

The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

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Copyright, 1937. The National Association of Broadcasters

NOTICE OF AMENDMENT

To All Members:

In pursuance of the provisions contained in By-Law 17 of the Constitution and By-Laws of the National Association of Broadcasters, Inc., notice is hereby given that a certain amendment to the Constitution and By-Laws of the National Association of Broadcasters, Inc., as hereinafter described, will be presented for consideration at the annual membership meeting in Chicago, Illinois, June 20-23, 1937.

The Board of Directors, by a majority vote, propose the following amendment to the By-Laws of the National Association of Broadcasters, Inc.:

By-Law No. 1.

Strike out all of the first paragraph and insert in lieu the following:

"Effective September 1, 1937, bi-monthly dues of active members shall be payable January 1, March 1, May 1, July 1, September 1, and November 1, on the following basis."

COMMISSION GRANTS NEW STATION

The Federal Communications Commission this week granted a construction permit for a new broadcasting station at Greenville, Texas, to the Hunt Broadcasting Company to operate on 1200 kilocycles, 100 watts daytime. The order is effective July 13.

RADIO OPERATORS MINIMUM AGE BILL

U. S. Senator Sheppard of Texas has introduced a bill (S. 2407) to make 21 years the minimum age for radio operators. It has been referred to the Senate Committee on Interstate Commerce. The bill is as follows:

That section 303 (e) of the Communications Act of 1934 (U. S. C., 1934 edition, title 47, sec. 303), is amended by inserting the words "who are twenty-one

years of age or over" after the words "United States", and adding the words ": *Provided*, That the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned;" after the words "finds qualified", so that the amended paragraph will read:

"(e) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified: *Provided*, That the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned".

DEVELOPMENTS ON COPYRIGHT LEGISLATION

Developments on state copyright legislation, since the last report in the April 1st issue of NAB Reports, include: Nebraska's legislature passed an anti-monopoly music copyright bill which was approved by the Governor on May 17th. In Wisconsin the Senate on May 12th passed a joint resolution which memorializes Congress to

IN THIS ISSUE

	Page
Notice of Amendment.....	2099
Commission Grants New Station.....	2099
Radio Operators Minimum Age Bill.....	2099
Developments on Copyright Legislation.....	2099
Recommends Denial of Transfer.....	2105
Increased Time Recommended for WSAU.....	2105
Examiner Recommends New Station.....	2105
Changes Recommended for WAPO.....	2106
Denial of WSOC Changes Recommended.....	2106
New Station Recommended.....	2106
California Station Recommended.....	2106
Suggests New Station Grant.....	2106
Increased Operating Time Recommended.....	2106
New Station Grant Recommended.....	2106
New Carolina Station Recommended.....	2107
Securities Act Registrations.....	2107
Federal Trade Commission Action.....	2107
Federal Communications Commission Action.....	2108

Make Your Plans Now to Attend the NAB Convention at Hotel Sherman, Chicago, June 20-23, 1937

enact legislation prohibiting racketeering on copyrighted music. A copyright bill similar to the Montana and Washington state laws was introduced in Tennessee and was passed by both the House and Senate. Copyright legislation has also been introduced in the Florida legislature. The legislatures of Iowa, Ohio and Minnesota adjourned without acting on pending copyright bills.

In Washington, D. C., the Senate Patents Committee has decided to schedule hearings within the next 30 days on the copyright bills introduced by Senators Duffy, Sheppard and Guffey. The House Patents Committee which also has three copyright bills pending has not reached any decision with respect to setting dates for hearings.

The text of the Nebraska law as approved by the Governor is as follows:

NEBRASKA

(Bill No. 478.)

(Regular Session.)

AN ACT relating to monopolies; declaring to be an unlawful monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which fixes and determines the amount of money to be paid to it or to its members for the privilege of rendering privately or publicly for profit within this state copyrighted vocal or instrumental musical compositions, when such combination is composed of a substantial number of all musical composition copyright owners or their heirs, successors or assigns; to require each composer and each author of vocal or instrumental copyrighted musical compositions to act independently of each other and of any combination as herein declared unlawful in determining license fees and other rights within this state; to require the author, composer, printer and publisher to specify upon the musical composition the selling price thereof for all uses that may be made thereof including public performance for profit within this state; to declare that any purchaser thereof, who pays such price therefor, shall have the right to render such music privately or publicly for profit within this state; to declare all existing agreements requiring license fees or other exactions for the privilege of rendering copyrighted musical compositions publicly for profit within this state with any combination of persons, firms or corporations herein declared unlawful to be void and nonenforceable; to permit the present owners, possessors and users of such copyrighted music to render the same privately or publicly for profit within this state without interference by such unlawful combination; to provide for the appointment of a receiver and injunctive relief and the dissolution of such combination as here declared unlawful; to determine in such action the legal owner

of such copyrighted musical compositions; to adjust and fix in such action the license fee to be paid, if any, and the terms for the use of such musical compositions in this state; to provide for the protection of theatres, moving picture houses, hotels, places for education and public performance or amusement, radio broadcasting, radio receiving and radio re-broadcasting stations affiliated with other persons, firms or corporations outside the State of Nebraska against the collection of license fees or other exactions by such out-of-the-state affiliates for or on account of any combination declared unlawful under Section 1 hereof; to provide that the responsibility and all liability for any infringement of copyrighted musical compositions conveyed by radio broadcast, air, wire, electrical transcription, or sound production apparatus, or by personal performance coming from outside this state, and used herein, to rest entirely with the out-of-the-state person, firm or corporation originally emanating or sending the same into this state for use herein; to provide penalties for the violation hereof; to empower the County Attorneys and the Attorney General, upon complaint of any party aggrieved by any violation hereof, to proceed to enforce the penalties hereof against such combination and any of its representatives, members or agents, and against the property of such unlawful combination within this state; to define the method of service of process upon such combination as herein declared illegal; to empower any party aggrieved by any violation hereof to proceed in his own right hereunder; to define the legal procedure required to carry out the provisions hereof; to provide for the recovery of costs, expenses and attorney's fees; to provide for the filing of each said composition in the office of the Secretary of State before selling or disposing of the same, together with the amount of filing fee therefor; to provide that the terms of this Act shall be cumulative; to provide that any part of this Act declared illegal shall not affect the validity of the remaining parts hereof; and to declare an emergency.

