is respectfully submitted that the Federal Communications Commission does not have the legal authority to reserve channels now allocated by the Commission for FM broadcasting; and that such reservation would only serve to create greater present scarcity of available FM channels.

NAB restates its position taken on many different occasions in the past, namely, that provision should be made for sufficient channels to accommodate all qualified applicants.

NAB further believes that the objectives of Section 307(b) of the Federal Communications Commission Act of 1934 will not be served by a reservation of presently allocated channels, but, rather, that such objectives will best be served by the Commission indicating at this time a specific portion of the spectrum for future allocation to FM. "Such action by the Commission would assure equitable distribution of service to the listening public as to territory covered and would provide facilities for both present and future applicants and would contribute to the sound development of FM broadcasting."

Respectfully submitted,

DON PETTY, *General Counsel*

BRYCE REA, JR.,

Attorneys for National Association  
of Broadcasters

**FCC**

#### LEGAL STAFF PROMOTIONS AT FCC

The FCC announced on Friday (12) the appointment of Lester W. Spillane as assistant general counsel

<sup>2</sup>Resolution approved by the Board of Directors of NAB, *supra*, Note 1.

(Continued on next page)

in charge of safety and special services, and of Walter E. James as assistant to the general counsel. They succeed, respectively, Jeremiah Courtney and Norman E. Jorgensen who resigned to enter private law practice.

Mr. Spillane began his government career in 1928 with the radio division of the Department of Commerce, continuing with the FRC and its successor, the FCC. For 10 years he worked in radio inspection offices in Seattle and Portland. In 1944, he was assigned to the broadcast division in Washington.

Mr. James joined the FCC as assistant to Commissioner C. J. Durr, later became assistant secretary of the commission and held that position until early 1944 when he entered the navy. Returning to the commission in February of this year, he became special assistant to Chairman Paul A. Porter and was continued in that capacity by Acting Chairman Charles R. Denny.

## Public Interest Programming

### AD COUNCIL NETWORK CAMPAIGNS

The following public interest campaigns have been given top priority on Network and National Spot Allocation Plans during the week of July 22-28, by The Advertising Council and the Media Programming Division of the OWMR. A brief resume of each Fact Sheet is given below:

#### Homes for Veterans

America faces a critical housing shortage and its veterans are the worst sufferers. It is simply a matter of fair play to help them, in every way possible to locate homes in which they can live with their families as they return to civilian life. It is estimated that 1,600,000 of the married veterans who will have been released by December 31, 1946, have no established homes to which to return. An estimated 1,300,000 single veterans will get married by December 31, 1946. Even when generous allowance is made for the fact that some of these married veterans may prefer to live temporarily with relatives or friends, it appears that more than 2 million veterans' families will be looking for places to live in 1946. The Federal Government is taking a number of measures to relieve the veterans' housing situation. For example, veterans who cannot find suitable accommodations in privately owned housing receive preference in federally owned war housing. But the only real answer to the housing shortage is an extended period of volume construction. Government and industry are cooperating to stimulate construction and to provide that veterans are to have first chance at it. For example, the Government is giving priorities on scarce building materials to builders who will put up homes which will be available for sale or rent at reasonable prices and will be offered first to veterans. *Until construction gets rolling, by all means the most important source of housing for veterans consists of vacancies which become available in the existing housing supply. Urge listeners to help ease the housing situation by "staying put" if they possibly can so that a maximum number of veterans can find living places in the existing housing supply; by sharing their homes with veterans' families if they can possibly do so and listing vacancies and houses for sale at the veterans'*

*housing referral center, if one exists in their community, so that veterans can get first chance at them.. (Fact Sheet No. 4-B).*

#### Farm Labor Needed

*America's farmers will have to produce and harvest more food this season than ever before, even more than during the most critical war years. They can succeed only if they receive urgently needed help. Maximum harvest, essential to our own physical well-being and to the very existence of undernourished millions overseas, depends on two factors—weather and farm labor. About the weather we can do nothing. About farm labor we can do much to assist the farmer in getting the help he needs to prevent crop losses and insure maximum yields. A slight gain in the farm labor supply has been materially off-set by the post-war shift toward shorter working hours, the loss of all prisoner-of-war labor, and a 15 to 20 per cent reduction in the number of foreign workers that will be imported this season. The two latter factors represent a loss of 140,000 6-day-a-week workers. Under the circumstances, America's farmers will be unable to obtain the maximum yield from their vastly increased acreage this year unless a substantial number of hired domestic workers—seasonal and part-time—can be found. The purpose of the present national campaign is to acquaint the American public with the urgency and complexity of the farm labor problem and to urge them to make themselves available if and when needed. It is important to make very clear the fact that the need for help will come at different times in different parts of the country. Those who have the remainder of the summer to devote to farm work should contact the county agricultural agent or the farm labor office in their community. In cities where there is no county agent office, information generally is available at farm labor or other public employment offices, including the United States Employment Service Offices. Those who can devote only part of their time to farm work should stand by for the local call for workers in their towns, cities and counties. This call will be made through newspapers, radio and other communication facilities. Prevailing wages and piece-work rates are paid to all who volunteer their services. These rates vary from state to state, and community to community. (Fact Sheet No. 26)*

#### Fat Salvage

Supplies of fats and oils are still far short of demands and needs due to a decline in domestic production and the war-born loss of foreign imports. Fats and oils are essential to the production of soap, and countless other peacetime consumers items. Only by continuing to salvage used kitchen fats can housewives help . . . prevent possible shortages of soap . . . accelerate the production of other peacetime goods everyone wants and needs. About forty-seven per cent of the total allocations of fats and oils for domestic industrial uses goes to civilian soaps; five per cent to the manufacture of soaps for industrial purposes; the remaining forty-eight per cent to paints and varnishes, floor coverings, coated fabrics, lubricating oils, textiles and leather, core oils, pharmaceuticals, putty and calking, compounds, etc. The shortage of fats and oils in the face of the great need for them in all phases of peacetime production indicates the urgency of the need for continued fat salvage. Housewives can actually help themselves to get the peacetime products they want and need in greater abundance and sooner by keeping up their good work in salvaging fats. They are asked to:—Save every drop of used fat by draining pans, skimming soups and gravies, melting down trimmings of meat left on platters and plates—Pour immediately into the salvage can those fats which can't be re-used—Re-use those suitable for cooking, and salvage whatever is left—Turn in the fat salvage container to their meat dealers promptly. They'll get four cents for every pound turned in. (Fact Sheet No. 19-A).



# Federal Communications Commission Docket

## HEARINGS

The following hearings are scheduled to be heard before the Commission, Washington, D. C., unless otherwise indicated, during the week beginning Monday, July 15. They are subject to change.

### Monday, July 15

#### Further Hearing

##### Before the Commission in Room 6121

In the Matter of Clear Channel Broadcasting in the Standard Broadcast Band

NEW—Radio Airways, Inc., Eugene, Ore.—C. P. 1520 kc., 1 KW, unlimited time.

NEW—North Jersey Radio, Inc., Newark, N. J.—C. P. 1430 kc., 5 KW, directional antenna, unlimited.

NEW—Independent Broadcasting Co., Des Moines, Iowa—C. P. 940 kc., 5 KW N., 10 KW day, DA-night & day.  
KUOM—University of Minnesota, Minneapolis, Minn.—C. P. 940 kc., 250 watts night 5 KW day, unlimited S-WCAL.  
WCAL—St. Olaf College, Northfield, Minn.—Mod. of license. 770 kc., 5 KW day, daytime S-KUOM.  
(Petition to intervene filed by KMA pending)

### July 15 and 16

#### Informal Engineering Conference

##### In Conference Room B Adjacent to the Departmental Auditorium, 13th & Constitution Avenue

Engineering Conference in connection with the Clear Channel proceeding.

