The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

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NAB REPORTS ★ ★ ★ ★ ★

Vol. 5 - - No. 8
FEB. 18, 1937

WASHINGTON RADIO HIGHLIGHTS

FCC answers questions of Senator Wheeler * * * * Hampson Gary, FCC General Counsel, says Commission now has no authority to prevent newspapers from owning broadcast stations * * * * Suggests such legislation would be constitutional * * * * Commission informs Wheeler in detail of stations owned by newspapers and chains and controlled by both interests * * * * Possibility that freedom of the press might be involved * * * * As result of answer Senator Wheeler has announced that he will introduce a bill to prevent newspapers from obtaining more stations and possibly make them give up those they already own * * * * Craney (KGIR) addresses open letter to the Congress of the United States * * * * Makes answer to ASCAP and proposes an amendment to the Copyright Act of 1909 * * * * Amendment would clear copyright at the source, place full responsibility on persons originating performances including manufacturers of electrical transcriptions * * * * Hearing held on Dickstein Bill (H. R. 30) before House Committee on Immigration and Naturalization to protect artistic and earning opportunities for actors, etc. * * * * Senator Copeland makes favorable report from his Committee on Commerce on Pure Food and Drug Bill (S. 5) with few amendments * * * * Representative Culkin of New York introduces another bill to prevent alcoholic beverage advertising over radio.

FCC ANSWERS WHEELER

The Federal Communications Commission has sent its answer to Senator Burton Wheeler, of Montana, chairman of the Senate Committee on Interstate Commerce in connection with certain questions which he propounded dealing with newspaper ownership of broadcasting stations and network ownership of stations.

As the result of the Commission's answer Senator Wheeler has announced that he will introduce a bill making it unlawful for newspapers to own broadcasting stations. He contends that the effort of the bill will be to prevent monopoly of radio channels for public information.

Included in the answer of the Commission is an opinion of Hampson Gary, general counsel, as to whether the Commission now has power to prevent a newspaper from owning a broadcasting station and expressing his opinion as to whether such legislation can be enacted.

Mr. Gary's complete answer to the Senator on the subject of the ownership of broadcasting stations by newspapers is as follows:

January 25, 1937.

MEMORANDUM TO THE COMMISSION:

Opinion of the General Counsel

In response to request of the Chairman of the Commission.

I.

Has the Commission authority, at the present time, to deny an application of a newspaper for radio facilities, on the ground that it is against public policy.

The question presented is whether the Commission may deny an application of a newspaper for a license on the ground that it is against "public policy". The specific standard, or guide, provided by Congress in the Communications Act of 1934 is whether or not the granting of an application for license is "in the public interest, convenience or necessity". It must be determined at the outset, therefore, whether there is a difference between the term "public policy" and the standard of "public interest, convenience and necessity". We think the two may be distinguished. "Public policy" has been defined as:

> "that principle of law which holds that no one can lawfully do that which has a tendency to be injurious to the public or against the public good."

(*Spalding* v. *Maillet,* 188 P. 377; *Georgia Fruit Exchange* v. *Turnipseed,* 62 So. 542.)

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In the sense of the definition given, it might be said that "public policy" is synonymous with "public interest". However, as was said in *Weeks* v. *New York Life Insurance Company,* 122 S. E. 586:

> "Public policy imports something that is uncertain, fluctuating, varying with the changing economic needs, social customs and moral aspirations of the people. A state has no public policy cognizable by the courts which is not derivable by clear implication from established law as found in its Constitution, statutes, and judicial decisions."

Again, in *Georgia Fruit Exchange* v. *Turnipseed, supra,* p. 544, the court said:

> "Public policy is broader than the mere terms of the statute or statutes and embraces their general purpose and spirit."

See also *Smith* v. *San Francisco & M. P. R. Co.,* 47 Pacific 582, 589, where the phrase is defined as follows:

> "Public policy is a term of vague and uncertain meaning, which it pertains to the law-making body to define, and courts are apt to encroach on the domain of that branch of government if they characterize a transaction as invalid because it is contrary to public policy, unless the transaction contravenes some positive statute or some well-established rule of law. * * *"

As was pointed out in *Rast* v. *Van Deman & Lewis,* 240 U. S. 342, 357:

> "It is the *duty* and *function* of the legislature to discern and correct evils, and by evils we do not mean some definite injury but obstacles to a greater public welfare." (Italics supplied.)

This case is cited many times in other decisions, and we believe it is authority for the conclusion that a determination of "public policy" is the *function* of the legislature. Although it may be stated that the Federal Communications Commission is an arm of the Congress, or the agent of that legislative body, yet it is equally true that the Commission possesses only those powers specifically delegated to it by statute. (*Federal Radio Commission* v. *Nelson Bros. Bond & Mortgage Co.,* 289 U. S. 295.)

From the above it would appear that "public policy" is a broader and in some respects, a different term than "public interest," and that the determination of "public policy" is a function of Congress.

Since the Congress has delegated to the Commission the power to determine whether a grant of an application in any case will serve the "public interest" this is the only standard the Commission can apply, and our inquiry is limited to whether such standard furnishes authority to deny applications from newspapers. We do not mean to infer from the above that the Commission, in applying the standard of "public interest, convenience or necessity" to a given set of facts, may not consider as a factor that the applicant before it owns or controls a newspaper.

The Supreme Court, in *Federal Radio Commission* v. *Nelson Bros. Bond and Mortgage Company, supra,* has defined the standard and indicated some of the limitations upon the power of the Commission:

> "In granting licenses the Commission is required to act 'as public convenience, interest or necessity requires.' This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co.* v. *United States,* 287 U. S. 12, 24. The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services, and, where an equitable adjustment between States is in view, by the relative advantages in service which will be enjoyed by the public through the distribution of facilities."

See also the following language in *N. Y. Central Securities Co.* v. *United States,* 287 U. S. 24:

> "Appellant insists that the delegation of authority to the Commission is invalid because the stated criterion is uncertain. That criterion is the 'public interest.' It is a mistaken assumption that this is a mere general reference to public welfare without any standard to guide determinations. The purpose of the Act, the requirements it imposes, and the context of the provision in question show the contrary."

It should be observed that the application of this standard by the Commission is subject to judicial review under Section 402(b) of the Act. Upon appeal from decisions of the Commission the court will examine the decision for the purpose of determining whether the Commission has stayed within the power thus delegated and therefore its decision was not arbitrary or capricious.

> "A finding without substantial evidence to support it—an arbitrary or capricious finding—does violence to the law. It is without the sanction of the authority conferred. And an inquiry into the facts before the Commission, in order to ascertain whether its findings are thus vitiated, belongs to the judicial province and does not trench upon, or involve the exercise of, administrative authority." *Nelson Bros. case, supra,* p. 277.

In my opinion, therefore, the Commission does not have the authority, under the existing law and in the absence of an expression of public policy on the subject

by the Congress, to deny an application to a newspaper owner for radio facilities solely upon the ground that the granting of such an application would be against public policy. It is clear, however, that the Commission has the duty of examining the facts in each particular case to determine whether the granting of an application will serve "public interest, convenience or necessity". One fact among others to be considered by the Commission, is the business connections of the applicant, newspaper or other, and in my opinion the Commission has the power to refuse a license to a newspaper owner if upon all the facts before it in a given case the Commission is unable to find that the granting of such an application would serve public interest, convenience, or necessity.

II.

Whether legislation could be passed denying the right of newspapers to obtain broadcasting licenses in the future and requiring them to divest themselves of existing rights in broadcast stations within a reasonable time.

It is well settled that all radio broadcasting is within the regulatory power of Congress under the Commerce clause of the Constitution (*American Bond & Mortgage Company* v. *United States*, 52 F. (2d) 318; *Federal Radio Commission* v. *Nelson Bros. Bond & Mortgage Co.*, 289 U. S. 267). This power is "supreme and plenary" (*Minnesota Rate Cases*, 281 U. S. 362, 398); is "complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations, *other than those prescribed in the Constitution.*" (*Gibbons* v. *Ogden*, 9 Wheat. 1, 196.) And the power to regulate includes the power to prohibit (*The Lottery Cases*, 188 U. S. 321).

It should be determined at the outset whether there exist any constitutional limitations upon the power of Congress to regulate interstate and foreign commerce. It would appear that if such limitations exist they may be found in the First or Fifth Amendments to the Constitution.

The portions of the First Amendment which need be examined in connection with the legislation proposed are as follows: "Congress shall make no law * * * abridging the freedom of speech, or of the press * * *." It is submitted that legislation such as that proposed would constitute no abridgment of freedom of speech or of the press since ownership or control of a radio broadcast station is not essential to the right to speak or the dissemination of news, and the owning or controlling of a broadcast station as a business has nothing to do with the freedom of speech or of the press as such, because the newspaper would still have the same right to communicate by printing or broadcasting, which is enjoyed by any other person or class.