Be it enacted by the People of the State of Nebraska:

Section 1. It shall be unlawful for authors, composers, proprietors, publishers, owners, or their heirs, successors or assigns, of copyrighted vocal or instrumental musical compositions to form any society, association, club, firm, partnership, corporation, or other group or entity, called herein a combination, either within this state or outside thereof, when the members, stockholders, or interested parties therein constitute a substantial number of the persons, firms or corporations within the United States who own or control copyrighted vocal or instrumental musical compositions, and when at least one of the objects of any such combination is the determination and the fixation of license fees or other exactions re-

quired by such combination for itself or its members, stockholders or other interested parties for any use or rendition of copyrighted vocal or instrumental musical compositions for private or public performance for profit within this state for the purpose of preventing free competition among or with different and competing copyright owners or among or with persons, firms, corporations or associations in this state using or rendering such copyrighted matter by public performance for profit; or for the purpose of dividing among them the proceeds of the earnings of such copyright owners; or for the purpose of fixing the exactions and fees for the rendition or use of copyrighted matter which any copyright owner must charge; and the collection or attempted collection within this state of such license fee or other exaction so fixed and determined, by any member, agent or representative of any such combination herein declared unlawful, from any person, firm, corporation or association within this state, including theatres, radio receiving, radio broadcasting and radio re-broadcasting stations, moving picture houses, athletic associations, hotels, cafes, restaurants, clubs, dance halls, recreation rooms, amusement parks, pavilions, churches, colleges, schools, universities, or the officers, directors, proprietors, managers, owners or representatives thereof, who render or cause to be rendered, or permit to be rendered, such copyrighted vocal or instrumental musical compositions privately or publicly for profit within this state through personal performance, or through radio, or any instrumentality or sound producing apparatus, shall be and the same is hereby declared unlawful and illegal; and such license fees or other exactions shall not be collected in any court within the boundaries of this state; and each collection or attempted collection of such license fee or other exaction by such combination or its agents, representatives, members, stockholders or interested parties shall be a separate offense hereunder; and any such combination of authors, composers, publishers, or their heirs, successors or assigns, as herein defined, is hereby declared to be an unlawful monopoly in this state; and such fixing of prices for use or rendition of copyrighted musical compositions within this state by such unlawful combination and the collecting or attempting to collect such license fees or other exactions by it or for its stockholders, members or other interested parties within this state is hereby declared illegal and in restraint of trade, and such collection or attempted collection thereof is declared to be an illegal intrastate transaction within this state and shall be subject to the terms and penalties of this Act. In any action, civil or criminal, instituted under the provisions of this Act, it shall be prima facie evidence against any party to such action of the existence of such unlawful combination for the purposes in this Act enumerated, if a substantial number of all authors, composers, pro-

prietors, publishers, owners or their heirs, successors or assigns of copyrighted vocal or instrumental musical compositions in the United States, are shown to be members of any society, association, club, firm, partnership, corporation, group or entity.

Section 2. (A). All authors and composers, and their heirs and assigns, shall have within this state all the benefits conferred by the Copyright Laws of the United States, being the Act of March 4, 1909, c. 320 Section 1 (e), 35 Stat. 1073, Title 17, U. S. C. A. Each author, composer and publisher shall act independently of any and all substantial number or numbers of other authors, composers and publishers, and also independently of any such combination as in Section 1 hereof declared unlawful, in determining and fixing the price to be charged for the use or rendition of his copyrighted musical compositions within this state, and the author, composer or publisher, or his, her, or its heirs, successors or assigns, shall specify or cause to be specified legibly upon the musical composition, in whatever form the same may be published, printed, manufactured or otherwise prepared for use or rendition within this state, the selling price thereof for private rendition or public rendition for profit if made available for such public rendition so arrived at and determined for all uses and purposes; and when any purchaser or user acquires the same within this state and pays the selling price so specified thereon to the seller or publisher of said copyrighted musical composition, then said purchaser or user may use or render, or cause or permit to be used or rendered within this state, the said copyrighted musical composition by persons individually or with other performers, actors and singers, or by an individual instrument player, or by orchestras and bands, or over or through or by means of radios, loud speakers, radio receiving, radio broadcasting and radio re-broadcasting stations, electrical transcriptions, musical records, sound apparatus or otherwise within this state, and the same may be so rendered either privately or publicly for profit when so purchased and paid for without further license fees or other exactions; and such copyright owner or proprietor, in the event of such payment, shall be deemed to have received full compensation for the rendition and all uses of such musical compositions for private purposes or for public performance for profit by such purchaser within this state.

(B). In the event any author, composer or publisher, or any of his heirs, successors or assigns, fails or refuses to affix on the musical composition the selling price, and collect the same, for private and public performances for profit, at the time and in the manner specified in this Act, then any person, firm or corporation in this state who may have purchased and paid for such copyrighted musical composition may use the same for private or public performance for profit within this state without further license fee or other exaction; and such person, firm or

corporation so using or rendering the same shall be free from any and all liability in any infringement or injunction suit, or in any action to collect damages, instituted by such copyright proprietor or owner in any court within the boundaries of this state.

(C). Nothing in this section, or this Act, shall be construed to give to any purchaser of copyrighted music compositions, as herein provided, the right to resell, copy, print, publish, or vend the same.

(D). Any composer, author or publisher of vocal or instrumental copyrighted musical compositions, or any person, firm or corporation controlling the sale or distribution of said compositions, whether or not within the purview of the combination described in Section 1 of this Act, shall, before selling or disposing of any such composition in this state, file in the office of the Secretary of State a copy of each said composition upon which shall be written, printed or typed over his or its signature a statement to the effect that he or it controls the sale or disposition of such composition; and provided further, said person, firm or corporation who shall make such filing shall accompany the same with a fee of Twenty-five Cents (25¢) with each copy of said composition so filed to reimburse the Secretary of State for keeping in current and convenient form, easily accessible to the public, the titles of said compositions and the names of the persons, firms or corporations who shall file said copies from time to time; and provided further, said Secretary of State shall deposit all the fees received hereunder weekly with the state Treasurer who shall credit said fees to the general fund of the state.

Section 3. All existing contracts, agreements, licenses or arrangements now existing within this state made by any person, firm or corporation with any combination, declared unlawful under Section 1 hereof, are hereby declared void and non-enforceable in any court within the boundaries of this state, and are hereby declared to have been entered into as intrastate transactions with such unlawful combination and in restraint of trade; and further, all such contracts, agreements, licenses, arrangements and the attempted enforcement thereof within this state, may be enjoined by any person, firm or corporation sought to be bound thereby; and any member, representative or agent of such unlawful combination enforcing or attempting to enforce the terms of such existing contract, license or arrangement within this state shall be guilty of a violation of the terms of this Act, and for each such collection or attempted collection shall be subject to the penalties hereinafter provided.