### Wednesday, July 17

NEW—A. J. Fletcher, Greensboro, N. C.—C. P. 850 kc., 1 KW, daytime.

NEW—The News and Observer Publishing Co., Raleigh, N. C.—C. P. 850 kc., 1 KW night, 5 KW day, unlimited.

NEW—High Point Enterprise, Inc., High Point, N. C.—C. P. 830 kc., 1 KW day, daytime.

#### Other Participants

WRUF—Gainesville, Fla.—(Intervenor).

#### Oral Argument

##### Before the Commission En Banc

In the Matter of Rules Relating to Section 214 of the Communications Act of 1934, as amended; Discontinuance, Reduction and Impairment.

### Thursday, July 18

KHTN—KHTN, Inc., Houston, Texas—C. P. 610 kc., 5 KW night, 5 KW day, directional antenna, unlimited.

NEW—W. Albert Lee, Houston, Texas—C. P. 610 kc., 5 KW day & night, directional antenna for night use, unlimited.

## Further Hearing

NEW—Henry F. Fett, Dearborn, Mich.—C. P. 1450 kc., 1 KW day, daytime only.

NEW—Suburban Broadcasters (Frederick A. Knorr, et al, d/b as), 5751 Schaefer Road, Dearborn, Mich.—C. P. 1450 kc., 1 KW day, daytime.

## FCC ACTIONS

### AM APPLICATIONS GRANTED

NEW—Sun Country Broadcasting Co., Tucson, Ariz.—Granted CP for a new station to operate on 1490 kc. (instead of 1340 kc. as requested), contingent upon the applicant's filing within 20 days an amendment to the application specifying the frequency 1490 kc., 250 watts, unlimited time. (B5-P-4121; Docket 6904)

NEW—The Catalina Broadcasting Co., Tucson, Ariz.—Granted CP for a new station to operate on 1340 kc., 250 watts, unlimited time (B5-P-4262; Docket 7069) conditionally.

NEW—Old Pueblo Broadcasting Co., Tucson, Ariz.—Granted CP for a new station to operate on 1450 kc. (instead of 1340 kc. as requested), contingent upon applicant's filing within 20 days an amendment to the application specifying the frequency 1450 kc., 250 watts, unlimited time. (B5-P-4073; Docket 6903)

NEW—Albert E. Furlow, et al., d/b as Silver Gate Broadcasting Company, San Diego, Calif.—Granted construction permit for new station to operate on 1130 kc., 250 watts, daytime only. (B5-P-4669)

NEW—Lock Haven Broadcasting Corp., Lock Haven, Pa.—Granted CP for a new station to operate on 1230 kc., 250 watts, unlimited time. (B2-P-4753)

### TELEVISION APPLICATIONS GRANTED

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Granted construction permit for new commercial television broadcast station to operate on 76-82 mc. (Channel No. 5); effective peak power radiated (visual): 18.15 KW; antenna height: 524 feet. (B4-PCT-62)

NEW—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted construction permit for new commercial television broadcast station to operate on 76-82 mc. (Channel No. 5); effective peak power radiated (visual): 16 KW (aural) 14 KW; antenna height: 379 feet. (B2-PCT-45)

NEW—The Evening News Association, Detroit, Mich.—Granted construction permit for new commercial television broadcast station to operate on 66-72 mc. (Channel No. 4); effective peak power radiated: (visual) 17.1 KW (aural) 7.7 KW; antenna height: 588 feet. (B2-MPCT-24; B2-PCT-100)

### NON-COMMERCIAL EDUCATION FM APPLICATION GRANTED

NEW—Providence Bible Institute, Providence, R. I.—Granted conditional CP for a new station; Channel 88.1 mc. (No. 1); 1.45 KW; antenna: 200 feet.

(Continued on next page)

## FM CONDITIONAL GRANTS

City	Grantee	Majority or Minority in- terest in		Type of Station
		Standard	FM Station	
ALABAMA				
Lanett	L. J. Duncan, et al., d/b as Valley Broadcasting Co.	WGAA	Class A	
NEW YORK				
Rome	Copper City Broadcasting Corp.	—	Class A	
Oneonta	Oneonta Star, Inc.	—	Class B	
PENNSYLVANIA				
Allentown	Penn-Allen Broadcasting Co.	—	Class A	
TEXAS				
San Antonio	Express Publishing Co.	—	Class B	

## FM ENGINEERING APPROVALS AND CP'S

The following stations received Engineering Approvals and were granted regular Construction Permits:

Miami Broadcasting Co., Miami, Fla.—Class B; **95.5 Mc.** (No. 238); 49 KW; antenna 350 feet. (B3-PH-239)  
Hutchinson Publishing Co., Hutchinson, Kans.—Class B; **95.3 Mc.** (No. 237); 60 KW; antenna 520 feet. (B4-PH-349)  
Star-Times Publishing Co., St. Louis, Mo.—Class B; **93.7 Mc.** (No. 229); 40 KW; antenna 500 feet. (B4-PH-2)  
The Constitution Publishing Co., Atlanta, Ga.—Class B; **98.1 Mc.** (No. 251); 20 KW; antenna 500 feet. (B3-PH-125)  
Press Publishing Co., Sheboygan, Wis.—Class B; **98.7 Mc.** (No. 254); 3.0 KW; antenna 360 feet. (B4-PH-339)  
Herbert Herff, Memphis, Tenn.—Class B; **92.7 Mc.** (No. 224); 49 KW; antenna 560 feet. (B3-PH-409)  
Robert E. Wolfe Co., Fremont, Ohio—Class A; **104.7 Mc.** (No. 284); 0.30 KW; 193 feet. (B2-PH-483)  
Hildreth & Rogers Co., Lawrence, Mass.—Class B; **95.7 Mc.** (No. 239); 17 KW; antenna 530 feet. (B1-PH-153)  
Radio Station WJBC, Bloomington, Ill.—Class B; **93.9 Mc.** (No. 230); 6.0 KW; 265 feet. (B4-PH-236)  
Westchester Broadcasting Corp., White Plains, N. Y.—Class A; **104.1 Mc.** (No. 281); 220 watts; antenna 290 feet. (B1-PH-176)  
Southeastern Broadcasting Co., Charlotte, N. C.—Class B; **102.5 Mc.** (No. 273); 160 KW; antenna 1090 feet. (B3-PH-764 and MPH-128)  
KCMO Broadcasting Co., Kansas City, Mo.—Class B; **98.3 Mc.** (No. 252); 20 KW; antenna 510 feet. (B4-PH-766)  
Redwood Broadcasting Co., Inc., Eureka, Calif.—Class B; **93.9 Mc.** (No. 230); 2.0 KW; antenna 40 feet. (B5-PH-787)  
Cur-nan Co., Brockton, Mass.—Class A; **105.1 Mc.** (No. 286); 29 KW; antenna 270 feet. (B1-PH-604)  
Peninsula Newspapers, Inc., Palo Alto, Calif.—Class A; **104.3 Mc.** (No. 282); .77 KW; antenna 435 feet. (B5-PH-539)  
Supreme Broadcasting System, Inc., New Orleans, La.—Class B; **95.3 Mc.** (No. 237); 61 KW; antenna 465 feet. (B3-PH-485)  
Buckeye Broadcasting Co., Cincinnati, Ohio—Class B; **97.3 Mc.** (No. 247); 18 KW; antenna 520 feet. (B2-PH-572)  
The Sun Co. of San Bernardino, San Bernardino, Calif.—Class B; **103.7 Mc.** (No. 279); 6.4 KW; antenna 2,225 feet. (B5-PH-114)  
Silver City Crystal Co., Meriden, Conn.—Class B; **92.7 Mc.** (No. 224); 7.0 KW; antenna 740 feet. (B1-PH-666)  
John F. Easley, Ardmore, Okla.—Class B; **97.1 Mc.** (No. 246); 2.8 KW; antenna 790 feet. (B3-PH-726)  
WEBR, Inc., Buffalo, N. Y.—Class B; **92.5 Mc.** (No. 223); 15 KW; antenna 580 feet. (B1-PH-217)  
American Republican, Inc., Waterbury, Conn.—Class B; **100.1 Mc.** (No. 261); 10.2 KW; antenna 323 feet. (B1-PH-603)