This is demonstrated by the following language from the case of *Trinity Methodist Church, South*, v. *Federal Radio Commission*, 62 Fed. (2d) 850, 853, in which the court affirmed a decision of the Commission refusing to renew the applicant's broadcast license:

> "This is neither censorship nor previous restraint, *nor is it a whittling away of the rights guaranteed by the First Amendment, or an impairment of their free exercise.* Appellant may continue to indulge his strictures upon the characters of men in public office. He may just as freely as ever criticize religious practices of which he does not approve. * * * but he may not, as we think, *demand, of right, the continued use of an instrumentality of commerce for such purposes, or any other, except in subordination to all reasonable rules and regulations Congress, acting through the Commission, may prescribe.*" (Italics supplied.)

Moreover, the freedom of the press is not abridged by a reasonable regulation of commerce promulgated by the Congress under constitutional authority for the protection of all the people, including the press.

In *Toledo Newspaper Co.* v. *U. S.*, U. S. 402, 419, Chief Justice White, speaking for the Court, dismissed the argument that a law providing for the punishment of contempts of court which obstructed justice was an interference with freedom of the press, in the following language:

> "We might well pass the proposition by because to state it is to answer it, since it involves in its very statement the contention that *the freedom of the press* is the freedom to do wrong with immunity and *implies the right to frustrate and defeat the discharge of those governmental duties upon the performance of which the freedom of all, including that of the press, depends.*" (Italics supplied.)

Chief Justice Fuller, in the case entitled *In Re: Rapier*, 143 U. S. 110, 134, said:

> "We cannot regard the right to operate a lottery as a fundamental right infringed by the legislation in question; *nor are we able to see that Congress can be held, in its enactment, to have abridged the freedom of the press. The circulation of newspapers is not prohibited, but the government declines itself to become an agent in the circulation of printed matter which it regards as injurious to the people.* The freedom of *communication* is not abridged within the intent and meaning of the constitutional provision unless Congress is absolutely destitute of any discretion as to what shall or shall not be carried in the mails, and compelled arbitrarily to assist in the dissemination of matters *condemned by its judgment, through the governmental agencies which it controls.*" (Italics supplied.)

Inasmuch as the granting of a license to operate a broadcast station does not give the licensee any vested property right (*American Bond & Mortgage Company* v. *United States,* 52 F. (2d) 318), (Sections 304 and 309(b) of the Communications Act of 1934) and since broadcast licenses must be renewed every six months, each application for renewal thereof being considered *de novo,* the right to hold or acquire property does not appear to be involved. For the same reasons the constitutional question presented in considering the power of Congress to deny newspapers the right to acquire broadcast stations in the future is not different from that presented as to its power to require them to divest themselves of the control of such stations within a reasonable time.

That protection of a person or class of persons to equality under the law exists under the Fifth Amendment is clearly indicated in the line of decisions noted herein: In the case of *U. S.* v. *Yount,* 267 F. 861, the court said, in discussing the power of Congress to "classify" as incidental to its power to regulate commerce:

> "The 'due process of law' by which Congress is limited in the Fifth Amendment and the states by the Fourteenth Amendment is equivalent to the 'law of the land' and is intended to protect the citizen against arbitrary action, and secure *to all persons equal and impartial justice under the law* (italics supplied). Davidson v. New Orleans, 96 U. S. 97, 24 L. ed. 616; Missouri Pacific Ry. v. Humes, 115 U. S. 512, 6 Sup. Ct. 110, 29 L. ed. 463.
>
> "It seems reasonably clear that the 'due process of law' provision of the Fifth Amendment is broad enough in its scope and purpose to include the 'equal protection of the laws' which no state may deny to any person under the provisions of the Fourteenth Amendment. Leeper v. Texas, 139 U. S. 462, 11 Sup. Ct. 577, 35 L. ed. 225; Giozza v. Tiernan, 148 U. S. 657, 13 Sup. Ct. 721, 37 L. ed. 599."

In *Nebbia* v. *U. S.,* 291 U. S. 502, the court observed (page 536):

> "It is clear that there is no closed class or category of businesses affected with a public interest, and the function of courts in the application of the Fifth and Fourteenth Amendments is to determine in each case whether circumstances vindicate the challenged regulation as a reasonable exertion of governmental authority or condemn it as arbitrary or discriminatory. Chas. Wolff Packing Co. v. Court of Industrial Relations, 262 U. S. 522, 535, 67 L. ed. 1103, 1108, 43 S. Ct. 630, 27 A.L.R. 1280."

In stating that "classification is allowable under the provisions of the constitution" the court in the case of *U. S.* v. *Yount, supra,* cited the case of *Gulf Colorado & Santa Fe Railway* v. *Ellis,* 165 U. S. 150. In this latter case the court said, at page 165, that the classification "must always rest upon some difference which bears a reasonable and just relationship to the act in respect to which the classification is proposed and can never be made arbitrarily and without any such basis."

The above cases indicate that classification is a necessary adjunct to the power to regulate. Since the proposed legislation would be a regulation of interstate commerce, and since it would discriminate against a class, the precise question involved is *whether the power of Congress to make such a regulation is limited by the due process clause.*

It would appear well settled that Congress, in the exercise of its power to regulate interstate commerce, may interfere indirectly with private rights which otherwise might be protected by the due process clause. In *Knox* v. *Lee* (Legal Tender Cases), 79 U. S. 457, it is said:

> "That provision (due process clause) has always been understood as referring only to a direct appropriation and not to consequential injuries resulting from the exercise of lawful power. It has never been supposed to have any bearing upon or to inhibit laws that indirectly work harm or loss to individuals."

See also *United States* v. *Joint Traffic Ass'n.,* 171 U. S. 505; *Addyston Pipe & Steel Co.* v. *United States,* 175 U. S. 211; *Union Bridge Co.* v. *United States,* 204 U. S. 365; *Willoughby on Constitutional Law,* 2nd Ed., Sections 1225, 1227, Vol. 3 pp. 1857, 1861.

The criterion which must be applied is whether the legislative action has a reasonable relation to a purpose which is within Congressional authority. This principle is enunciated in the case of *Lewis Publishing Company* v. *Morgan,* 229 U. S. 288, wherein the legality of certain conditions imposed by Congress on the eligibility to use the second class mails was attacked on the ground that it violated both the First and Fifth Amendments. The court held that Congress by establishing "second class" postal matter was giving effect to a policy of favoring a wide spread circulation of newspapers, periodicals, etc., "in the interest of dissemination of current intelligence". The criterion applied by the Court in considering the validity of the legislation is indicated by the following excerpt, page 314, of the opinion:

> "The question therefore is only this, Are the conditions which were exacted incidental to the power exerted of conferring on the publishers of newspapers, periodicals, etc., the privileges of the second class classification or are they so beyond the scope of the exercise of that power as to cause the conditions to be repugnant to the Constitution? We say this is the question since necessarily if the power exists to legislate by discriminating in favor of publishers, the right to exercise that power, carries with

it the authority to do those things which are incidental to the power itself or which are plainly necessary to make effective the principal authority when exerted. In other words, from this point of view, the illuminating rule announced in McCulloch v. Maryland and Gibbons v. Ogden, governs here as it does in every other case where an exertion of power under the Constitution comes under consideration. The ultimate and narrow question therefore is, are the requirements of the provision in question incidental to the purpose intended to be secured by the second class classification?"

The court sustained the conditions as being "incidental and necessary to the complete fruition of the public policy lying at the foundation of the privileges accorded".

Thus, it may be seen that if the proposed legislation denying newspaper owners the right to own or control a broadcast station has a reasonable relationship to a purpose which Congress has the power under the commerce clause to accomplish, then the incidental or indirect interference with personal liberty is not repugnant to the First or Fifth Amendments.

Furthermore, this test which the courts may apply as to whether *there is a reasonable relationship between the purpose and the means used to accomplish it,* must be clearly distinguished from the question as to the *wisdom of the end sought to be accomplished, or the policy adopted by Congress, power over which is vested solely within the legislative branch of the Government.*

In the *Lottery Case, supra,* this principle was stated as follows:

> "In determining the character of the regulations to be adopted, Congress has a large discretion which is not to be controlled by the courts simply because in their opinion such regulations may not be the best or most effective that could be employed."