Section 4. (A). Any person, firm or corporation who owns, leases, operates or manages a radio broadcasting, radio receiving or radio re-broadcasting station within this state, shall be and is hereby authorized to receive, broadcast and re-broadcast copyrighted vocal or instrumental

musical compositions within this state, the copyrights of which are owned or controlled by any such combination declared unlawful by Section 1 hereof, without the payment, to such combination or to its agents, representatives or assigns, of any license fee or other exaction declared illegal and non-collectible by the terms hereof.

(B). When such radio receiving, radio broadcasting or radio re-broadcasting station is affiliated with any other person, firm or corporation owning, leasing or operating a radio broadcasting station outside this state from whence copyrighted vocal or instrumental musical compositions originate or emanate, and which are received, used, broadcast or re-broadcast within this state, in accordance with the terms of any affiliation agreement or other contract, then such person, firm or corporation owning, leasing, operating or managing a radio broadcasting station outside this state, shall be and is hereby prohibited from in any manner charging or attempting to charge, or collecting or attempting to collect, from any person, firm or corporation who owns, leases, operates or manages a radio broadcasting, radio receiving or radio re-broadcasting station within this state, any herein declared non-collectible license fee or other exaction, for the purpose of paying or repaying the same outside this state to any combination, or its members, stockholders or other interested parties, declared unlawful by Section 1 hereof; and any such person, firm or corporation, collecting or attempting to collect, such license fee or other exaction against such persons, firms or corporations within this state for the purpose of paying or reimbursing itself for having paid any such license fee or other exaction herein declared unlawful and non-collectible within this state, shall be deemed guilty of a violation of the provisions of this Act; and such person, firm or corporation from without this state is hereby declared to be an agent and representative of such combination as declared illegal and unlawful by Section 1 hereof, and shall be subject to all the penalties hereof.

Section 5. (A). Any person, firm or corporation who owns, leases, operates or manages any theatre or theatres, moving picture house or houses, or a similar place or places for amusement and public performance within this state, shall be and is hereby authorized to receive, use and render, or cause to be received, used and rendered within this state, by the personal performance of artists, singers, musicians, orchestras, bands, or actors, or by loud speakers, radio, sound production or re-production apparatus or instrumentalities, or electrical transcriptions, or by any other means of rendition whatsoever within this state, by the personal performance of artists, singers, musicians, copyrights of which are owned or controlled by any such combination declared unlawful by Section 1 hereof, without the payment, to such combination, or to its agents, representatives or assigns, of any license fee or other exac-

tion declared illegal and non-collectible by the terms of this Act.

(B). When such theatre or theatres, moving picture house or houses, or other places for amusement or performance within this state is or are affiliated or under contract in any manner whatsoever with any other person, firm or corporation furnishing in any form or manner copyrighted musical compositions from outside this state, or supplying such persons, firms, or corporations in this state with radio broadcasts or electrical transcriptions, sound production instrumentalities or apparatus, or artists, performers, musicians, singers, players, orchestras, bands or other artists or talent, wherein or whereby copyrighted vocal or instrumental musical compositions are privately or publicly rendered for profit, then such person, firm or corporation outside this state shall be and is hereby prohibited from in any manner charging or attempting to charge, or collecting or attempting to collect within this state, from any such person, firm or corporation who owns, leases, operates or manages such theatre or theatres, moving picture house or houses, or other places for amusement or public performance within this state, any license fee or other exaction for the purpose of paying or repaying the same to any such combination declared unlawful by Section 1 hereof for the use, rendition or performance of such copyrighted musical compositions within this state; and any such person, firm or corporation, collecting or attempting to collect, such license fee or other exaction from outside this state against such persons, firms or corporations within this state for the purpose of paying or reimbursing itself for having paid any such license fee or other exaction herein declared unlawful and non-collectible, shall be deemed guilty of a violation of the provisions of this Act; and such person, firm or corporation from without this state is hereby declared to be an agent and representative of such combination as declared illegal and unlawful by Section 1 hereof, and shall be subject to all the penalties hereof.

Section 6. Whenever any person, firm or corporation who owns, leases, operates or manages a radio receiving, radio broadcasting or radio re-broadcasting station, or theatre or moving picture house or similar place, for amusement and public performance or for the rendition in any manner of copyrighted vocal or instrumental musical compositions within this state, and which radio stations and theatres, and other persons, firms or corporations, aforementioned, are affiliated with persons, firms or corporations outside this state from whence said copyrighted vocal or instrumental musical compositions originally emanate either by radio, sound production instrumentalities or apparatus, or by furnishing a person or persons to play or sing such music within this state, then any responsibility and liability for the use of all copyrighted vocal or instrumental musical compositions thus emanating from outside this state and

thus rendered in this state shall rest with and be upon such affiliated person, firm or corporation from outside this state who originates the broadcasting or the performance or the sound production instrumentality or apparatus, or sends the personal singers or performers into this state; and, if the owner of any copyrighted musical composition commences any action within this state on account of any use or rendition thereof in this state through such affiliate or affiliates, then any defendant in such action may interplead such affiliate or affiliates in such action; and any judgment which may be rendered in favor of the copyright owner shall be paid and satisfied by the defendant user in this state, such defendant shall be subrogated in said action or otherwise to all rights of the plaintiff in said judgment as against said affiliate or affiliates, whether the latter is or are a party or parties in said action or not; and in any event such affiliate or affiliates shall be liable to such user to the full extent of his liability to such copyright owner, in the absence of any agreement to the contrary; and any combination declared unlawful by Section 1 of this Act which is the owner or proprietor of or controls the copyrighted vocal or instrumental musical compositions, its agents or representatives shall be and are hereby prohibited from suing for infringement, loss or damage within the boundaries of this state, for the use or rendition of such copyrighted vocal or instrumental musical compositions so originating or emanating because such persons, firms, or corporations used, rendered or performed the same within this state; the use or renditions by radio broadcast, radio re-broadcast or sound producing instrumentalities or apparatus, or electrical transcription, or by the personal performance of singers, players and musicians sent into this state, or otherwise, of such copyrighted musical compositions within this state in the manner set forth in this section, shall be considered, for the purpose of this Act, as intrastate business of this state and subject to the control, regulation and prohibitions set forth in this Act notwithstanding that such copyrighted musical compositions originated or emanated from without this state.

Section 7. (A). Any person, firm or corporation within this state who shall act as the representative of any combination herein declared unlawful as defined in Section 1 hereof, shall, for the purpose of this Act, be deemed an official representative and agent of such unlawful combination and shall be construed to be doing business within this state, and service of any process against such combination may be had upon such representative or the agent of any such representative as herein defined within this state; and when so served, such process shall have the same legal effect as if served upon a duly elected officer or managing agent or other official representative upon whom service might otherwise be made upon such combination within this state.