Eastern States Broadcasting Corp., Upper Deerfield Twp. Nr. Bridgeton, N. J.—Class B; **101.5 Mc.** (No. 268); 18 KW; antenna 520 feet. (B1-PH-510)  
WIBX, Inc., Utica, N. Y.—Class B; **97.9 Mc.** (No. 250); 6 KW; antenna 790 feet. (B1-PH-213)  
Lewistown Broadcasting Co., Lewistown, Pa.—Class B; **102.7 Mc.** (No. 274); 2.25 KW; antenna 150 feet. (B2-PH-810)  
East Texas Broadcasting Co., Tyler, Texas—Class B; **103.9 Mc.** (No. 280); 3.7 KW; antenna 270 feet. (B3-PH-780)  
Frank E. Hurt & Son, Nampa, Idaho—Class B; **101.3 Mc.** (No. 267); 2.0 KW; antenna 380 feet. (B5-PH-807)  
Observer Pub. Co., Washington, Pa.—Class B; **103.7 Mc.** (No. 279); 9.6 KW; antenna 315 feet. (B2-PH-800)  
Suffolk Broadcasting Corp., Coram, N. Y.—Class A; **105.9 Mc.** (No. 290); 285 watts; antenna 310 feet. (B1-PH-816)  
KVOX Broadcasting Co., Fargo, N. Dak.—Class B; **100.1 Mc.** (No. 261); 8.5 KW; antenna 235 feet. (B4-PH-366)  
Donald A. Burton, So. of Muncie, Ind.—Class B; **103.7 Mc.** (No. 279); 6.2 KW; antenna 235 feet. (B4-PH-292)  
The Argus-Press Co., Owosso, Mich.—Class A; **104.7 Mc.** (No. 284); 260 watts; antenna 140 feet. (B2-PH-846)  
Mt. Vernon Radio and Television Co., Mt. Vernon, Ill.—Class B; **103.7 Mc.** (No. 279); 9.5 KW; antenna 500 feet. (B4-PH-887)  
New Britain Broadcasting Co., New Britain, Conn.—Class B; **95.1 Mc.** (No. 236); 20.0 KW; antenna 500 feet. (B1-PH-833)  
The Valley Broadcasting Co., Steubenville, Ohio—Class B; **99.7 Mc.** (No. 259); 1.0 KW; 485 feet. (B2-PH-357)  
Tri-Suburban Broadcasting Corp., Silver Spring, Md.—Class A; **104.3 Mc.** (No. 282); 240 watts; antenna 370 feet. (B1-PH-873)  
Pensacola Broadcasting Co., Pensacola, Fla.—Class B; **92.9 Mc.** (No. 225); 5.5 KW; antenna 260 feet. (B3-PH-515)  
WHB Broadcasting Co., Kansas City, Mo.—Class B; **98.7 Mc.** (No. 254); 20 KW; antenna 510 feet. (B4-PH-294)  
Durham Radio Corp., Durham, N. C.—Class B; **99.3 Mc.** (No. 257); 21 KW; antenna 490 feet. (B3-PH-144)  
Portland Broadcasting System, Inc., Portland, Me.—Class B; **100.1 Mc.** (No. 261); 3.6 KW; antenna 415 feet. (B1-PH-116)  
Neid & Stevens, Warren, Ohio—Class A; **104.3 Mc.** (No. 282); 340 watts; antenna 54 feet. (B2-PH-361)  
Review Publishing Co., Alliance, Ohio—Class A; **104.7 Mc.** (No. 284); 330 watts; antenna 250 feet. (B2-PH-475)  
The Advocate Printing Co., Newark, Ohio—Class B; **101.5 Mc.** (No. 268); 8.5 KW; antenna 370 feet. (B2-PH-417)  
WHP, Inc., Harrisburg, Pa.—Class B; **97.3 Mc.** (No. 247); 4.0 KW; antenna 875 feet. (B2-PH-410)  
Fayette Broadcasting Corp., Uniontown, Pa.—Class B; **96.1 Mc.** (No. 241); 1.5 KW; antenna 1300 feet. (B2-PH-240)  
Paducah Newspapers, Inc., Paducah, Ky.—Class B; **97.3 Mc.** (No. 247); 32 KW; antenna 490 feet. (B2-PH-692)  
Asbury Park Press, Inc., Asbury Park, N. J.—Class A; **104.7 Mc.** (No. 284); 1.0 KW; antenna 130 feet. (B1-PH-406)

## FM FINAL CP'S GRANTED

The following stations which have heretofore received Engineering Approvals, were granted final CP's:

Central Broadcasting Co., Des Moines, Iowa—Class B; **100.5 Mc.** (No. 263); 134 KW; antenna 583 feet. (B4-PH-197)  
Piedmont Broadcasting Corp., Salisbury, N. C.—Class B; **99.9 Mc.** (No. 260); 23.2 KW; antenna 274 feet. (B3-PH-346)  
Rock Island Broadcasting Co., Rock Island, Ill.—Class B; **100.7 Mc.** (No. 264); 29 KW; antenna 389 feet. (B4-PH-138)

(Continued on next page)



Portland Broadcasting System, Inc., Bangor, Me.—Class B; **94.3 Mc.** (No. 232); 10.8 KW; antenna 586 feet. (B1-PH-338)  
 Courier-Journal and Louisville Times Co., Louisville, Ky.—Class B; **99.5 Mc.** (No. 258); 29 KW; antenna 640 feet. (B2-PH-88)  
 WRAK, Inc., Williamsport, Pa.—Class B; **92.5 Mc.** (No. 223); 3.2 KW; antenna 1268 feet. (B2-PH-241)

## ENGINEERING APPROVAL OF FM CG'S

The following applicants were granted approval of basic engineering plans: (Note: power given is effective radiated power; antenna height given is height above average terrain):

Wilton E. Hall, Anderson, S. C.—Class B; **103.5 Mc.** (No. 278); 29 KW; 400 feet. (B3-PH-568)  
 WJR, The Goodwill Station, Inc., Detroit, Mich.—Class B; **94.9 Mc.** (No. 235); 28 KW; 440 feet. (B2-MPH-88)  
 Community Broadcasting, Inc., Wheeling, W. Va.—Class B; **100.9 Mc.** (No. 265); 14 KW; 450 feet. (B2-PH-624)  
 Fidelity Media Broadcasting Corp., Jersey City, N. J.—Class A; **105.3 Mc.** (No. 292); 360 watts; 240 feet. (B1-PH-325)  
 Bay State Broadcasting Co., New Bedford, Mass.—Class B; **96.9 Mc.** (No. 245); 20.0 KW; 500 feet. (B1-PH-901)  
 Poughkeepsie Newspapers, Inc., Poughkeepsie, N. Y.—Class B; **103.7 Mc.** (No. 277); 1.7 KW; 1215 feet. (B1-PH-260)  
 KALE, Inc., Portland, Ore.—Class B; **96.1 Mc.** (No. 241); 250.0 KW; 1140 feet. (B5-PH-751 and MPH-127)  
 WSMB, Inc., New Orleans, La.—Class B; **95.7 Mc.** (No. 239); 158.0 KW; 510 feet. (B3-PH-865)  
 WSAV, Inc., Savannah, Ga.—Class B; **98.9 Mc.** (No. 255); 11 KW; 240 feet. (B3-PH-660)  
 Harold O. Bishop, Harrisburg, Pa.—Class A; **104.7 Mc.** (No. 284); 107 watts; 18 feet. (B2-PH-877)