This principle is even more clearly stated in the case of *Northern Securities Co.* v. *United States,* 193 U. S. 197, which involves legislation of much the same class as that under consideration. The law in question was the provision of the Sherman Anti-Trust Act which prohibited "every combination," etc., in "restraint of trade". The fact that the purpose of the act was to prevent restraints of trade brought it within the power delegated to Congress under the Commerce clause, but the objection was made that it interfered with the "liberty" to contract which is guaranteed by the Fifth Amendment. The Court said:

> "The means employed in respect of the combinations forbidden by the Anti-Trust Act, and which Congress deemed germane to the end to be accomplished, was to prescribe as a rule for *interstate and international commerce* (not for domestic commerce) that it should not be vexed by combinations, conspiracies or monopolies which restrain commerce by destroying or restricting competition. We say that Congress has prescribed such a rule, because in all the prior cases in this court the Anti-Trust Act has been construed as forbidding any combination which by its necessary operation destroys or restricts free competition among those engaged in interstate commerce; in other words, that to destroy or restrict free competition in interstate commerce was to restrain such commerce. Now, can this court say that such a rule is prohibited by the Constitution or is not one that Congress could appropriately prescribe when exerting its power under the commerce clause of the Constitution? Whether the free operation of the normal laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly, there are those who think that the general business interests and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be all this as it may, Congress has, in effect, recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce. As in the judgment of Congress the public convenience and the general welfare will be best subserved when the natural laws of competition are left undisturbed by those engaged in interstate commerce, and as Congress has embodied that rule in a statute, that must be, for all, the end of the matter, if this is to remain a government of laws, and not of men." (Pp. 337-338.)

It would appear from these cases that if Congress sees fit to declare a policy to be followed in the regulation of interstate commerce (broadcasting) and provides that in order to carry out that policy, no newspaper shall operate a broadcasting station, the Courts will not question the wisdom of the policy, but will consider such legislation *only* for the purpose of determining whether the prohibition has a reasonable relation to, or is a reasonable means of accomplishing an end which is within the regulatory power of Congress.

Factors which would militate against holding arbitrary or unreasonable the regulation of interstate commerce as herein proposed are the actual facts and usages attendant upon joint ownership and operation of a broadcast station and a newspaper.

It is submitted that these factors should not be examined for the purpose of passing on the wisdom of the legislation but only for the purpose of determining whether

an unreasonable or arbitrary classification has been made. *Chicago, B. & Q. R. R. Co.* v. *McGuire,* 219 U. S. 549. In that case the court said at page 569:

> "* * * The scope of judicial inquiry in deciding the question of *power* is not to be confused with the scope of legislative considerations in dealing with the matter of *policy*. Whether the enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired result, whether, in short, the legislative discretion within its prescribed limits should be exercised in a particular manner, are matters for the judgment of the legislature, and the earnest conflict of serious opinion does not suffice to bring them within the range of judicial cognizance."

It is conceivable that situations might arise where the mutual control of a newspaper and a broadcast station would have no effect upon the operation of the station in the public welfare. If this be true, would an act barring *every* newspaper from owning or operating a broadcast station exceed the end to be accomplished? This question arose in connection with the Anti-Trust Act, supra, which prohibited *"every"* contract in restraint of trade. Prior to the Standard Oil case, 221 U. S. 1, the Supreme Court consistently held that when Congress said *"every"* it laid down a *policy* which the Court could not question, and the act, so interpreted, was held to be constitutional (*Addyston Pipe & Steel Co.* v. *United States,* 175 U. S. 211; *Northern Securities Co.* v. *United States,* supra). In the Standard Oil case, 221 U. S. 1, the Court established the well-known "Rule of Reason" which was applied in that and later cases. The different interpretation of the Anti-Trust Act, however, appears to have been based upon what the Court considered to be the common law concept of the term "restraint of trade" as used in the Act. The Court said:

> "* * * It is certain that those terms ('restraint of trade' and 'monopoly') at least in their rudimentary meaning, took their origin in the common law, and were also familiar in the law of this country prior to and at the time of the adoption of the act in question.
>
> "We shall endeavor, then, first to seek their meaning, * * * by making a very brief reference to the elementary and indisputable conceptions of both the English and American law on the subject prior to the passage of the Anti-Trust Act."

While the interpretation placed upon the Act in the Standard Oil case, *supra,* might be said to weaken the former decisions as to the constitutionality of the Act as originally construed, it did not constitute a reversal of the former cases as to such constitutionality; but rendered a consideration of the question unnecessary.

Other analogous legislation is contained in Section 1, Paragraph 8 of the Interstate Commerce Act commonly known as the "Commodities Clause" which provides that:

> "From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any state, * * * any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

This clause was held constitutional by the Supreme Court of the United States in the cases of *U. S.* v. *Delaware & Hudson Co.,* 213 U. S. 366 and *Delaware L. & W. R. R. Co.* v. *U. S.,* 231 U. S. 363.

In the former case the Government sought to enjoin five railroads from shipping coal over their lines. Some of these corporations owned and worked mines and transported over their own rails in interstate commerce the coals so mined either for their own account *or for the account of those who had acquired title to the coal prior to the beginning of the transportation.* As to this last group, the Government contended that the Act prohibited the carrying of any coal with which the line was formerly connected regardless of present ownership. One of the main defenses the companies claimed, on the other hand, was that the Act was unconstitutional because it deprived them of property without Due Process. The court pointed out that the broad interpretation contended for by the government would raise serious constitutional questions; that where an act is susceptible of two interpretations one of which would be constitutional and the other not, the construction upholding the validity of the law should be applied; and, therefore, construed the Act as applying only where there was an actual and a present connection between the company and the commodity. It was then concluded:

> "We think it unneccessary to consider at length the contentions based upon the due process clause of the Fifth Amendment. * * * When, however, mere forms of statement are put aside and the real scope of the argument at bar is grasped, we think it becomes clear that in substance and effect the argument really asserts that the clause as construed by the Government is not a regulation of commerce, since it transcends the limits of regulation and embraces absolute prohibitions, which, it is insisted, could not be exerted in virtue of the authority to regulate. The whole support upon which the propositions and the arguments rest hence disappear as a result of the construction which we have given the

statute. Through abundance of caution we repeat that our ruling here made is confined to the question before us. Because, therefore, in pointing out and applying to the statute the true rule of construction, we have indicated the grave constitutional questions which would be presented if we departed from that rule, we must not be considered as having decided those questions. We have not entered into their consideration, as it was unnecessary for us to do so."

The Delaware L. & W. case, *supra,* involved a question as to whether a shipment of hay to be used in feeding mules in mines owned by the defendant railroad was a violation of the Commodities Act. The railroad challenged the constitutionality of the Act and contended inter alia that, "It is a matter of complete indifference to the public * * * whether or not the railroad company does or does not engage in such transportation, so long as it continues lawfully to own and operate its mines, and the Commodities Clause in prohibiting such transportation has no reasonable relationship to the accomplishment and any legitimate public object, but is arbitrary, unreasonable and unnecessary and violates the Fifth Amendment." The court in holding that the Act did have a reasonable relationship to the regulation of interstate commerce said:

> "But the courts are not concerned with the question as to whether, in a particular case, there had been any discrimination against shippers or harm to other dealers. The statute is general and applies not only to those particular instances in which the carrier did use its power to the prejudice of the shipper, but to all shipments which, however, innocent in themselves, come within the scope and probability of the evil to be prevented."

In making an analogy between these two cases and the question under consideration, the *Delaware and Hudson* case might be advanced as authority for the contention that a statute denying the right of *all* newspapers to operate radio stations would be unconstitutional as applied to an extreme situation; for instance, in a case where the owner of a Farmers' Weekly in Minnesota applied for a license to operate a station in Washington, D. C.

However, the above quoted language from the *Delaware L. & W.* case is authority for the conclusion that if there is a reasonable relationship between the prohibition of mutual control of radio facilities and newspapers the courts would not be concerned with the question as to whether in a particular case such mutual ownership was actually detrimental to the operation of the station.

While the above mentioned authorities relative to legislation similar to that contemplated serve to establish the criterion which would be applied in testing the validity of the proposed statute, it is submitted that they afford no basis for a positive conclusion as to its constitutionality.

Section 11 of the Panama Canal Act of August 24, 1912, 37 Stat. 560 made it unlawful for any railroad or other carrier to own, operate, etc., "any common carrier by water operating through the Panama Canal or elsewhere with which such railroad or other carrier does or might compete for traffic or any vessel carrying freight or passengers on such water route or elsewhere with which such railroad or other carrier competes or might compete." This Act further provided that the Interstate Commerce Commission should determine the extent or possibility of competition. A date was specified on which all common ownership should cease, but it was also provided that the Commission should determine whether any "such existing specified service" was being operated in the public interest, etc., and empowered it to grant extensions to those which were challenged to such consideration upon the merits of the individual case. The constitutionality of this legislation has not been successfully challenged to date. See *Lehigh Valley Railroad Co. v. U. S.* (Dist. Ct. E. Dist. Pa., May 12, 1916, 234 F. 682).