(B). Furthermore, any person or persons who negotiates for, or collects within this state, or attempts to collect license fees or other exactions, or who acts as the representative or agent for any combination declared unlawful in Section 1 hereof, shall, for the purpose of this Act, be considered as a part of said unlawful combination; and such person, firm or corporation shall be subject to all the penalties in this Act provided for violations thereof.

Section 8. Any combination as in Section 1 hereof declared unlawful and any other person, firm or corporation, acting or attempting to act, within this state in violation of the terms of this Act, or any representative or agent of any person, firm or corporation who aids or attempts to aid any such unlawful combination, as defined in Section 1 hereof, in the violation of any of the terms of this Act in any manner whatsoever within this state shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than \$5,000.00 or imprisoned for not more than one (1) year, or both, such fine and imprisonment for each and every violation of the terms hereof.

Section 9. (A). The County Attorney in each county in this state wherein a violation of any of the terms of this Act takes place, in whole or in part, is hereby authorized upon the complaint of any party aggrieved to institute a civil or criminal action, or both, under the terms hereof against any combination declared unlawful as defined in Section 1 hereof, and against any of its members, stockholders or other interested parties, and its agents or representatives as herein defined, and to enforce any of the rights herein conferred, and to impose any of the penalties herein provided.

(B). The Attorney General of the State of Nebraska is hereby empowered to proceed upon the request of any County Attorney to aid and assist, or to take charge of, any prosecution or suit for any violations of any of the terms hereof.

(C). Or, the Attorney General, on the complaint of any party aggrieved, because of the violation of any of the terms of this Act anywhere within this state, shall proceed in the District Court in any county in which all or any part of the offense or violation was committed, to institute action against any combination defined as unlawful by Section 1 hereof, and against the representatives or agents of any such combination, either in a criminal action to enforce the penalties hereof, or in a civil action to enforce all rights hereunder, or to dissolve any such combination as declared unlawful by Section 1 hereof, or he may proceed by both civil and criminal actions; in such action or actions, the plaintiff shall be the State of Nebraska; and any interested party may, upon application, be granted leave to intervene in such a civil action.

(D). The District Court shall, in such dissolution or other civil suit, upon the application and intervention in said action of any member, stockholder or other interested party of said unlawful combination, adjudicate the ownership of any copyrighted vocal or instrumental musical composition theretofore owned or controlled by said unlawful combination; and furthermore, such District Court shall have and is hereby granted the power and authority to appoint a receiver and to issue injunctive and mandatory temporary and permanent orders in reference to any of the issues involved in such action; and any person, firm or corporation within this state who is a user in any manner of any copyrighted vocal or instrumental musical compositions theretofore owned or controlled by such unlawful combination may, upon application, intervene in such action and therein have adjusted, determined and adjudicated all rights for or against the person, firm or corporation whom the Court shall finally determine to be the owner or proprietor of such copyrighted vocal or instrumental musical compositions; and said parties shall be permitted no other remedy in any other court within the boundaries of this State, whether the same be for damages, infringement or otherwise, until final decree has been had in said action determining the ownership and terms for use of such copyrighted musical compositions.

Section 10. (A). Any person, firm or corporation within this state aggrieved by any violation of the terms hereof by any unlawful combination, as defined in Section 1 hereof, or any of its representatives or agents, may proceed in his or its own name and right in the District Court in the county in which the violation, or a part thereof, took place, to recover any right, loss or damage that may have resulted from any violation of the terms hereof; the plaintiff in such action shall be entitled to recover his or its costs and expenses and a reasonable attorney's fee to be fixed by the court in such action.

(B). In the event of the failure or refusal of a County Attorney, or the Attorney General, to promptly act, as herein provided, when requested so to do by any aggrieved party, then such party may institute in his own behalf, or upon behalf of the plaintiff and all others similarly situated, the same civil action as such County Attorney or Attorney General might have instituted under the terms of this Act, and with like procedure, powers, authority, rights, privileges, effect and final decree as the said County Attorney or Attorney General might have done under the terms of this Act.

Section 11. (A). In any action, either civil or criminal, that may be had or instituted under the provisions hereof for any violation of the terms hereof, the plaintiff in any form of action brought hereunder, and in which action any combination declared unlawful, as defined in Section 1 hereof, or the members, stockholders, or other interested parties, or their agents or representatives of such unlawful combination, are defendants, any attorney of

record for the plaintiff may file a request in writing with the Clerk of the District Court in which said action is pending, demanding that the defendant or defendants furnish plaintiff, or file with the Clerk of the Court, in which the action is pending, exact copies of all documentary evidence, facts and figures, records or data in the possession or under the control of the defendant or defendants pertaining to the issues as alleged by the plaintiff to establish or refute any issues in the case; and the District Court, upon the presentation to it of such written demand by the plaintiff, shall thereupon determine that part or all of such evidence which shall be produced, and shall enter an order fixing a time for the defendant or defendants to furnish and file such information as ordered. A copy of said order shall be mailed to each defendant at his or its last known address, which shall be deemed sufficient notice and service upon said defendant or defendants; or the same may be served by mail in the same manner upon each attorney of record for the defendant or defendants, and when so served, the same shall be deemed notice and service upon the defendant or defendants for whom said attorneys appear of record.

(B). If said defendant or defendants shall fail to furnish plaintiff or his or its attorney, or file with the Clerk of the Court in which the action is pending, said copy or copies of said documentary evidence, facts, figures, records, books and data as set forth in said order within the time specified in said order, the Court shall adjudge said defendant or defendants guilty of contempt of court, and the Court shall assess a fine of \$100.00 against such of the defendants for each and every day that such defendant or defendants fails to comply with said order; and judgment shall from time to time be rendered therefor, and the plaintiff may collect the same against the defendant or defendants with 6% interest thereon and the costs, including expenses and attorney's fees to be fixed by the Court, in the same manner as other judgments are collected in this state. The Court shall find and determine when the judgment is rendered what disposition shall be made of the proceeds collected after the payment of costs, expenses and any attorney's fees that may be allowed.

Section 12. If any section, sub-division, sentence or clause in this Act shall, for any reason, be held void or non-enforceable, such decision shall in no way affect the validity or enforceability of any other part or parts of this Act.

Section 13. Nothing in this Act shall be construed as repealing any other law or parts of laws in reference to any of the matters contained in this Act; and the rights and remedies and provisions herein provided shall be and are hereby declared to be cumulative to all other rights, remedies and provisions now provided under the laws of the State of Nebraska.

Section 14. Whereas an emergency exists, this Act shall

be in full force and take effect, from and after its passage and approval.

Approved, May 17, 1937.

RECOMMENDS DENIAL OF TRANSFER

The WREN Broadcasting Company of Lawrence, Kans., applied to the Federal Communications Commission for authority to transfer control to the Kansas City Star Company, Kansas City, Mo. The station (WREN) operates on 1220 kilocycles, 1,000 watts and 5,000 watts LS and shares time with KFKU.