## DESIGNATED FOR HEARING

WBBB—Alamance Broadcasting Co. Inc., Burlington, N. C.; WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Designated for consolidated hearing application (B3-P-4534) for CP to change operation from **920 kc**, 1 KW, daytime to **940 kc**, 1 KW, DA-N, unlimited time, with application of WISH to change frequency from **1310 to 940 kc**; power from 1 KW, 5 KW-LS to 5 KW day and night using DA at night, and approval of transmitter location and antenna system.  
 Tri-Cities Broadcasting Co., Goose Creek, Texas.—Designated for hearing application (B3-P-4706) for a new station to operate on **1490 kc**, 250 watts, unlimited time.  
 Grass Valley-Nevada City Broadcasters, Inc., Grass Valley, Cal.; Town Talk Broadcasting Co., Grass Valley, Cal.—Designated for consolidated hearing the applications of Grass Valley-Nevada City Broadcasters, Inc. (B5-P-4616; Docket 7461) with application of Town Talk Broadcasting Co., both applications requesting frequency **1400 kc**, 250 watts, unlimited time.

## LICENSE RENEWALS

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted renewal of license for the period ending August 1, 1946.  
 KRLD—KRLD Radio Corp., Dallas, Texas.—Granted renewal of license for the period ending May 1, 1948.

## MISCELLANEOUS ACTIONS

KMA—May Broadcasting Co., Shenandoah, Iowa—Dismissed petition for leave to intervene in the hearing on application of Independent Broadcasting Co., for CP (Docket 6734) scheduled for hearing July 15.  
 Radio Station WSOC, Inc., Charlotte, N. C.—Granted in part petition requesting continuance of consolidated hearing upon applications of Radio Station WSOC, Inc., et al (Docket 7322, etc.), and the hearing now scheduled for July 15 was continued to July 24.

WHHT—Harold H. Thoms, Durham, N. C.—Granted modification of CP, which authorized a new station, for approval of antenna and approval of transmitter location at Alston Ave. Extended, Durham, N. C. (B3-MP-1924)  
 WHSC—Hartsville Broadcasting Co., Hartsville, S. C.—Granted modification of CP which authorized a new station, to change transmitter and studio locations from Swift Creek Highway, Hartsville, and 1321 Carolina Ave., Hartsville, respectively, to: Just east of U. S. Highway No. 15 and ½ mile south of city limits of Hartsville, and extend commencement and completion dates from 7-13-46 and 1-13-47 respectively, to 60 days after grant and 180 days thereafter. (B3-MP-1954)  
 WSYR-FM—Central N. Y. Broadcasting Corp., Onondaga, N. Y.—Granted special temporary authority to operate on **93.5 mc.** using 250 watts GE-BT-1A transmitter and temporary antenna 72 feet above ground, for a period of 90 days from date of grant.  
 KANA—Mosby's, Inc., Anaconda, Mont.—Granted modification of CP, which authorized a new station, to change type of transmitter. (B5-MP-1944)  
 WCHA—Chambersburg Broadcasting Co., Chambersburg, Pa.—Granted modification of CP which authorized a new station, to change type of transmitter, for approval of studio location at Graft Press Bldg., Lincoln Way E. at Penna. RR., Chambersburg. (B2-MP-1914)  
 WLWA—The Crosley Corp., Area of Cincinnati—Granted extension of STA to operate an FM transmitter on Channel #251, **98.1 mcs.** with 3 KW using temporary antenna on WLW's tower for a period beginning July 13 and ending Aug. 11, 1946, for the purpose of making FM site tests.  
 KSJB—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Granted modification of CP which authorized increase in power, etc., for extension of completion date from 7-9-46 to 8-8-46.  
 WCNT—Hobart Stephenson, Centralia, Ill.—Granted modification of CP which authorized a new station, for change in type of transmitter, approval of antenna and approval of transmitter and studio locations at Highway #51, 2.9 miles north of City Limits, Centralia, Ill. (B4-MP-1939)  
 KCOW—Cent. Wash. Broadcasters, Inc., Ellensburg, Wash.—Granted modification of CP which authorized a new station, to make changes in antenna system, change type of transmitter to RCA Mfg. Co. BTA-250-L, and extend completion date from 10-13-46 to 20 days thereafter. Permittee is granted a waiver of Secs. 3.55(b) and 3.60 of the Commission's Rules; conditions. (B5-MP-1971)  
 WKYB—Paducah Newspapers, Inc., Paducah, Ky.—Granted modification of CP which authorized a new station, to change type of transmitter to Gates Radio Co. 1-N; change transmitter and studio location to: Lone Oak (south of Paducah) and 504 Ky. Ave., Paducah, respectively, and extend commencement and completion dates to 60 days after grant and 180 days thereafter, respectively. This action is taken subject to condition that the permittee herein shall satisfy legitimate complaints of blanketing within the 250 mv/m contour, including external cross modulation. (B2-MP-1942)  
 WHOS—Carter C. Peterson, Savannah, Ga.—Granted modification of CP which authorized a new station, to change type of transmitter (Gates Radio Co. 250-C) for approval of antenna, for approval of transmitter location at Gwinnett St., Savannah, and approval of studio location at Corner Bull and York Sts., Savannah. Authority is granted on condition (1) That permittee submit measurements to show interference caused WFMJ at Daytona Beach, and (a) That permittee will not object to interference which may be caused by a grant of B3-P-4248. (B3-MP-1905)  
 KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted license to cover CP which authorized increase in power from 1 KW-LS to 10 KW-LS, and make changes in transmitting equipment. (B4-L-1968)

(Continued on next page)