Legislation similar to the type contemplated herein is found in Sections 310(a) and 311 of the Communications Act of 1934 wherein the Commission is directed to refuse to grant a license to an enumerated class of persons, among them being aliens, representatives of foreign governments, foreign corporations, etc., and also any person found guilty of unlawful monopoly, as defined therein.

The proposed legislation would impose a prohibition against a class, i. e., newspaper owners, and, in that respect, would be analogous to Section 310(a) of the present act which contains a similar prohibition against aliens.

Senator Wheeler inquires:

> "Whether, if the Commission has not such authority at the present time, legislation could be passed denying the right for all newspapers to acquire radio stations in the future and requiring all newspapers within a reasonable time to divest themselves of the ownership and control of such stations."

A careful review of the decisions of the Supreme Court with respect to existing legislation which appears to be analogous or similar to that here suggested and those decisions with respect to the regulation of interstate commerce by the Congress and matters bearing a reasonable relation thereto, impel me to a conclusion that the constitutionality of an act of Congress denying the right to all newspaper owners as such to obtain broadcast licenses in the future and requiring all newspapers to divest themselves of such ownership or control within a reasonable time, is not free from doubt, and, therefore, I think the inquiry does not permit of a categorical answer.

However, let me add, it is established that all radio broadcasting is interstate commerce; that, under the

Constitution, the Congress has the power to regulate interstate and foreign commerce; that the criterion to be applied is whether the proposed legislation has a reasonable relation to a purpose which is within constitutional authority; and, that the power to regulate interstate and foreign commerce is limited only by the provisions of the Constitution itself.

I am of the opinion that the mutual ownership and control of newspapers and broadcast stations bears a reasonable relation to and has an effect upon interstate commerce, and therefore, if the Congress enacted a law of the purport suggested, it should meet the constitutional requirements.

Respectfully,

(Signed) HAMPSON GARY.
HAMPSON GARY,
General Counsel.

COPYRIGHT AMENDMENT PROPOSED BY CRANEY

Ed Craney (KGIR, Butte) in an open letter to Congress makes reply to a letter received from the General Manager of the ASCAP and proposes an amendment to the Copyright Act of 1909.

Mr. Craney would change the law so as to—

1. Place the responsibility for the public performance of music on the person originating the performance;

2. Make it necessary for Authors, Composers, and Publishers to identify the use they make of material in the public domain;

3. Leave the question of damages to the discretion of the court, and

4. Prevent assignees from collecting damages unless their assignments are recorded according to law.

The text of the Bill offered by Mr. Craney follows:

A BILL

To amend the Act entitled "An Act to Amend and Consolidate the Acts respecting Copyright", approved March 4, 1909, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Section 6 of Act entitled "An Act to Amend and Consolidate the Acts respecting Copyright", approved March 4, 1909, as amended, is hereby amended by striking out the period (.) at the end thereof and inserting in lieu thereof the following: ", Provided, that the application for registration, and the printed notices of copyright on the work shall specify under which version or versions of works copyright is claimed".

Sec. 2. (a) Section 25 of such Act is amended by adding after Subsection (b) the following new Subsection:

"(c) To pay to the copyright proprietor, in the case of an infringement by radio broadcasting, such damages as to the court shall appear to be just, provided, that the responsibility and liability for the use of copyrighted material in broadcasting on two or more stations simultaneously shall rest solely with the station originating the performance, and provided further, that the responsibility and liability for the use of copyrighted material in electrical transcriptions and other forms of recordings made exclusively for broadcasting purposes shall rest solely with the maker of such electrical transcriptions and other forms of recordings and his agents for distribution thereof to broadcasters."

(b) Subsections (c), (d) and (e) of Section 25 of such Act are hereby amended to read Subsections (d), (e) and (f), respectively.

Sec. 3. Section 44 of such Act is hereby amended by striking out the period (.) at the end thereof and inserting in lieu thereof, the following: ", and such default shall be a defense against any legal proceeding brought by the assignee as a result of use made of the copyrighted material subsequent to the date of assignment".

COMMISSION GRANTS NEW STATION

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcasting station at Albert Lea, Minn., to the Albert Lea Broadcasting Corporation.

The new station will operate on 1200 kilocycles 100 watts and daytime only. The order is effective March 23.

CULKIN RADIO ADVERTISING BILL

A bill was introduced in the House this week by Representative Culkin of New York (H. R. 4738) "to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages." The bill has been referred to the House Committee on Interstate and Foreign Commerce.

The paragraph dealing with broadcasting in this bill is as follows:

"Sec. 4. It shall be unlawful to broadcast by means of any radio station for which a license is required by any law of the United States, or for any person operating any such station, to permit the broadcasting of any advertisement of alcoholic beverages or the solicitation of an order for alcoholic beverages."

PURE FOOD BILL REPORTED

Senator Copeland of New York this week reported from his Committee on Commerce the pure food and drug bill (S. 5) with a few amendments over the bill as it was originally introduced at the present session and printed

in full in NAB Reports. There is no essential change in the advertising features. In reporting the bill out Senator Copeland has the following to say about the advertising situation:

"There has been controversy as to whether the Food and Drug Administration or the Federal Trade Commission should enforce the bill's provisions on advertising. On the premise that advertisements of foods, drugs, and cosmetics are nothing more than extensions of the labeling, this bill proposes that the control be vested in the Food and Drug Administration which enforces the provisions on adulteration and labeling. But, it does not have the effect of depriving the Federal Trade Commission of its jurisdiction to proceed against false advertising in such form as to make it an unfair method of competition. The bill specifically provides that it shall not be construed as impairing or diminishing the powers of the Federal Trade Commission.

"The bill simply provides that the district courts of the United States shall have the power to grant temporary and permanent injunctions against the dissemination of any advertisement which contains—

"any representation regarding any food, drug, device, or cosmetic or the ingredients thereof, or the substances therein, or the identity, strength, quality, purity, quantity, origin, source, harmlessness, or safety thereof, or the nutritional, dietary, curative, therapeutic, preventive, diagnostic, or beneficial effects thereof, or the safety or efficiency of the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any material particular."

BALDWIN ATTENDS MEETING

James W. Baldwin, managing director of NAB, attended the meeting of the Ohio State Broadcasters Association being held today in Cincinnati.

BROADCAST MEASUREMENTS

The Federal Communications Commission has announced that during the month of January 619 broadcasting stations were measured, with 58 not measured.

Of the number measured 492 had a maximum deviation within 0-10 cycles; 107 within 11-25 cycles; 17 within 26-50 cycles, and 3 over 50 cycles.

CHANGE OF OWNERSHIP RECOMMENDED

The Beverly Hills Broadcasting Corporation, licensee of Station KMPC, Beverly Hills, Calif., applied to the Federal Communications Commission to transfer all of the capital stock from the present holder, Pacific Southwest Discount Corporation, to George A. Richards.

Examiner Ralph L. Walker, in Report No. I-356, recommended that the application be granted. The Examiner states that "the record discloses that the proposed transferee is in all respects qualified to own and operate a broadcast station and hence is likewise qualified to own all of the stock of the licensee corporation. Consideration of all of the facts leads to the conclusion that if the present application is granted Station KMPC will serve public interest as well or better than it does at the present time."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Pre-Cambrian Investments, Limited, Toronto, Canada. (2-2797, Form A-1)
Crouch-Bolas Aircraft Corporation, Providence, R. I. (2-2798, Form A-1)
Kennedy's, Inc., Boston, Mass. (2-2799, Form A-1)
B. E. Hepler, et al., Trustees of Rio Grande Valley Gas Company, Jersey City, N. J. (2-2800, Form F-1)
Investors Fund of America, Incorporated, New York City. (2-2802, Form A-1)
The Casco Products Corporation, Bridgeport, Conn. (2-2803, Form A-2)
Bondholders Committee for Republic of Colombia Dollar Bonds, New York City. (2-2804, Form D-1)
Independence Fund of North America, Inc., New York City. (2-2806, Form C-1)
Pennsylvania Water Company, Wilkinsburg, Pa. (2-2808, Form A-2)
National Brush Company, Aurora, Ill. (2-2809, Form A-2)
American Discount Company of Georgia, Atlanta, Ga. (2-2811, Form A-2)
United Goldfields Company, Reno, Nev. (2-2812, Form A-1)
Wyatt Metal & Boiler Works, Dallas, Tex. (2-2813, Form A-1)
Tokheim Oil Tank and Pump Company, Fort Wayne, Ind. (2-2816, Form A-2)
Simplicity Pattern Co., Inc., New York City. (2-2817, Form A-2)
The Superior Oil Company, Los Angeles, Calif. (2-2818, Form A-2)
National Investors Corporation, New York City. (2-2819, Form E-1)
Pennsylvania-Central Airlines Corporation, Pittsburg, Pa. (2-2820, Form A-1)
Knudsen Creamery Co., of California, Los Angeles, Calif. (2-2822, Form A-1)
Producers Corporation, Chicago, Ill. (2-2824, Form A-1)
Rochester Button Company, Rochester, N. Y. (2-2825, Form A-2)
Divco-Twin Truck Company, Detroit, Mich. (2-2826, Form A-2)
Mid-West Rubber Reclaiming Company, St. Louis, Mo. (2-2827, Form A-2)
Utah Radio Products Company, Chicago, Ill. (2-2828, Form A-1)
The Carpenter Steel Company, Reading, Pa. (2-2829, Form A-2)
The Pharis Tire and Rubber Company, Newark, Ohio. (2-2830, Form A-2)