Examiner George H. Hill in Report No. I-421 recommended that the application be denied. Inasmuch as the Kansas City Star owns and operates WDAF the Examiner states that "the result of granting the requested authority would be a step in the direction of monopoly, would place in the hands of the largest newspaper in Kansas City two of the largest stations now serving this area, and would remove from the Kansas City area a formidable competitor." It is further stated in the report that "the Examiner is of the opinion, after consideration of the entire record, that no satisfactory showing has been made that the transfer of all of the stock of the WREN Broadcasting Company, Inc., to the Kansas City Star Company would serve public interest, convenience and necessity."

INCREASED TIME RECOMMENDED FOR WSAU

Broadcasting station WSAU, Wausau, Wis., operating on 1370 kilocycles, 100 watts power daytime, applied to the Federal Communications Commission to grant it unlimited time on the air.

Examiner P. W. Seward in Report No. I-420 recommended that the application be granted. He states that the evidence taken in the case indicates a need for additional nighttime radio service in the area proposed to be served and that no objectionable interference would be caused by granting the application.

EXAMINER RECOMMENDS NEW STATION

The Northwestern Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Danville, Ill., to use 1500 kilocycles, 250 watts and daytime operation.

Examiner Robert L. Irwin in Report No. I-418 recommended that the application be granted subject to the approval of the transmitter site by the Commission. He found that there is a need for the daytime service proposed to be rendered by the applicant in the area, and the Examiner states that the granting of the application would not cause any objectionable interference.

CHANGES RECOMMENDED FOR WAPO

Broadcasting station WAPO, Chattanooga, Tenn., operating on 1420 kilocycles daytime with 100 watts LS applied to the Federal Communications Commission to grant it unlimited time, and 250 watts daytime and 100 watts night.

Examiner John P. Bramhall in Report No. I-419 recommended that the application be granted. The Examiner states that a need for additional service in the area proposed to be served has been established and that the granting of the application would not adversely affect any other station. He found that the increase would be in the public interest.

DENIAL OF WSOC CHANGES RECOMMENDED

Broadcasting station WSOC, Charlotte, N. C., operating on 1210 kilocycles, 100 watts and 250 watts LS, unlimited time, applied to the Federal Communications Commission to change its frequency to 600 watts and to change its power to 250 watts and 1,000 watts LS.

Examiner Melvin H. Dalberg in Report No. I-417 recommended that the application be denied. He states that "in view of the service now available in the area involved, there does not appear to be sufficient reason for the granting of this application upon the ground of need for additional service."

NEW STATION RECOMMENDED

The Sharon Herald Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Sharon, Pa., to use 780 kilocycles, 250 watts and daytime operation. Also Allen T. Simmons applied to the Commission for a construction permit for a station at Mansfield, Ohio, to use 780 kilocycles, 1000 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-411 recommended that the Simmons application be granted and that the Herald Company be denied. He states that "it is obvious that there is a greater need for broadcast facilities at Mansfield, Ohio, than at Sharon, Pa." The Examiner states also that program material is more available to Simmons and "the persons now in his employ are more experienced in the operation of a broadcast station than is the applicant Sharon Herald Broadcasting Company."

CALIFORNIA STATION RECOMMENDED

The Pacific Acceptance Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at San Diego, Cal., to use 1200 kilocycles, 100 watts and

daytime operation. This application was granted at one time by the Commission but later the decision was reversed and set for a further hearing before an Examiner.

Examiner P. W. Seward in Report No. I-412 as the result of the further hearing recommended that the previous grant allowed by the Broadcast Division of the Commission be affirmed, and the application granted. The Examiner found that "the evidence indicates there is a need for additional daytime radio service in the area proposed to be served". Smith, Keller & Cole intervened at the hearing but the Examiner states that "there seems to have been no material change between the dates of the former hearing, the two occasions when the application was granted by the Commission, and the instant hearing." He found that granting of the application to the Acceptance Corporation would be in the public interest.

SUGGESTS NEW STATION GRANT

The General Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Centralia, Wash., to use 1440 kilocycles, 500 watts and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-414 recommended that the application be granted. He states that a definite need for a local radio station in the area proposed to be served has been established. The Examiner also found that granting the proposed application would not cause any interference and its grant would be in the public interest.

INCREASED OPERATING TIME RECOMMENDED

Broadcasting station KADA, Ada, Okla., operating on 1200 kilocycles, with 100 watts power, applied to the Federal Communications Commission to increase its operating time from daytime only to unlimited time.

Examiner P. W. Seward in Report No. I-416 recommended that the application be granted. He stated that the evidence in the case brought out the fact that there is a need in the area proposed to be served for additional nighttime service, and the interests of no other station would be adversely affected by such a grant. Also, the Examiner found that no applications for radio facilities now pending at the Commission would involve a question of interference if the application is granted.

NEW STATION GRANT RECOMMENDED

The Okmulgee Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new station at Okmulgee, Okla., to use 1210 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-415 recommended that the application be granted. He states that the evidence shows there is need for additional daytime service in the area proposed to be served by the station. Pending applications for authority to construct a station at the same place have been dismissed by the Commission and the Examiner found that granting the application would be in the public interest.

NEW CAROLINA STATION RECOMMENDED

The Asheville Daily News applied to the Federal Communications Commission for a construction permit for the erection of a new station at Asheville, N. C., to use 1370 kilocycles, 100 watts and unlimited time.

Examiner George H. Hill in Report No. I-413 recommended that the application be granted. He states that from a consideration of the testimony taken at a further hearing in this case, he is of the opinion that nothing new has been developed that would justify a change in the recommendation made after the first hearing in the matter which suggested that the application be granted.