- WFKY—Frankfort Broadcasting Co., Frankfort, Kv.—Granted license to cover CP which authorized a new station to operate on 1490 kc., 250 watts, unlimited time (B2-L-1955); also authority to determine operating power by direct measurement. (B3-Z-1778)
- WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement. (B1-Z-1788)
- WHHM—Herbert Herff, Memphis, Tenn.—Granted modification of CP which authorized a new station, to change name of permittee to Herbert Herff, tr/as WHHM Broadcasting Co. (B3-MP-1943)
- WKLY—The Ky. Broadcasting Co., Lexington, Ky.—Granted modification of CP which authorized a new station, to change corporate name to The Fayette Broadcasting Co., specify type of transmitter and specify studio location as 120 E. Main St., Lexington, Ky. (B2-MP-1938)
- WLBV-WLBX—Larus Bro. Co., Inc., Richmond, Va.—Authorized cancellation of Relay Broadcast station licenses expiring May 1, 1948. (B2-RRY-302, 303)
- W6XYZ—Television Productions, Inc., Pasadena, Calif.—Granted license to cover CP which authorized a change in transmitter site and emission of Exp. Television station. The license is granted on an experimental basis only; conditions. (B5-LVB-71)
- W6XLA—Television Productions, Inc., Area of Los Angeles—Granted license to cover CP which authorized change in frequency, transmitter and emission in Exp. Television station. Frequency that may be assigned by Chief Engineer from time to time; emission: A3, A5 and special & special for FM. The license is granted upon an experimental basis only, conditions. (B5-LVB-70)
- Bruno Shaw, New York City—Denied request that the Commission withhold action on applications for the frequency 620 kc. in New York City, and consider his application therewith.
- Ira M. Ball, Utica, New York—Denied request that the Commission (1) set aside its proposed decision in the Rome-Utica cases; (2) allow Mr. Ball and his associates sufficient time to prepare and file a competing application; and (3) re-open the record and permit him and his associates to participate in such further hearing.
- Metropolitan Broadcasting Service, New York City—Granted petition for leave to amend its application (B1-P-4099; Docket 6791) so as to change paragraph 17 of the application to show that, as amended, the application will in part "request the facilities" of Station WAGE, Syracuse, to offer an exhibit showing a new antenna design and new transmitter site; to offer the new antenna design to WAGE; to offer ownership of the new site to WAGE free of cost; and to offer to pay for the removal of WAGE to the new site and for the installation of the new WAGE antenna, all if its application is granted. The amendment filed with the petition covering the matters, was accepted.
- Associated Electronic Enterprises, Woonsocket, R. I.—Granted petition for removal and grant of application for new station, and the said application for a new station (B1-P-4111; Docket 6857) was granted, to operate on 1240 kc., 250 watts, unlimited time, subject to condition that applicant, after construction, shall submit measurements to prove that the proposed transmitter meets the Commission's Standards of Good Engineering Practice concerning broadcast stations.
- KLIX—Southern Idaho Broadcasting and Television Co., Twin Falls, Idaho—Granted modification of construction permit (B3-MP-1884) which authorized a new station, to change frequency from 1490 to 1340 kc.
- William L. Lipman, Kenosha, Wis.—Granted petition requesting that his application (Docket 7350) be severed from the consolidated proceedings with applications in Dockets 7118 et al. The Commission ordered this application severed from the consolidated proceedings in which it was heard, and granted CP (B4-P-4436) for a new station to operate on 1050 kc., 250 watts, daytime only, subject to the condition that applicant will within 60 days from the date of this action file an application for modification of permit with the Commission, specifying a transmitter site and antenna system meeting the requirements of the Commission's Standards of Good Engineering Practice.
- Palladium Publishing Co., Benton Harbor, Mich.—Granted petition requesting that its application (Docket 7118) for a new station be severed from the consolidated proceeding with applications in Docket Nos. 7350 etc. The Commission ordered that this application be severed from the consolidated proceedings in which it was heard and granted CP (B2-P-4023) for a new station to operate on 1060 kc., 1 KW, daytime only, subject to compliance of the construction and location of antenna with CAA requirements.
- Radio Wisconsin, Inc., Madison, Wis.—Denied petition requesting that its application for CP (Docket 6940) be removed from the hearing docket and granted without further hearing.
- Lock Haven Broadcasting Corp., Lock Haven, Pa.—Dismissed petition of Lock Haven Broadcasting Corp. requesting that its application for use of 1230 kc. at Lock Haven be designated for hearing in consolidation with applications of Williamsport Radio Broadcasting Associates and Jos. T. Connolly, et al, requesting use of 1340 kc. at Williamsport, and ordered that the issues in the consolidated proceeding (Docket 7427 and 7425) be amended by deleting issue No. 6 and in lieu thereof inserting the following: "6. To determine on a comparative basis which, if either, of these applications should be granted."

## ACTIONS ON MOTIONS

- Eau Claire-Chippewa Broadcasting Co., Eau Claire, Wis.—Granted petition for leave to amend its application (B4-P-4619) so as to specify frequency 1400 with 250 watts unlimited time instead of 1340 kc. with 250 watts, unlimited time; change location of main studios from Eau Claire to Chippewa Falls, etc. The amendment was accepted and application removed from hearing docket. (No. 7557)
- Unity Corp., Inc., Springfield, Ohio—Granted motion for leave to amend its application for FM station (B2-PH-516; Docket 7238), by submitting additional engineering data, and the amendment was accepted.
- Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted petition for leave to intervene in the hearing upon application of Lake Shore Broadcasting Co. for a new station in Evanston, Ill., presently designated for consolidated hearing with application of WMIL Broadcasting Co., Milwaukee. (Docket Nos. 7629 and 6701)
- Radio Projects, Inc., Newark, N. J.—Granted petition for leave to amend application for FM station so as to show election of two new directors to the corporation, etc., and the amendment was accepted. (Docket 7232)
- Booth Radio Stations, Inc., Grand Rapids, Mich.—Granted petition for leave to intervene in the hearing on application of WMBD for CP. (Docket 7610)
- A. J. Fletcher, Greensboro, N. C.—Granted petition for leave to amend application for FM station, so as to substitute the Capitol Broadcasting Co., Inc., as the applicant, and to change paragraphs to show complete information on the new corp., and the amendment was accepted. (Docket 7597)
- No. Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted petition for leave to amend its application for FM station (Docket 7234), so as to show current information in re officers, directors and stockholders; to supply revised engineering data, etc., and the amendment was accepted.
- West Ala. Broadcasting Co., Tuscaloosa, Ala.—Granted in part petition for extension of time within which to file proposed findings of fact in re Dockets 7178 and 7177, and the time within which the West Ala. Broadcasting Co. may file its proposed findings in Docket 7178, was extended to and including July 23.

(Continued on next page)



News Syndicate Co., Inc., New York, N. Y.—Granted petition for leave to amend its application for an FM station (Docket 6175), so as to show current information concerning costs of construction and monthly operating expenses, and to supply complete engineering information, etc., and the amendment was accepted.

Independent Broadcasting Co., Des Moines, Iowa—Granted petition for leave to amend its application for a new station, to show a new DA pattern and revised engineering information, and the amendment was accepted. (Docket 6734)

Atlantic Broadcasting Co., Inc., New York, N. Y.—Granted petition to dismiss without prejudice application for a new FM station. (B1-PH-130; Docket 7233)

Star Broadcasting Co., Inc., Pueblo, Colo.—Granted petition requesting the Commission to incorporate an affidavit by Frank S. Hoag, Sr., into the proceeding held upon petitioner's application for CP (Docket 6814). The affidavit was accepted, the record reopened, and without further hearing the affidavit of Frank S. Hoag, Sr., is made a part of the record in this docket.

N. M. U Broadcasting Co., Inc., New York City—Granted petition for leave to amend its application for FM station (Docket 7225), so as to show increase in authorized common stock from \$50,000 to \$100,000; to show revised information on proposed programming, and the amendment was accepted.

Paris Broadcasting Co., Paris, Tenn.; James A. Dick, et al, d/b as Paris Broadcasting Co., and Tenn.-Ky. Broadcasting Co., Inc., Paris, Tenn.—Denied joint petitions requesting the Commission to schedule the consolidated hearing in re these applications for July 24. (Docket 7430; 7506 and 7507)

Edward J. Noble and American Broadcasting Co., Inc.—Granted petition for waiver of Sec. 1.304(a) of the Commission's Rules; said rules were waived, and written appearance of petitioners in re transfer of control of stations WXYZ and WOOD (Dockets 7619 and 7620) was accepted.

Port Huron Broadcasting Co., Port Huron, Mich.—The Commission ordered, upon its own motion, the continuance of the hearing on application for renewal of license (Docket 6987), now scheduled for July 10 to September 16.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—The Commission, on its own motion, ordered that the hearing on application for a CP (Docket 7601) be scheduled for 10 a.m. August 7, at Fresno, Calif., and for 10 a.m. August 8 at Visalia, Calif.

Medford Printing Co. and S. W. McCready, Medford, Ore.—The Commission, on its own motion, scheduled the consolidated hearing upon these applications (Docket 7327 and 7328) for July 29, at Medford, Ore.

Lake Broadcasting Co., Inc., Gary, Ind.—The Commission, on its own motion, continued the hearing on application for CP (Docket 7185) now scheduled for July 8 to July 24.

KSEI—Radio Service Corp., Pocatello, Idaho—The Commission, on its own motion, removed from the hearing docket application for CP (Docket 6865), heretofore scheduled for consolidated hearing with application of KVAN. (Docket 6566)

John H. Fitzgibbon, Roy Jarman and Temple V. Ehmsen, Oregon City, Ore., and B. Loring Schmidt, Salem, Ore.—The Commission, on its own motion, ordered that the consolidated hearing on these applications be scheduled for July 31 at Salem, Oregon, on the application of B. Loring Schmidt (Docket 7624) and August 1, at Oregon City, Ore., upon application of John H. Fitzgibbon, et al. (Docket 7379)

Port Arthur Broadcasting Co., Port Arthur, and Lake Shore Broadcasting Co., Port Arthur, Texas—The Commission, on its own motion, and at request of counsel for applicants, scheduled the consolidated hearing on these applications (Dockets 7579 and 7580) for July 29 and 30 at Wash., D. C.