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 3051. A complaint has been issued against **Lanteen Laboratories, Inc.,** 900 North Franklin St., **Chicago,** alleging unfair competition in the sale in interstate commerce of medicinal preparations and appliances for so-called feminine hygiene and other uses.

Other respondents named are **Lanteen Medical Laboratories, Inc.,** 900 North Franklin St., **Chicago; Medical Bureaus of Information,** 734 State Lake Building and 190 North State St., **Chicago,** 804 Industrial Bank Building, **Detroit,** and 161 Wisconsin Ave., **Milwaukee;** and **Rufus Riddlesbarger,** 1224 Pratt Boulevard, **Chicago,** an official of the two Lanteen companies.

Medical Bureaus of Information is said to be operated by Lanteen Medical Laboratories, Inc., to advertise and distribute information regarding the products of Lanteen Medical Laboratories, Inc., and Lanteen Laboratories, Inc.

In this advertising matter, the respondents' products are alleged to have been represented, directly and by implication, as safe, competent and effective cures and preventatives.

No. 3052. Unfair competition in the sale of women's hand bags is alleged in a complaint issued against **Morris White Mfg. Co., Inc., New York** and **Bridgeport, Conn.,** and **Stylecraft Leather Goods Co., Inc., New York** and **Scranton, Pa.** Both companies are under a single ownership and management and have their offices at 362 Fifth Avenue, **New York.**

Representations of the respondents are alleged to have misled purchasers into believing that certain articles were patented and that others were made of glove leather, when these were not the facts.

Nos. 3053-3054. Two Chicago firms, one dealing in rotary clocks and other merchandise, and the other selling hosiery, are named respondents in complaints alleging unfair competition through use of lottery methods in connection with the sale of their products.

One complaint charges that **National Manufacturers Distributing Co.,** 1420 South Halsted St., **Chicago,** distributes to its representatives sales outfits accompanied by pushcards bearing feminine names, and that the purchaser of a chance who selects a name corresponding to that concealed elsewhere on the card is given a rotary clock as a premium. According to the complaint, the pushcard contains disks concealing numbers, and bears printed instructions informing customers that "Nos. 1 to 29 pay what you draw. Over 29 pay only 29 cents." Under such a sales plan, the complaint alleges, the fact as to whether a customer pays from 1 to 29 cents for a clock and whether he receives nothing for the amount paid is determined wholly by lot or chance.

The respondent in the other complaint, **W. A. Leith,** trading as **Style Silk Co.,** 529 South Franklin St., **Chicago,** is alleged to use substantially the same pushcard method in the sale of silk hosiery, except that some of the numbers on the card he distributes are "free" draws, the cost of a chance ranges from 1 to 15 cents, and the premium awarded is one or more pairs of hosiery.

No. 3055. Van-Tage Medicine Company, Inc., 1265 North Vermont Ave., **Los Angeles,** and its president, **G. H. Mosby,** are charged in a complaint with misrepresenting the therapeutic value of a medicinal preparation designated "Van-Tage".

In advertising matter and in radio broadcasts, the respondents are alleged to have falsely represented, among other things, that their preparation will throw off the poisons that foster stomach trouble and will permit the kidneys and liver to function properly; that within ten minutes it will stop gas and pains and will relieve backaches and bladder irritation; that it will give complete relief from indigestion, shortness of breath and dyspepsia; that it will relieve the causative factors of rheumatism and neuritis, and will clear up skin eruptions caused by impurities in the organs. According to the complaint, "Van-Tage" is not a satisfactory or competent remedy, cure or treatment for any of these conditions or ailments.

No. 3056. A **Sioux City, Iowa,** candy firm is charged in a complaint with unfair competition through sale of its products by means of a lottery. The respondents are **Winifred Sorenson** and **Edward Beales,** trading as **Sorenson-Beales Candy Co.**

Employing the push-card method of selling, the respondents are alleged to have placed in the hands of others the means of conducting lotteries in the sale of the respondents' products.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 2688-2747. Orders to cease and desist have been issued requiring two candy companies selling their products in interstate commerce to discontinue lottery methods in such sale. The respondents, **York Caramel Co.,** College Ave. and Oak Lane, **York, Pa.,** and **George Close Co.,** 243 Broadway, **Cambridge, Mass.,** were found to have violated Section 5 of the Federal Trade Commission Act.

The orders direct the respondents to stop distributing to jobbers and wholesalers candy so packed and assembled that its sales to the public are to be made or may be made by means of a lottery, gaming device, or gift enterprise.

No. 2780. Under an order entered, **Charles R. Luce,** trading as **Luce & Co.,** 350 Mercer St., **Jersey City, N. J.,** is directed to desist from selling candy so packed and assembled that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device, or gift enterprise.

The respondent is prohibited from assembling in the same assortment of candy pieces of uniform size and shape having centers of different color, together with small packages of candy which are to be given as prizes to purchasers procuring a piece of candy with a center of a particular color. The order also bars him from furnishing, either with assortments of candy or separately, display cards bearing legends informing purchasers that the candy is being sold to the public by lot or chance.

FTC CASES SETTLED

No. 2502. The Federal Trade Commission has dismissed its complaint against **Sterling Products, Inc.,** 170 Varick St., **New York City,** manufacturing and selling, among other things, Phillips' Dental Magnesia and Danderine Hair Dressing.

The complaint alleged that Sterling Products, Inc., in violation of Section 7 of the Clayton Act, had acquired the capital stock of a competitor, The R. L. Watkins Co., Inc., New York City, manufacturer of Dr. Lyon's Tooth Powder and Glostora, a hair dressing.

The complaint was dismissed for the reason that the evidence showed that purchase by the respondent corporation of the capital stock of the competing company did not result in a substantial lessening of competition or restraint of trade.

No. 2379. The Commission has issued an order settling its case against **The Nacor Medicine Co.,** 405 State Life Building, **Indianapolis,** by acceptance of a stipulation.

Under a complaint issued by the Commission in July, 1936, this company was charged with several misrepresentations, including the assertion that "Nacor" and "Nacor Kaps" were effective remedies or cures for asthma.

The stipulation was accepted for the purpose of closing without prejudice the pending proceeding and avoiding the expense of trial. The Commission reserved the right to reopen the case and resume prosecution should the facts warrant.

Under its stipulation, the respondent company agrees to assume all responsibility for testimonials it publishes and agrees not to print testimonials containing representations that its medicine is anything other than a relief from the paroxysms of asthma and that it is a cure for tuberculosis, colds, or bronchitis.

No. 2922. Motion of **Group Sales Corporation,** 215 West 39th St., **New York City,** to set aside the findings as to the facts and conclusion and order to cease and desist entered against it January 23, 1937, has been granted by the Commission. The Commission's complaint against the respondent corporation charges unfair methods of competition in connection with the sale of silk and rayon piece goods.

The Commission further ordered that the respondent corporation's stipulation as to the facts and motion to withdraw its answer and substitute answer, dated December 15, 1936, be stricken from the record, that the original answer, dated October 2, 1936, be reinstated into the record and the case proceed to trial in accordance with the Commission's regular procedure.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, February 22.

Tuesday, February 23

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—C. P., **1310 kc.,** 100 watts, daytime.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—C. P., **1310 kc.,** 100 watts, daytime.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Voluntary assignment of license, **1040 kc.,** 10 KW, shares-KRLD.

NEW—Bay State Broadcasting Corp., Providence, R. I.—C. P., **720 kc.,** 1 KW LS, limited time.