SECURITIES ACT REGISTRATIONS

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

Third Investment Counsel Corp., Boston, Mass. (2-3100, Form A-2)
Metropolitan New York Corp., New York City. (2-3101, Form A-1)
Houston Oil Field Material Company, Inc., Houston, Tex. (2-3102, Form A-2)
Tropic-Aire, Inc., Minneapolis, Minn. (2-3103, Form A-2)
Shareholders Corporation, Seattle, Wash. (2-3104, Form A-1)
Albert Pick Co., Inc., Chicago, Ill. (2-3105, Form A-2)
Roytheon Manufacturing Co., Newton, Mass. (2-3106, Form A-1)
Allied Mills, Inc., Chicago, Ill. (2-3107, Form A-2)
Brink's, Inc., Chicago, Ill. (2-3108, Form A-2)
Schmidt Brewing Co., Inc., Olympia, Wash. (2-3109, Form A-1)
Royal China, Inc., Sebring, Ohio. (2-3111, Form A-1)
Gregory-Bates Mining Co., Blackhawk, Colo. (2-3112, Form A-1)
Heofield, Inc., Detroit, Mich. (2-3113, Form A-1)
H. L. Green Company, Inc., New York City. (2-3114, Form A-1)
Aurora Apartment Hotel, Inc., San Antonio, Tex. (2-3115, Form E-1)
Henry S. Caulfield et al., St. Louis, Mo. (2-3116, Form F-1)
Worthington Pump & Machinery Corp., Harrison, N. J. (2-3117, Form A-2)
Hayes Body Corp., Grand Rapids, Mich. (2-3118, Form A-2)
Sands-O-Penn, Inc., Grand Valley, Pa. (2-3119, Form A-1)
Incomes Estates of America, Inc., Philadelphia, Pa. (2-3120, Form C-1)
American Investment Co. of Illinois, Springfield, Ill. (2-3123, Form A-2)
Messenger Corporation, Auburn, Ind. (2-3124, Form A-2)
Amtex Petroleum Corp., Fort Worth, Tex. (2-3125, Form A-1)
Emerson Electric Manufacturing Co., St. Louis, Mo. (2-3126, Form A-2)
Cobb, Sanderholm & Baird, Ltd., Omaha, Nebr. (2-3127, Form A-1)
Black Lady Mining Company, Inc., Spokane, Wash. (2-3128, Form A-1)
B. C. Alaska Mines American, Inc., Vancouver, B. C. (2-3130, Form A-1)

Barkley-Grow Aircraft Corp., Detroit, Mich. (2-3132, Form A-1)
Birdsboro Steel Foundry & Machine Co., Birdsboro, Pa. (2-3133, Form A-2)
Lumbermen's Finance Corp., Winona, Minn. (2-3134, Form A-2)
El Paso Natural Gas Co., El Paso, Tex. (2-3136, Form A-1)
United Investors Realty Corp., New York City. (2-3137, Form A-1)
Industries Capital Corp., of New York, New York City. (2-3138, Form A-1)
Magnetic Control Corporation, Manassas, Va. (2-3139, Form A-1)
Diamond Portland Cement Company, Middle Branch, Ohio. (2-3141, Form A-1)
Doctors' Hospital, Inc., Washington, D. C. (2-3142, Form A-1)

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. 3127. Five companies manufacturing concrete pipe and other concrete products in the Eastern Seaboard area, including Virginia, Maryland and the District of Columbia, in a complaint are charged with practices tending to create monopoly and restrain trade.

These companies, said to be sufficiently powerful to influence and control trade in their type of products in their territory, and certain individuals also named respondents in the case, are: **Lock Joint Pipe Co.**, 150 Rutledge Ave., **East Orange, N. J.**; **F. B. and J. H. Gray**, trading as **Gray Concrete Pipe Co.**, **Thomasville, N. C.**; **Baltimore and Hagerstown, Md.**; **Concrete Pipe & Products Co.**, **Richmond, Va.**; **MidAtlantic Concrete Pipe & Products Co.**, **Norfolk, Va.**; and **Dover, Del.**; **Arlington Concrete Pipe Corporation**, **South Washington, Va.**; and **Jack M. Parrish, Harry W. Easterly and J. Scott Parrish, Richmond, Va.**, owners of the capital stock of **Concrete Pipe & Products Co.** and of 67 shares of **Arlington Concrete Pipe Corporation** stock originally owned by **Concrete Pipe and Products Co.**

No. 3128. **Merrill Candy Company**, 1215-17 East Main St., **Merrill, Wis.**, is charged in a complaint with unfair competition in the sale to dealers of candies so packed and assembled as to involve use of a lottery scheme when such products are resold to ultimate consumers.

The lottery element is alleged to be supplied by pushcards disclosing numbers to be drawn by purchasers.

The practices charged are alleged to be in violation of Section 5 of the Federal Trade Commission Act. Twenty days from service of the complaint are allowed the respondent company to file answer to the charges.

No. 3129. A complaint has been issued alleging violation of the brokerage section of the Robinson-Patman Anti-Price Discrimination Act by **Reeves, Parvin & Co.**, wholesale grocers, **Tri-State Brokerage Co.**, and their president, **Francis B. Reeves, Jr.**, all of 400 Chestnut St., **Philadelphia**, and a group of corporations engaged in the interstate sale of foodstuffs.

Reeves is said to be a director and president of both **Reeves, Parvin & Co.** and of **Tri-State Brokerage Co.**, owning 55 per cent of the capital stock of the former company, all of the capital stock of the latter, and controlling the activities of each.

According to the complaint, **Tri-State Brokerage Co.** is the purchasing agent and corporate affiliate of **Reeves, Parvin & Co.**, the two companies having the same officers and employees, and between June 19, 1936, and January 1, 1937, 96 per cent of the business of the brokerage firm consisted of orders for the purchase of merchandise placed with it by **Reeves, Parvin & Co.**

In making purchases for **Reeves, Parvin & Co.**, the complaint alleges, **Tri-State** company collected brokerage fees of from 1 to 5 per cent from certain selling concerns, which fees, minus expense of operation, it transmitted to **Reeves, Parvin & Co.** by means of dividend payments to the respondent **Reeves**. These dividend payments allegedly were paid over by **Reeves** to **Reeves, Parvin & Co.**

No. 3133. A complaint has been issued charging **Elizabeth Arden, Inc.**, **New York** cosmetics manufacturer, with violation

of the Robinson-Patman Anti-Price Discrimination Act. **Elizabeth Arden Sales Corp.**, a subsidiary company, is also named a respondent in the case.

Principal charges are: (1) Price discrimination among dealers purchasing Elizabeth Arden products of like grade and quality by giving certain such customers prices different from those allowed others competitively engaged in the resale of such preparations; (2) discrimination by paying certain customers for advertising services furnished by them in connection with their sale of Elizabeth Arden products, without making such advertising allowances available to all other competing customers on proportionately equal terms, and (3) discrimination by furnishing certain purchasers with services or facilities in connection with their sale of Arden preparations and on terms not accorded proportionately to all such customers.

Price discrimination is alleged to have been practiced by the respondents through selling their products to customers at prices rated according to the total annual purchases of Arden products, as follows: A discount of 40 per cent off the list price for customers buying \$7,500 worth and upwards each year; 33⅓ per cent plus five per cent off list price for customers purchasing between \$3,000 and \$7,500 worth each year; 33⅓ per cent off list price for customers whose annual purchases total between \$200 and \$3,000, and 25 per cent off list price for those who buy less than \$200 worth a year.