George W. Trendle, John H. King, H. Allen Campbell and Howard C. Pierce, and American Broadcasting Co., Inc.—Granted petition for waiver of Sec. 1.384(a) of the Commission's Rules, and accepted written ap-

pearance of petitioner in re application for transfer of control of stations WXYZ and WOOD. (Docket 7619)

Electronic Time, Inc., New York City—Granted motion for continuance of hearing now scheduled for July 8, and continued same to September 9. (Docket 7509)

## FCC APPLICATIONS

### AM APPLICATIONS ACCEPTED FOR FILING

#### 600 Kilocycles

KSJB—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Modification of construction permit (B4-P-3906, as modified, which authorized increase in power, installation of new transmitter and directional antenna and change in transmitter and studio locations) for extension of completion date.

#### 630 Kilocycles

NEW—Western Montana Associates, Missoula, Montana (P. O. 425 Beverly Avenue).—Construction permit for a new standard broadcast station to be operated on **630 kc.**, power of 5 KW, directional antenna, night and unlimited hours of operation.

#### 730 Kilocycles

WCIF—Madisonville Broadcasting Co., Inc., Madisonville, Ky.—Modification of construction permit (B2-P-4561, which authorized a new standard broadcast station) for approval of antenna and approval of transmitter and studio locations.

#### 800 Kilocycles

WKYB—Paducah Newspapers, Inc., Paducah, Ky.—Modification of construction permit (B2-P-4244, which authorized a new standard broadcast station) to change type of transmitter, change transmitter and studio locations and extend commencement and completion dates.

#### 840 Kilocycles

NEW—Port City Broadcasting Co. (partnership composed of) Raymond G. Wilson, W. F. Lane, John A. Mingus, Andrew B. Shelton, Howard Barrett & Bruce B. Meador, Port Arthur, Texas—Construction permit for a new standard broadcast station to be operated on **840 kc.**, power of 1 KW and daytime hours of operation.

#### 850 Kilocycles

WIIDH—Matheson Radio Co., Inc., Boston, Mass.—Construction permit to increase power from 5 to 50 KW, install new transmitter and new directional antenna for day and night use and change transmitter location from Sangus to Wayland, Massachusetts.

#### 860 Kilocycles

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Texas—Construction permit to change frequency from **1400 to 860 kc.**, increase power from 250 watts to 1 KW night, 5 KW day, install new transmitter and directional antenna for night use and change transmitter location. Amended: re change in transmitter location.

#### 900 Kilocycles

NEW—Northeast Oklahoma Broadcasting Co., Miami, Okla. (P. O. 218 D Street, S. W.).—Construction permit for  
(Continued on next page)

a new standard broadcast station to be operated on 900 kc., power of 250 watts and daytime hours of operation.

### 910 Kilocycles

WABI—Community Broadcasting Service, Bangor, Maine—Modification of construction permit (B1-P-3934, which authorized increase in power, employing directional antenna night and make changes in transmitting equipment) for extension of completion date.

### 970 Kilocycles

NEW—Boulder City Broadcasting Co. (a Nevada Corporation), Las Vegas, Nevada (P. O. 701 Avenue R, Boulder City, Nevada)—Construction permit for a new standard broadcast station to be operated on 970 kc., power of 1 KW and unlimited hours of operation.

### 1000 Kilocycles

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Modification of construction permit (B5-P-1281, as modified, which authorized increase in power, installation of new transmitter and directional antenna for night use, and change in transmitter location) for changes in directional antenna for night use.

### 1010 Kilocycles

NEW—T. R. Wolfe, W. E. Smith, S. L. Myers, Carl C. Alex and R. H. Whitlow (partners), d/b as Albemarle Broadcasting Company, Albemarle, North Carolina (P. O. Hotel Albemarle Bldg., North Second Street)—Construction permit for a new standard broadcast station to be operated on 1010 kc., power of 1 KW and daytime hours of operation.

### 1050 Kilocycles

WWGP—Lee Broadcasting Corporation, Sanford, N. C.—Modification of construction permit (B3-P-4540, which authorized a new standard broadcast station) to change type of transmitter, approval of antenna and transmitter location.

### 1090 Kilocycles

KEVR—Evergreen Broadcasting Corporation, Seattle, Wash.—Modification of construction permit (B5-P-3933, which authorized increase in power, installation of new transmitter and directional antenna for day and night use, and change in transmitter location) for changes in directional antenna.

NEW—Effingham Broadcasting Co., Effingham, Illinois, (P. O. 109½ E. Jefferson St.)—Construction permit for a new standard broadcast station to be operated on 1090 kc., power of 250 watts and daytime hours of operation.

### 1110 Kilocycles

NEW—Moraine Broadcasters, Inc., Dayton, Ohio (P. O. 111-125 E. 4th St.)—Construction permit for a new standard broadcast station to be operated on 1110 kc., power of 1 KW and daytime hours of operation.

### 1120 Kilocycles

NEW—Broadcast Management, Inc., Bethesda, Maryland (P. O. Union Trust Building, Washington 5, D. C.)—Construction permit for a new standard broadcast station to be operated on 1120 kc., power of 250 watts and daytime hours of operation.

### 1150 Kilocycles

WCOP—Massachusetts Broadcasting Corporation, Boston, Mass.—License to cover construction permit (B1-P-4003, as modified), which authorized increase in power, make changes in transmitting equipment, install new

directional antenna for day and night use and change transmitter location.

WCOP—Massachusetts Broadcasting Corporation, Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

WIKB—Upper Michigan-Wisconsin Broadcasting Company, Inc., Iron Mountain, Mich.—Modification of construction permit (B2-P-4676, which authorized a new standard broadcast station) for approval of antenna and approval of transmitter and studio locations.

NEW—Peter B. Thornell, Florence, South Carolina (222 South Dargan Street)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation. (Contingent on grant of WOLS)

KFJB—Marshall Electric Company, Marshalltown, Iowa—Authority to determine operating power by direct measurement of antenna power.

KXO—Valradio, Inc., El Centro, Calif.—Modification of construction permit (B5-P-4469, which authorized installation of new transmitter, new vertical antenna and ground system, and change transmitter and studio locations) to move transmitter location and to extend commencement and completion dates.

NEW—Tri-County Radio Corp., Shelby, Montana (P. O. 531 First Avenue South)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.

NEW—Joseph M. Ripley, Leesburg, Florida (P. O. 1706 Landon Avenue, Jacksonville, Fla.)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.

NEW—Kola Broadcasting Company (a co-partnership composed of Hugh O. Jones, William E. Jones, James O. Jones, and Mrs. Sarah Stewart Jones), Opelousas, Louisiana (P. O. Box 230)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.

NEW—G. Stanley Brewer, tr/as Southern Wyoming Broadcasting Co., Rawlins, Wyoming (P. O. 2730 Quincey Street, Ogden, Utah)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.

### 1240 Kilocycles

WENK—Union City Broadcasting Co., Inc., Union City, Tenn.—Modification of construction permit (B3-P-4508, which authorized a new standard broadcast station) for approval of antenna and approval of transmitter and studio locations.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Authority to determine operating power by direct measurement of antenna power.

NEW—Pikes Peak Broadcasting Company, a co-partnership consisting of Joseph H. Rohrer and Edythe G. Sweeney, Colorado Springs, Colorado (P. O. 337 Eudora Street, Denver, Colorado)—Construction permit for a new standard broadcast station to be operated on 1240 kc., power of 250 watts and unlimited hours of operation.