NEW—Walter H. McGenty, Rice Lake, Wis.—C. P., **1210 kc.,** 250 watts, daytime.

Wednesday, February 24

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Paul B. McEvoy, Publisher, Hobart Democrat-Chief, Hobart, Okla.—C. P., **1420 kc.,** 100 watts, daytime.

Thursday, February 25

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-311:

KIT—Carl E. Haymond, Yakima, Wash.—C. P., **1250 kc.,** 250 watts, 500 watts LS, unlimited time. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-323:

KFPM—Voice of Greenville, Greenville, Tex.—C. P., **1420 kc.,** 100 watts, daytime. Present assignment: **1310 kc.,** 15 watts, specified hours.

Examiner's Report No. I-325:

NEW—The Times Publishing Co., St. Cloud, Minn.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—Michael F. Murray, St. Cloud, Minn.—C. P., **560 kc.,** 500 watts, daytime.

Examiner's Report No. I-337:

WOAI—Southland Industries, Inc., San Antonio, Tex.—Transfer of control of corporation; **1190 kc.,** 50 KW, unlimited time.

Friday, February 26

HEARING BEFORE AN EXAMINER
(Broadcast)

KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Renewal of license, **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Voluntary assignment of license; **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Frontier Broadcasting Co., Cheyenne, Wyo.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

KBPS—Benson Polytechnic School, R. T. Stephens, Agt., Portland, Ore.—Granted C. P. to make changes in equipment.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted C. P. to install new transmitter and vertical antenna and increase day power from 1 KW to 5 KW.

NEW—Southeastern Broadcasting Co., Inc., Portable.—Granted C. P. for new low frequency relay broadcast station; **1622, 2058, 2150** and **2790 kc.,** 25 watts.

NEW—Stromberg Carlson Tel. & Mfg. Co., Portable.—Granted C. P. for new low frequency relay broadcast station; frequencies **1606, 2022, 2102, 2758 kc.,** 100 watts.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted license to cover C. P. authorizing changes in composite equipment and increase in day power from 100 watts to 250 watts.

WSMA—WSMB, Inc., Portable.—Granted license to cover C. P. of relay broadcast station; frequencies **1606, 2022, 2102, 2758 kc.,** 40 watts.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in power and hours of operation from 100 watts night and day, unlimited, day, specified hours night, to 100 watts night, 250 watts day, unlimited time.

WSMC—WSMB, Inc., Portable.—Granted license to cover C. P. for relay broadcast station; frequencies **1606, 2022, 2102** and **2758 kc.,** 40 watts.

WTAG—Worcester Teleg. Pub. Co., Inc., Worcester, Mass.—Granted license to cover C. P. authorizing move of transmitter site, installation of directional antenna system, and increase in power from 500 watts, unlimited time, to 1 KW, unlimited time, employing directional antenna system for both day and night time operation.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of license to extend commencement date to 4-1-37 and completion date to 10-1-37.

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Granted renewal of license for period March 1 to Sept. 1, 1937.

KSFO—The Asso. Broadcasters, Inc., San Francisco, Calif.—Granted renewal of license for period March 1 to September 1, 1937.

KADA—C. C. Morris, Ada, Okla.—Granted modification of license authorizing change in studio location.

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs to Canadian stations CFCF and CRCT and the Canadian Radio Broadcasting Commission.

NEW—Allen T. Simmons, Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.,** 100 watts.

W8XIQ—The WGAR Broadcasting Co., Mobile, Cleveland, Ohio.—Granted C. P. for changes in equipment and increase in power from 35 watts to 100 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KEHE, Los Angeles, Calif.; KFDY, Brookings, S. Dak.; KFNF, Shenandoah, Iowa; KFRC, San Francisco, Calif., and auxiliary; KFYR, Bismarck, N. Dak.; KHJ and auxiliary, Los Angeles; KHQ, Spokane, Wash.; KLZ, Denver; KOMO, auxiliary, Seattle, Wash.; KVI, Tacoma, Wash.; WAAF, Chicago; WBAA, W. Lafayette, Ind.; WBEN, Buffalo, N. Y., and auxiliary; WCAO and auxiliary, Baltimore; WDBO, Orlando, Fla.; WEAN, Providence, R. I.; WEEI, Boston; WFLA-WSUN, St. Petersburg, Fla.; WGBF, Evansville, Ind.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WGST, Atlanta, Ga.; WIP, Philadelphia; WJAR, Providence, R. I.; WJAR auxiliary, Providence, R. I.; WKBN, Youngstown, Ohio; WKY, Oklahoma City, Okla.; WKZO, Kalamazoo, Mich.; WMMN, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WOW, Omaha, Nebr.; WQAN, Scranton, Pa.; WSPA, Spartanburg, S. C.; WSYR-WSYU, Syracuse, N. Y.; WTAD, Quincy, Ill.; WTAG, Worcester, Mass., and auxiliary; WTAR and auxiliary, Norfolk, Va.; WTMJ, Milwaukee, Wis.; WWNC, Asheville, N. C.

W9XAG—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—Granted renewal of facsimile broadcast station license.

W9XAF—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—Granted renewal of facsimile broadcast station license.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of facsimile broadcast station license.

SET FOR HEARING

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Application for C. P. for new station; **1200 kc.,** 100 watts, daytime.

NEW—Frank M. Stearns, Salisbury, Md.—Application for C. P. for new station; **1200 kc.,** 250 watts, daytime only.

KTEM—Bell Broadcasting Co., Temple, Tex.—Application for C. P. to make changes in equipment; change power and hours of operation to 100 watts night, 250 watts day, unlimited time.

NEW—G. Kenneth Miller, Tulsa, Okla.—Application for C. P. for new station; **1310 kc.,** 100 watts, unlimited time.

NEW—Summit Radio Corp., Akron, Ohio.—Application for C. P. for new special broadcast station; **1530 kc.,** 1 KW, unlimited time.

NEW—Arlington Radio Service, Inc., Arlington, Va.—Application for C. P. for new station; **850 kc.,** 250 watts, daytime only.

NEW—Clark Standiford and L. S. Coburn, Fremont, Nebr.—Application for C. P. for new station; **1420 kc.,** 100 watts, unlimited time.

NEW—George W. Young, St. Paul, Minn.—Application for C. P. for new station; **920 kc.,** 1 KW night, 5 KW day, directional antenna at night, unlimited time.

NEW—John C. Hughes, Phoenix City, Ala.—Application amended for C. P. to erect new station to operate on **1310 kc.,** 100 watts, daytime only, site to be determined.

KFXM—J. C. Lee and E. W. Lee, Lee Bros. Broadcasting Co., San Bernardino, Calif.—Application for C. P. to move transmitter locally to site to be determined with Commission's approval; install new equipment and vertical radiator; increase day power from 100 watts to 250 watts.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Application for C. P. to move transmitter site to site to be determined with Commission's approval; install new equipment; install antenna to comply with Rule 131; change frequency from

1200 kc. to 1170 kc.; increase power from 100 watts to 250 watts night, 500 watts day. To be heard before the Broadcast Division.

NEW—Philadelphia Radio Broadcasting Co., Philadelphia, Pa.—Application for C. P. for new special station; **1570 kc.,** 1 KW, unlimited, exact transmitter site to be determined subject to Commission's approval.

NEW—Archie E. Everage, Andalusia, Ala.—Application for C. P. for new station; **1310 kc.,** 100 watts night, 250 watts day, unlimited.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Application for modification of license to increase day power from 2½ to 5 KW.

KGDY—Voice of South Dakota, Huron, S. Dak.—Application for authority to transfer control of the Voice of South Dakota (KFDY), Huron, S. Dak., from F. Koren, Robert J. Dean and M. W. Plowman, to Greater Kempeska Radio Corp.

SPECIAL AUTHORIZATIONS

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted extension of special temporary authority to operate a mobile 100-watt transmitter on **560 kc.** between the hours of 1 and 6 a. m., PST, for the period February 15 to February 21, 1937, in order to make transmitter site survey.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted special temporary authorization to operate a 100-watt portable transmitter on **1500 kc.** between the hours of 12 midnight and 6 a. m., for a period not to exceed 30 days, in order to make field intensity survey tests.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate with power of 300 watts while installing rectifier as authorized under C. P., for the period not to exceed 30 days.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on **560 kc.,** with 1 KW at night, during month of March, 1937, pending filing of and action on license application to cover C. P. for this authority.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authorization to operate simultaneously with station WSMK from 10 p. m. to 12 midnight, EST, February 17, 1937, in order to broadcast Pittsburgh Red Cross Boxing Show for flood relief.