Stipulations and Orders

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

No. 1978. Vapoo Products Co., Inc., 1775 Broadway, New York, agrees to stop labeling its "Vapoo" rug and carpet cleaning preparation with the expressions "highest award 1934" or "Gold Seal Award Chicago 1934," in connection with the phrase "Century of Progress International Exposition," so as to imply that the product received an award at that exposition, when such is not a fact.

No. 1979. United Asbestos Pad Corporation, 159 North State St., Chicago, selling table pads, iron stands, stove and hot dish pads, stipulates that it will quit using in advertising matter or otherwise the words "Special Sale," or "Half Price Sale" either independently or in connection with the phrase "For three days only," or with other words so as to imply that the price at which the articles are offered is other than the regular price at which they are sold without limitation of time in the usual course of business. The respondent corporation will stop using the word "Asbestos" as part of its corporate or trade name or in any way to describe those of its products not composed of or made with asbestos. The stipulation provides that if any of its products are made in substantial part with asbestos, and that word is used to describe such part, it shall be accompanied by other words in conspicuous type to clearly show that the articles described are composed of materials other than asbestos.

No. 1980. Metropolitan Radio Co., Inc., 940 F St., N. W., Washington, agreed to cease representing in advertising or in any other manner that its radio sets have a designated "regular price" or "former price," when, in fact, such designated price is fictitious and much in excess of the price at which the sets are regularly sold in the usual course of trade. The company also will stop using the words "half-price sale" to imply that the radio sets to which the words refer are offered for sale at a price but one-half that at which the sets are usually sold, when such is not a fact.

No. 1981. Karl W. Lambooy, Kalamazoo, Mich., trading as **Robert Frank Needlework Supply Co.**, in the sale of quilting pieces or patches and designs for making bed quilts, will cease using in advertising matter statements in the form of testimonials or endorsements purportedly referring to his products, when in fact, according to the stipulation, they are not prepared by users of the products sold by Lambooy and do not refer to Lambooy's products. The respondent also agrees to discontinue employing the phrase "old, established firm" or other words of similar import to describe the business he conducts, when in fact, according to the stipulation, such business is not an old established one.

No. 1982. Tailored Woman, Inc., 729 Fifth Ave., New York, agreed to discontinue advertising as "silk jersey" certain dresses not composed of silk, and to cease using the word "silk," either alone or with other words, so as to imply that the products to which the words refer are composed of silk, when such is not a fact.

No. 1983. Bradley Boston, Inc., Newton, Mass., jewelry dealer, has entered into a stipulation to discontinue certain unfair

representations in the interstate sale of its products in violation of Section 5 of the Federal Trade Commission Act.

In its stipulation, this company agrees to quit using in its advertising matter the words "Facsimile Diamond" to describe products made of glass, and to stop employing the word "Diamond," alone or in connection with "Facsimile" or "Blue-White" so as to imply that the products to which such words refer are other than imitations of diamonds.

No. 1984. Boyd W. Doyle, trading as **Doyle Packing Co.**, **Momence, Ill.**, also operating packing plants at Los Angeles and at Newark, N. J., has entered into a stipulation to cease using unfair representations in the sale of his products in violation of Section 5 of the Federal Trade Commission Act.

Doyle, a manufacturer of canned foods for dogs and cats, agrees to cease use in his advertising matter or on labels affixed to his products of representations to the effect that the dog food he sells constitutes a balanced diet or is all of one quality of the highest grade possible or that the respondent's product could not be improved even if double the price were charged. He agrees also to cease making assertions to the effect that the product is a result of five years' experience and hundreds of feeding tests or has been recommended or endorsed by leading veterinarians all over the country.

No. 2881. Under an order to cease and desist, the **Hogan Advertising Company**, trading as **The Sendol Company**, 129 Coates Building, Kansas City, Mo., is prohibited from making certain misrepresentations in the sale of medicines, in violation of Section 5 of the Federal Trade Commission Act.

Held to constitute unfair methods of competition, the practices prohibited are as follows: Representation that "Sendol" is a safe medicine in all cases, including children's ailments; that it is effective and reliable for treating muscular, rheumatic or neuralgic aches and pains, and that it affords quick relief for headaches, colds, aches or pains and is an effective remedy for nervous exhaustion.

No. 2952. Maurice Willens, trading as **Mushroom Growers of America**, 431 North Clark St., Chicago, has been ordered to cease and desist from certain unfair methods of competition, violative of Section 5 of the Federal Trade Commission Act, in the sale of mushroom spawn in interstate commerce.

Representations to be discontinued by Willens are that mushrooms may be easily grown in any idle space in or about the home and that their cultivation is a simple and highly remunerative industry; that any person can successfully grow mushrooms for profit without previous experience or technical skill, and that there is a shortage of mushrooms on the market.

No. 3065. A cease and desist order has been issued against **Standard Distributors, Inc.**, and its president, **Louis H. Gellar**, both of 114 East Thirty-second St., New York, prohibiting certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

In the sale of radios, food beaters, food mixers, or other articles, the respondents are directed to stop furnishing or selling any device or paraphernalia which is to be used, or which may be used, in the distribution of such articles by means of a lottery scheme, lottery sales plan, game of chance, or gift enterprise.

In connection with the sale of such merchandise, the respondents are also ordered to cease supplying or selling to retail merchants paraphernalia and devices, a part of which are a large number of keys and a padlock, for use in the following manner: One key to be distributed by merchants to each of their customers with the purchase of a given amount of merchandise, and, when a fixed number of such keys has been distributed, to be collected by the merchant. The holders of the small number of keys which will fit the padlock are entitled to receive, without additional charge, a radio, food mixer, food beater or other article.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 24.

Monday, May 24

FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Carolina Advertising Corp., Columbia, S. C.—C. P., 1370
ke., 100 watts, 250 watts-LS, unlimited time.

HEARING BEFORE AN EXAMINER

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—C. P., 790 kc., 50 KW, unlimited time. Present assignment: 790 kc., 7½ KW, unlimited time.

Tuesday, May 25

FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Nathan N. Bauer, Miami, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

HEARING BEFORE AN EXAMINER (Broadcast)

KOOS—Pacific Radio Corp., Marshfield, Ore.—Voluntary assignment of license to KOOS, Inc., 1200 kc., 500 watts, daytime.

Wednesday, May 26

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—C. P., 1310 kc., 100 watts, 250 watts-LS, unlimited.

NEW—John W. Haigis, Greenfield, Mass.—C. P., 1210 kc., 250 watts, daytime.

WSMB—WSMB, Inc., New Orleans, La.—C. P., 1320 kc., 1 KW, 5 KW-LS, unlimited time. Present assignment: 1320 kc., 1 KW, unlimited time.