NEW—Miller Associates, Inc., Youngstown, Ohio (P. O. c/o Sunne Miller, 1837 West Central Avenue, Toledo, Ohio)—Construction permit for a new standard broadcast station to be operated on 1240 kc., power of 250 watts and unlimited hours of operation.

NEW—Des Moines Broadcasting Corporation, Des Moines, Iowa (P. O. 401 Shops Building, 806 West Walnut Street)—Construction permit for a new standard broadcast station to be operated on 1240 kc., power of 100 watts and unlimited hours of operation.

KCOW—Central Washington Broadcasters, Inc., Ellensburg, Wash.—Modification of construction permit (B5-P-3996, which authorized a new standard broadcast station) to change transmitter, make changes in antenna system and extend completion date.

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### 1310 Kilocycles

NEW—Alvin A. Beal and Elmer P. Hauser, d/b as Beal & Hauser Broadcasting Co., Fontana, California (200 South Tokay St.).—Construction permit for a new standard broadcast station to be operated on 1310 kc., power of 250 watts and unlimited hours of operation.

### 1320 Kilocycles

NEW—Central Michigan Radio Corporation, Lansing, Mich. (P. O. c/o Thomas H. O'Brien, 623 W. Ottawa).—Construction permit for a new standard broadcast station to be operated on 1320 kc., power of 1 KW, directional antenna night and unlimited hours of operation.

WKAN—Kankakee Daily Journal Company, Kankakee, Ill.—Modification of construction permit (B4-P-4013, which authorized a new standard broadcast station) to make changes in vertical antenna and mount FM antenna on top and extend commencement and completion dates.

### 1340 Kilocycles

NEW—G. Stanley Brewer, tr/as Southern Wyoming Broadcasting Company, Laramie, Wyoming (P. O. 2730 Quincy Street, Ogden, Utah).—Construction permit for a new standard broadcast station to be operated on 1340 kc., power of 250 watts and unlimited hours of operation.

WGNI—General Newspapers, Inc., Wilmington, N. C.—Modification of construction permit (B3-P-4247, which authorized a new standard broadcast station) to change type of transmitter and change transmitter and studio locations and extend commencement and completion dates.

WMFF—Plattsburg Broadcasting Corporation, Plattsburg, N. Y.—License to cover construction permit (B1-P-4461), which authorized installation of new transmitter.

### 1360 Kilocycles

WWBZ—Community Broadcasting Service, Inc., Vineland, N. J.—Modification of construction permit (B1-P-4480, which authorized a new standard broadcast station) to change type of transmitter and change transmitter and studio locations and extend commencement and completion dates.

### 1400 Kilocycles

NEW—David W. Ratliff, Stamford, Texas (P. O. Box 1502, Abilene, Texas).—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.

KODI—Big Horn Basin Broadcasting Co., Cody, Wyoming (P. O. 1119 Alger Avenue).—Modification of construction permit (B5-P-4697, which authorized a new standard broadcast station) for approval of antenna, approval of transmitter and studio locations and to change corporate name from Big Horn Basin Broadcasting Company to Absaroka Broadcasting Company.

NEW—Loys Marsdon Hawley, Bennettsville, South Carolina (P. O. 814 King Avenue, Florence, South Carolina).—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.

### 1410 Kilocycles

NEW—Baird Bishop & Ed Bishop d/b as Dalrad Associates, Dalhart, Texas.—Construction permit for a new standard broadcast station to be operated on 1410 kc., power of 250 watts and unlimited hours of operation.

### 1440 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Voluntary assignment of license to Gibson Broadcasting.

### 1450 Kilocycles

KVMV—Radio Sales Corporation, Twin Falls, Idaho.—Construction permit to install a new transmitter.

NEW—James L. Frank, Colorado Springs, Colo. (P. O. 155 East 48th St., New York, 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.

KAMD—Camden Radio, Inc., Camden, Ark.—License to cover construction permit (B3-P-3494) which authorized a new standard broadcast station.

KAMD—Camden Radio, Inc., Camden, Ark.—Authority to determine operating power by direct measurement of antenna power.

### 1490 Kilocycles

NEW—Springfield Broadcasting Co. (Partnership), Gerson Askinas, Earle G. Hewinson, Christos M. Manitsas, Springfield, Mass. (P. O. 1694 Main St.).—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.

NEW—Enterprise Publishing Co., Thomas H. Frier & W. R. Frier, Partners, Douglas, Ga.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.

KWWB—Walla Walla Broadcasting Co., Walla Walla, Wash.—Modification of construction permit (B5-P-4595, which authorized a new standard broadcast station) to change type of transmitter, for approval of antenna and approval of transmitter and studio locations.

NEW—Four States Broadcasting Corp., Texarkana, Ark. (P. O. 325 State National Bank Bldg.).—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.

KGKB—Jas. G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Co., Tyler, Texas.—Authority to determine operating power by direct measurement of antenna power.

NEW—Ogden Broadcasting Co., Inc., Ogden, Utah.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation. Amended re change in stockholders.

NEW—Alva B. Adams, Jr., Pueblo, Colo. (P. O. 102 West Orman Ave.).—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.

### 1560 Kilocycles

WTOD—Unity Corp., Inc., Toledo, Ohio.—License to cover construction permit (B2-P-4417, as modified) which authorized a new standard broadcast station.

WTOD—Unity Corp., Inc., Toledo, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1600 Kilocycles

NEW—Roy Richards, Robert Tisinger, J. E. Duncan and Thomas Carr, a partnership d/b as Carroll Broadcasting Co., Carrollton, Ga. (Cedar St.).—Construction permit for a new standard broadcast station to be operated on 1600 kc., power of 250 watts and daytime hours of operation.

### FM APPLICATIONS ACCEPTED FOR FILING

Perkins Brothers Co., Sioux City, Iowa.—Construction permit for a new FM (Rural) broadcast station to be operated on frequency and coverage to be assigned by FCC. Amended correcting studio location.

Radio Asheville, Inc., Asheville, N. C.—Construction permit for a new FM (Metropolitan) broadcast station to be

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operated on frequency and coverage to be determined by FCC. Amended to change type of transmitter.  
Brooklyn Broadcasting Service, Inc., Brooklyn, N. Y.—Construction permit for a new FM (Community) broadcast station to be operated on frequency to be assigned by FCC. Amended to specify studio location.

### TELEVISION APPLICATIONS ACCEPTED FOR FILING

Philadelphia Daily News, Inc., Philadelphia, Pa.—Construction permit for a new commercial television broadcast station to be operated on Channel #8, 180-186 mc., ESR of 865 and power of visual 5 KW, aural 2½ KW. Amended to change frequency from Channel #8, 180-186 mc., to Channel #12, 204-210 mc., type of transmitters, specify effective radiated power as visual—3.4 KW, aural 3 KW and make changes in antenna system and change ESR from 865 to 1010.  
J. W. Birdwell, Nashville, Tenn.—Construction permit for a new commercial television broadcast station to be operated on Channel #1, 50-56 mc., and ESR of 719.4. Amended to change frequency from Channel #1, 50-56 mc., to Channel #5, 76-82 mc., type of transmitters and make changes in antenna system.

### MISCELLANEOUS APPLICATIONS ACCEPTED FOR FILING

NEW—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa—Construction permit for a new noncommercial educational broadcast station to be operated on 42.9 mc., power of 1 KW and A3 Emission. Amended to change frequency from 42.9 to Channel #218, 91.5 mc., change type of transmitter and make changes in antenna system.  
NEW—News-Press Publishing Co., Area of Santa Barbara, Calif. (P. O. De la Guerra Plaza)—Construction permit for a new relay broadcast station to be operated on 31.62, 35.26, 37.34, 39.62 mc., power of 5 watts and A3 Emission.  
KAJC—KRLD Radio Corp., Dallas, Texas—License to cover construction permit (B3-PRE-462) which authorized a new relay broadcast station.