KAAJ—KGEL, Inc., San Angelo, Tex.—Granted special temporary authority to operate a mobile relay broadcast transmitter on a frequency of **2102 kc.** on February 26, March 5, 12, and 19, 1937, for relaybroadcast from stock pens auction sale.

KAAJ—KGEL, Inc., San Angelo, Tex.—Granted special temporary authority to operate a mobile relay broadcast transmitter on a frequency of **2102 kc.** from March 6 to 9, 1937, inclusive, for relaybroadcast from local Fat Stock Show.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 10 to 11 p. m., CST, March 4; from 12:30 to 6 p. m., CST, March 5, 6, 13, 20, 27, 1937, in order to broadcast high school basketball tournaments.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 4 p. m., CST, March 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 22, 23 and 31; also from 9:15 to 10:30 p. m., March 11; and 2 to 5 p. m., CST, March 12, 1937 (provided KGGF remains silent), in order to broadcast special educational programs.

KGGF—Powell and Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 8:15 to 9:15 p. m., CST, March 24; also from 7:15 to 9:15 p. m., CST, March 25 and 30 (provided WNAD remains silent), in order to observe Easter vacation.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Granted special temporary authority to operate a 50-watt portable transmitter on **1140 kc.** in the area approximately 16 miles southeast of Richmond, Va., along and near the James River, from 7 a. m. to 1 hour before local sunset (February sunset, 5:45 p. m., EST; March sunset, 6:15 p. m., EST), for a period not to exceed 30 days, in order to make site surveys. Such tests, however, not permitted during hours prescribed for Commission monitoring schedule.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with station WTRC from 6 to 7:30 p. m., CST, March 2, 4, 5, 6, 13, 20 and 27, 1937, for the purpose of broadcasting basketball games; also operate simultaneously with WTRC from 7:30 to 10 p. m., CST, March 7, 14 and 21, 1937, in order to broadcast service from St. Mary's Church.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WDNC—Durham Radio Corp., Durham, N. C.—C. P., **590 kc.,** 1 KW, unlimited time.

NEW—Broadus McSwain, d/b as The Voice of the Times, Raleigh, N. C.—C. P., **1210 kc.,** 100 watts, daytime.

NEW—Ogdensburg Pub. Co., Inc., Ogdensburg, N. Y.—C. P., **1500 kc.,** 100 watts, unlimited time.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

KHAAE—Columbia Broadcasting System, Inc., New York City.—Granted authority to operate American Airlines station, 50 watts, **2830 kc.,** connection short wave broadcast from plane flying in vicinity of Cincinnati.

W8XIR-WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to operate as licensed 2-17-37 to 3-17-37, relaybroadcast interview school children.

WAAK-W4XBT-W4XBZ—WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed on Tuesdays for period of 30 days from February 16, to relaybroadcast industries and other important points, provided wire facilities not available.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted special temporary authority to operate a 100-watt test transmitter on **1450 kc.** in Atlanta between the hours of 12 midnight and 6 a. m. for the period February 8 to February 17, in order to make field intensity survey tests.

WJBW—Chas. C. Carlson, New Orleans, La.—Granted special temporary authority to use transmitting equipment of WBNO for period not exceeding 30 days, pending repairs to WJBW's transmitter which was damaged by fire.

KAAS—Transcontinental & Western Air, Inc., Washington, D. C.—Granted special temporary authority to operate regularly licensed aircraft transmitter KHART aboard Douglas Type plane, as relaybroadcast station on 1 day from February 13 to 20, inclusive, on frequencies **2790** and/or **2150 kc,.** plane flying over Los Angeles, connection with demonstrations of special shielded loop antenna developed to be broadcast over CBS national hookup; frequencies **2790 kc.** and/or **2150 kc.,** 80 watts.

The Broadcast Division granted the petition by the Ohio Broadcasting Company to intervene in the proceedings upon the application of the Sharon Herald Broadcasting Co. for C. P. for new station at Sharon, Pa., Docket No. 4201.

The Broadcast Division, in the exercise of its discretion under Rule 103.3, refused to accept the amendment, involving a change in equipment, to the application of WFTX, Inc., Docket No. 4365.

ORAL ARGUMENTS

Oral arguments were granted, to be held April 8, 1937, in the following cases:

Ex. Rept. No. 1-338, Harmon Leroy Stevens and Herman Leroy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.; Ex. Rept. No. 1-339, WMAS, Inc., Springfield, Mass.; and Ex. Rept. No. 1-341, Dallas Broadcasting Co., Dallas, Tex.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rept. No. 1-273: Albert Lea Broadcasting Corp., Albert Lea, Minn.—Granted C. P. for new broadcast station to operate on **1200 kc.,** 100 watts, daytime only. Site to be determined subject to Commission's approval. Examiner R. H. Hyde sustained. Order effective March 23, 1937.

NEW—Winona Radio Service, Winona, Minn.—Granted C. P. for new broadcast station to operate on **1200 kc.,** 100 watts, daytime only. Site to be determined subject to Commission's approval. Examiner R. H. Hyde sustained. Order effective March 23, 1937.

KHSL—Ex. Rept. No. 1-340: Golden Empire Broadcasting Co., Chico, Calif.—Granted modification of license to change frequency from **950 kc.** to **1260 kc.**; change power from 250 watts day to 250 watts night, 250 watts day; and increase hours of operation from daytime to unlimited. Examiner R. H. Hyde sustained. Order effective March 23, 1937.

MISCELLANEOUS

Geraldine Alberghane, Pawtucket, R. I.—Waived Rule 104.6(b) and accepted appearance in Docket 4387, being an application for a new station at Pawtucket, R. I., to operate on **720 kc.,** 1 KW, unlimited time. Respondents allowed to file answers within 10 days of the mailing of notices of this action.

Hildreth & Rogers Co., Pawtucket, R. I.—Denied petition asking Commission to cancel bearing of application of Geraldine Alberghane and to deny application.

E. Anthony & Sons, Inc., Pawtucket, R. I.—Granted petition to intervene at hearing of application of Geraldine Alberghane.

WGN—WGN, Inc., Chicago, Ill.—Granted request that hearing on application of Geraldine Alberghane, scbeduled for February 23, 1937, be continued indefinitely. Decided to hear Alberghane case before Broadcast Division.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted petition asking authority to intervene at hearing of application of Lou Poller for a permit to erect a new radio station at Scranton, to operate on **1370 kc.,** 250 watts, daytime.

Paul B. McEvoy, Hobart, Okla.—Denied petition to reconsider and grant without a bearing application for C. P. to erect a new station in Hobart, Okla., to operate on **1420 kc.,** 100 watts, daytime only.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Denied petition to reconsider and grant without a bearing application for authority to increase day power from 1 to 5 KW.

WGN—WGN, Inc., Chicago, Ill.—Denied motion asking hearing in Docket No. 4128, scbeduled for February 23, 1937, be continued indefinitely. Tbis is an application of Bay State Broadcasting Corp. for a permit to erect and operate a new radio station at Providence, R. I., using **720 kc.,** 1 KW LS. WGN, Inc., is respondent in tbese proceedings as WGN is the dominant clear channel station operating on **720 kc.,** 50 KW.

Geraldine Alberghane, Pawtucket, R. I.—Accepted answer to appearance of the Bay State Broadcasting Corp. case, Docket 4128.

John R. and Joe L. Peryatel and Richard K. Beauchamp, d/b as Beryatel Bros., Raton, N. Mex.—Waived Rules 104.6(b) and 105.25 and returned appearances filed 2 days late for proper verification as required by Rule 105.25, in Docket No. 4271, an application for C. P. for new station at Raton to operate on **1210 kc.,** 100 watts, unlimited time, scbeduled to be heard March 8, 1937.

WABY—Adirondack Broadcasting Co., Albany, N. Y.—Granted permission to intervene at hearing of application of Troy Broadcasting Co. for C. P. for new radio station at Troy, N. Y., to operate on **950 kc.,** 1 KW, daytime.

O. Lee Stone, Florence, S. C.—Reaffirmed grant for C. P. made July 2, 1936, for new radio station to operate on **1200 kc.,** 100 watts, daytime, which was suspended and set for hearing because of protest filed by Don Lee Broadcasting Co. This protest has been withdrawn. Petition of WAIN for right to intervene "in hearing of application of O. Lee Stone, Docket 4112", dismissed.

WLB—University of Minnesota, Minneapolis, Minn.; WCAL—St. Olaf College, Northfield, Minn.—Dismissed motion to strike the protests filed by KSTP, National Battery Broadcasting Co., St. Paul, Minn., which was directed against action of Commission of October 20, 1936, in granting, without a bearing, the applications of WLB and WCAL.

APPLICATIONS RECEIVED

First Zone

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification
550 of construction permit (B1-P-1189) to install new transmitter and antenna and increase power, requesting antenna changes and move of approximately 500 feet at same address.

WMCA—Knickerbocker Broadcasting Co., New York, N. Y.—
570 Modification of license to increase power of auxiliary transmitter from 500 watts to 1 KW.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—
630 License to cover construction permit (B1-P-790) for new equipment and increase in power, using directional antenna.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Au-
800 thority to transfer control of corporation from Roger W. Clipp and Frank V. Becker to Delaware Channel Corp., 250 shares common stock.

WGNY—Peter Goelet, Newburgh, N. Y.—License to cover con-
1210 struction permit (B1-P-1166) as modified for changes in equipment and move of studio and transmitter.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Modification
1400 of license to change name from Olean Broadcasting Co., Inc., to WHDL, Inc.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construc-
1480 tion permit to make changes in antenna and move transmitter approximately 25 feet at same address. (This is a request to use WGR's antenna.)

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Con-
1500 struction permit to make changes in equipment and increase day power from 100 watts to 250 watts.

W10XED—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.

W10XGG—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.

W10XCH—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.

W10XV—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.

NEW—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Construction permit for a new higb frequency broadcast station to be operated on **26550 kc.,** 100 watts, unlimited time.

Second Zone

NEW—Petersburg Newspaper Corp., Petersburg, Va.—Construc-
1210 tion permit for a new station to be operated on **1370 kc.,** 100 watts, daytime. Amended to change frequency from **1370 kc.** to **1210 kc.,** power from 100 watts to 100 watts night, 250 watts daytime, hours of operation from daytime to specified hours, and make changes in equipment. Requests facilities of WMBG.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Construc-
1210 tion permit to make cbanges in equipment; install vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; move transmitter from 1150 No. Front Street, Sunbury, Pa., to site to be determined, Sunbury, Pa.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—License to cover
1210 construction permit (B2-L-543) for a new transmitter.

NEW—West Virginia Newspaper Publishing Co., Clarksburg,
1250 W. Va.—Construction permit for a new station to be operated on **1250 kc.,** 1 KW, daytime.

NEW—Great Lakes Broadcasting Corp., Cleveland, Obio.—Con-
1270 struction permit for a new station to be operated on **1270 kc.,** 1 KW nigbt, 5 KW daytime, unlimited time. To use directional antenna day and night. Amended to give exact transmitter site as 6 miles southwest of Cleveland Public Square, south of Biddulpb Road, between Ridge Road and West 117th St., Brooklyn Township, Ohio.

WSAJ—Grove City College, Grove City, Pa.—Modification of
1310 license to change specified hours and change studio site from Main and Broad St., Grove City College, to Hall of Science, Grove City College, Grove City, Pa.

NEW—George W. Taylor Co., Inc., Williamson, W. Va.—Con-
1370 struction permit for a new station to be operated on **1210 kc.,** 100 watts, daytime. Amended to cbange frequency from **1210 kc.** to **1370 kc.** and make cbanges in equipment.

WHK—The Radio Air Service Corp., Cleveland, Ohio.—Modifica-
1390 tion of license to increase night power from 1 KW to 5 KW (5 KW day power requested by B2-ML-415).

WCHV—Community Broadcasting Corp., Cbarlottesville, Va.—
1420 Construction permit to make cbanges in transmitting equipment and install vertical antenna; move transmitter from Stony Point Road, Charlottesville, Va., to Cbarlottesville, Va.

WHP—WHP, Inc., Harrisburg, Pa.—License to cover construction
1430 permit (B2-P-1239) for new antenna and move of transmitter.

NEW—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit for a new high frequency broadcast station to be operated on **26100 kc.,** 50 watts, unlimited time.

NEW—Charleston Broadcasting Co., Vicinity of Charleston, W. Va.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.,** 5 watts, variable bours.

NEW—Charleston Broadcasting Co., Vicinity of Charleston, W. Va. —Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.,** 5 watts, variable hours.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
780 Voluntary assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

NEW—The Tribune Co., Tampa, Fla.—Construction permit for a
940 new station to be operated on **940 kc.,** 1 KW night, 5 KW daytime, unlimited time. Amended to install directional antenna for night use and for approval of transmitter site at along Bayfront near Cypress Street, Tampa, Fla.

WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Construction
1200 permit to make changes in equipment and increase power from 100 watts to 250 watts. Amended to omit request for increase in night power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Modifica-
1200 tion of license to change power from 100 watts night, 250 watts daytime, to 250 watts day and night.

WGCM—WGCM, Inc., Mississippi City, Miss.—Authority to
1210 transfer control of corporation from Sam Gates to P. K. Ewing, 280 shares common stock.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—
1210 License to cover construction permit (B3-P-466) as modified for a new station.

NEW—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Row-
1310 land and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Construction permit for a new station to be operated on **1310 kc.,** 100 watts night, 250 watts daytime.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—License
1310 to cover construction permit (B3-P-1468) for new transmitter and antenna.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—License
1310 to cover construction permit (B3-P-1403) for changes in equipment, increase in power, move of transmitter, and authority to carry WDAH schedule on KTSM transmitter.

WSMB—WSMB, Inc., New Orleans, La.—Modification of con-
1320 struction permit (B3-P-1446) for new equipment, further requesting equipment changes and move of transmitter from Algiers Naval Station to Behrman Highway, New Orleans, La., and extend commencement and completion dates.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Authority
1430 to transfer control of corporation from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co., 200 shares common stock.

KPLC—Calcasieu Broadcasting (T. B. Lanford, R. M. Dean and
1500 L. M. Sepaugh), Lake Charles, La.—License to cover construction permit (B3-P-1407) as modified for new equipment, increase in daytime power, and move of transmitter.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Construction
1500 permit to make changes in transmitting equipment and antenna and increase power from 100 watts to 250 watts.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Modi-
1500 fication of construction permit (B3-P-1056) for new equipment; move of transmitter, requesting authority to make changes in equipment; move studio and transmitter from Corpus Christi, Tex., to Brownsville, Tex., and extend commencement and completion dates.

W4XBS—Memphis Commercial Appeal, Inc., Mobile.—Voluntary assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

WABG—Memphis Commercial Appeal, Inc., Mobile.—Voluntary assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

W4XCX—Stuart Broadcasting Corp., Knoxville, Tenn.—License to cover construction permit for a new relay broadcast station.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Voluntary assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

NEW—Southeastern Broadcasting Co., Inc., Portable.—Construction permit for a new relay station to be operated on **1622, 2058, 2150, 2790 kc.,** 30 watts. Amended to change power from 30 watts to 25 watts.

Fourth Zone

NEW—Northwest Publications, Inc., Duluth, Minn.—Construc-
580 tion permit for a new station to be operated on **920 kc.,** 250 watts, daytime. Amended to change frequency from **920 kc.** to **580 kc.**

WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification
1180 of construction permit (B4-P-1420) for a new transmitter, requesting extension of commencement and completion dates.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—License
1370 to cover construction permit (B4-P-725) as modified for a new station.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—License
1370 to cover construction permit (B4-P-475) as modified for a new station.

NEW—L. L. Coryell, Sr., and L. L. Coryell, Jr., d/b as L. L.
1450 Coryell & Son, Lincoln, Nebr.—Construction permit for a new station to be operated on **1450 kc.,** 250 watts night, 500 watts daytime, unlimited time.

NEW—Gerald A. Travis, La Porte, Ind.—Construction permit for
1500 a new station to be operated on **1500 kc.,** 100 watts night, 250 watts daytime, unlimited time.

Fifth Zone

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—License
1070 to cover construction permit (B5-P-1270) for changes in antenna, and move of studio and transmitter.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—
1180 Modification of construction permit (B5-P-1492) to install new transmitter, requesting changes in authorized equipment.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modifica-
1240 tion of license to change power from 500 watts night, 1 KW daytime, to 1 KW day and night.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension
1240 of special experimental authorization to operate with power of 1 KW (night) for period from 10-1-36 to 4-1-37. Amended to change period of time from 4-1-37 to 10-1-37.

KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to
1370 make changes in equipment and change frequency from **1370 kc.** to **1110 kc.,** also change power from 100 watts to 500 watts.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—
1370 Construction permit to install a new transmitter and antenna; change frequency from **1370 kc.** to **1440 kc.,** power from 100 watts night, 250 watts day, to 1 KW; and move studio and transmitter locally. Amended to change requested power from 1 KW to 500 watts night, 1 KW daytime.

NEW—Gallatin Radio Forum, Bozeman, Mont.—Construction
1420 permit for a new station to be operated on **1420 kc.,** 250 watts, daytime.