### APPLICATIONS TENDERED FOR FILING

NEW—J. C. Rothwell, Littlefield, Texas—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.  
NEW—Radio South, Inc., Jacksonville, Fla.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.  
KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction permit to change frequency from 950 to 770 kc., power from 5 to 50 KW, install new transmitter and change transmitter location. (770 kc.)  
NEW—Carroll S. Mohr, Fred O. Rice, Douglas D. Kahle and George D. Humphrey d/b as the Snowy Range Broadcasting Co., Laramie, Wyo.—Construction permit for a new standard broadcast station to be operated on 1340 kc., power of 250 watts and unlimited hours of operation.  
NEW—Robert W. LeMond, F. Clinton Jones and Clarence E. Fisher d/b as Town Talk Broadcasting Co., Grass Valley, Calif.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.  
KLO—Interstate Broadcasting Corp., Ogden, Utah—Construction permit to change transmitter location and make changes in directional antenna system. (1430 kc.)  
KMED—Mrs. W. J. Virgin, Medford, Ore.—Consent to assignment of license to Medford Radio Corporation. Also includes FM conditional grant. (1440 kc.)  
NEW—Grosse Pointe Broadcasting Corp., Grosse Pointe, Mich.—Construction permit for a new standard broad-

cast station to be operated on 660 kc., power of 250 watts and daytime hours of operation.  
NEW—Grant Street Radio Stations, Inc., Pittsburgh, Pa.—Construction permit for a new standard broadcast station to be operated on 730 kc., power of 1 KW and daytime hours of operation.  
WEEU—Berks Broadcasting Co., Reading, Pa.—Consent to transfer of control of licensee Corp. from George J. Feinberg, Joseph M. Nassau and Milton J. Hinlein to Hawley Broadcasting Company, also includes relay station WEGP and conditional grant of FM Metropolitan station. (850 kc.)  
KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Consent to assignment of license to KFIZ Broadcasting Company. (1450 kc.)  
KCOK—Herman Anderson, Tulare, Calif.—Construction permit to change frequency from 1240 to 1270 kc., power from 250 watts to 1 KW, install directional antenna, night and new transmitter.  
NEW—Siskiyou Broadcasting Co., Yreka, Calif.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.  
KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Construction permit to change frequency from 1400 to 1380 kc., power from 250 watts to 1 KW, install new transmitter and directional antenna for night use.  
NEW—Pacific States Radio Co., Corvallis, Ore.—Construction permit for a new standard broadcast station to be operated on 1340 kc., power of 250 watts and unlimited hours of operation.  
WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—Construction permit to change frequency from 1490 to 1270 kc., power from 250 watts to 1 KW, install directional antenna—night, new transmitter, and change transmitter location. (Contingent upon WPDQ operating on new frequency)  
NEW—Independent Broadcasting Corporation, Knoxville, Tenn.—Construction permit for a new standard broadcast station to be operated on 800 kc., power of 1 KW and daytime hours of operation.  
NEW—Robert Ennis Liverance and Sara Vandiver Liverance (Mr. and Mrs. Robert E. Liverance), d/b as Anderson Broadcasters, Anderson, S. C.—Construction permit for a new standard broadcast station to be operated on 1170 kc., power of 250 watts and daytime hours of operation.  
NEW—Marti, Inc., Cleburne, Texas—Construction permit for a new standard broadcast station to be operated on 1120 kc., power of 250 watts and daytime hours of operation.  
NEW—Arthur S. Feldman, Ft. Wayne, Ind.—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 250 watts and unlimited hours of operation. (Contingent on grant of change in frequency of station WGL.)  
NEW—Fresno Broadcasting Company, Fresno, Calif.—Construction permit for a new standard broadcast station to be operated on 620 kc., power of 1 KW, directional antenna and unlimited hours of operation.  
NEW—Foundation Company of Washington, Washington, D. C.—Construction permit for a new standard broadcast station to be operated on 580 kc., power of 5 KW, directional antenna and unlimited hours of operation.  
WLBR—Lester P. Etter and H. Raymond Stadiem, d/b as Lebanon Broadcasting Company, Lebanon, Pa.—Consent to assignment of construction permit to Lebanon Broadcasting Company (a corporation) (1270 kc.)  
NEW—The Eastern Oklahoma Broadcasting Corporation, Muskogee, Okla.—Construction permit for a new standard broadcast station to be operated on 990 kc., power of 1 KW, directional antenna—night and unlimited hours of operation.  
WLAY—Muscle Shoals Broadcasting Corporation, Muscle Shoals, Ala.—Construction permit to change frequency from 1450 to 1460 kc., power from 250 watts to 1 KW, install new transmitter, change transmitter location and install directional antenna night use.



# Federal Trade Commission Actions

## COMPLAINTS

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

**Sunshine Household Products Co., Inc.**, 145 Pierport Avenue, Salt Lake City, and its officers are charged in a Commission complaint with misrepresenting the properties and effectiveness of a so-called moth-proofing agent they sell under the name of Sunshine Foam. (5451)

**Friedman-Klein Sales Co.**—Jack Klein and Martin D. Friedman, trading as Friedman-Klein Sales Co. and Western Novelty Co., 217 West 9th St., Kansas City, Mo., are charged in a Federal Trade Commission complaint with selling to jobbers and retailers assortments of merchandise so packed and assembled as to involve the use of a lottery scheme or game of chance when sold or distributed to the purchasing public. (5432)

## CEASE AND DESIST ORDERS

**Vitamin Guild of America**—Gray hair is not known to be the result of vitamin deficiency, the Commission ruled in ordering Oxford Products, Inc., trading as Vitamin Guild of America, 1814 East 40th St., Cleveland, to cease and desist from disseminating false advertisements concerning a vitamin product sold as Calcium Pantothenate Vitamin Tablets and Cal-Pan. (5388)

**Curtis-Elliott, Inc.**—An order to cease and desist from selling or distributing merchandise by means of lottery

methods was issued by the Commission against Curtis-Elliott, Inc., and its president, Leroy H. Huttner, 67 West 44th St., New York. (5231)

## STIPULATIONS

**Hudson Pulp & Paper Corp.**—The Commission has approved a stipulation in which the Hudson Pulp & Paper Corp., 220 East 42nd St., New York, and its officers agree to cease and desist from representing that Hudson paper napkins are appreciably stronger, heavier or more absorbent than competing products. (4163)

**The International Vitamin Corp.**, 22 East 40th St., New York, stipulated with the Commission that, in connection with the advertising of a medicinal preparation known as Ol-Vitum Capsules, it will cease and desist from representing:

(1) That the preparation, when used as directed, is effective in the treatment of symptoms of vitamin deficiency such as depression, nervousness, irritability, fatigue or the loss of vigor or stamina.

(2) That it is effective in building resistance to colds or infections.

(3) That, when used as directed, it has a beneficial effect upon the digestion or elimination. (03315)

**Shelmar Hat Co.**—The Commission has approved a stipulation in which Hyman Levitt, trading as Shelmar Hat Co., 23 West 38th St., New York, agrees to cease and desist from representing in any manner that women's hats made in whole or in part from old, used or second-hand materials are new or made of new materials. (4162)

**Tindle Milling Co., Inc.**, of Springfield, Mo., entered into a stipulation with the Commission to cease and desist from representing that a poultry feed sold by the firm will remove worms from poultry.

The product involved was sold under the trade names of Tindle's Special 18 percent Wormer Egg Mash, Tindle's Special Egg Mash with Wormer, and Tindle's Special Wormer Egg Mash. (03316)