Thursday, May 27

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-378:

WJBR—J. B. Roberts, Gastonia, N. C.—Modification of C. P., 1420 kc., 100 watts, unlimited time.

NEW—Virgil V. Egans, Gastonia, N. C.—C. P., 1420 kc., 100 watts, unlimited time.

Examiner's Report No. 1-372:

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license, 930 kc., 250 watts, 500 watts-LS, unlimited time. Present assignment: 900 kc., 500 watts, daytime.

NEW—Lawrence K. Miller, Pittsfield, Mass.—C. P., 930 kc., 250 watts, daytime.

FURTHER HEARING BEFORE AN EXAMINER

General Electric Co., Belmont, Calif.—C. P., 9530, 15330 kc., 20 KW, unlimited time in accordance with Rule 983.

Friday, May 28

HEARING BEFORE AN EXAMINER (Broadcast)

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., 1290 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Glenn E. Webster, Decatur, Ill.—C. P., 1290 kc., 250 watts, daytime.

APPLICATIONS GRANTED

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted license to cover C. P.; 630 kc., 500 watts night, 1 KW day, unlimited time.

WQAN—The Scranton Times, Scranton, Pa.—Granted modification of license to use transmitter of station WGBI as their main transmitter and increase power from 250 watts to 500 watts. Also granted license to use present main transmitter as an auxiliary transmitter for emergency purposes only.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted license to use present transmitter of station WQAN as WGBI's auxiliary transmitter.

NEW—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted C. P. for new high frequency broadcast station; frequencies 31600, 35600, 38600 and 41000 kes., 100 watts.

W2XE—Columbia Broadcasting System, Inc., New York City.—Granted license to cover C. P. as modified covering authority to make changes in transmitting equipment and increase power from 5 to 10 KW night and day.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Granted C. P. and license to add aural transmitter to television station; 150 watts power on same frequencies with A3 emission.

SET FOR HEARING

NEW—George H. Evans & Davis O. Vandivier, d/b as The Chickasha Daily Express, Chickasha, Okla.—C. P. for new station; 1500 kc., 250 watts, daytime only. Exact transmitter site to be determined.

NEW—Broadcasters, Inc., Gastonia, N. C.—C. P. for new station; 1420 kc., 100 watts night, 250 watts day. Unlimited time. Exact site to be determined, also type of antenna.

NEW—Curtis Radiocasting Corp., Richmond, Ind.—C. P. for new station; 1420 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.

NEW—United Broadcasting Co., Tulsa, Okla.—C. P. for new special broadcast station; 1550 kc., 1 KW night and day, unlimited time. Exact transmitter site to be determined.

NEW—Decatur Newspapers, Inc., Decatur, Ill.—C. P. for new special broadcast station; 1550 kc., 1 KW night and day, unlimited time. Exact site to be determined.

WQXR—Interstate Broadcasting Co., Inc., New York City.—C. P. to make changes in equipment (install new transmitter), increase power from 1 KW to 5 KW, and move transmitter to a new site to be determined subject to Commission approval. To be heard before the Broadcast Division.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean, Executive Pres.), Rapid City, S. Dak.—Voluntary assignment of license to the Black Hills Broadcast Company of Rapid City.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Modification of license to increase power and time of operation from 1 KW daytime only to 1 KW, unlimited time. Present assignment, 900 kc., 1 KW, daytime only.

NEW—A. L. Beard, Jasper, Ala.—C. P. for new station; 1500 kc., 100 watts, unlimited time. Site to be approved.

NEW—Airfan Radio Corp., Ltd., San Diego, Calif.—C. P. for new station; 1420 kc., 100 watts, unlimited time. Site to be determined.

NEW—Ellwood Warwick Lippincott, Inc., Bend, Oregon.—C. P. for new station (amended 12-7-36); 1310 kc., 100 watts, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

NEW—Carolinas Radio, Inc., Charlotte, N. C.—C. P. for new station (amended 4-22-37); 880 kc., 1 KW, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

WSMK—WSMK, Incorporated, Dayton, Ohio.—C. P. (amended 4-2-37). Move transmitter site locally to Town 2, Range 7, MRs. of Madriver Twp., Montgomery County, Ohio; install new equipment and directional antenna system for nighttime use; increase power from 200 watts night and day, simultaneous day and specified hours night, to 250 watts night, 500 watts day, unlimited time. Present assignment: 1380 kc., 200 watts night and day, simultaneous day and specified hours night.

SPECIAL AUTHORIZATIONS

WFIL—WFIL Broadcasting Co., Philadelphia, Penna.—Granted extension special temporary authority to operate on 560 kc., with power of 1 KW at night, for the period beginning June 1, 1937 and ending in no event later than June 30, 1937, inclusive, pending filing of construction permit for this authority.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension special temporary authority to operate from 5:30 p. m. to 7 p. m., EST, on Sundays, from June 1, 1937 to June 30, 1937, inclusive (provided WBBL remains silent), in order to broadcast special programs.

KIT—Carl E. Haymond, Yakima, Wash.—Granted special temporary authority to operate a 75 watt portable transmitter on 1250 kc., between the hours of 1 a. m. and 6 a. m., PST, for a period not to exceed thirty days, in order to select a suitable transmitter site. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted extension special temporary authority to operate from 5 a. m. to 6 a. m., EST, for the period beginning May 16, 1937, and ending in no event later than June 14, 1937, in order to reach the farmers in the territory surrounding station WDZ who are in their fields during the summer months by 5 a. m.

WOEH—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast station WOEH for the period beginning May 29, 1937, and ending in no event later than June 7, 1937, utilizing the frequencies 4797.5, 6425, 8655 and 12862.5 ke., in addition to the licensed frequencies of WOEH for relay broadcast from aboard IMPERIAL Airways Ltd., seaplane CAVALIER program material during initial flight inaugurating the Bermuda-New York air passenger service. Program to be rebroadcast by National Broadcast Company over a national network of affiliated broadcast stations.

WCAD—St. Lawrence University, Canton, New York—Granted special temporary authority to operate from 9 a. m. to 11:30 a. m., EST, Saturday, May 22, 1937, in order to broadcast the exercises of Moving-Up Day, a college holiday.

KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to waive the requirements of Rule 151 and reduce hours of operation to the following specified hours: daily, except Sundays and holidays, from 6 p. m. to 10 p. m., Thursday, from 6 p. m. to 7:30 p. m., PST, instead of the hours now assigned for the period beginning June 1, 1937 and ending in no event later than 12 midnight, September 30, 1937.

KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to operate from 9 a. m. to 2 p. m., PST, Monday, June 14, 1937, in order to broadcast a special program.

WPHR—WLBG, Incorporated, Petersburg, Va.—Granted special temporary authority to operate a 50 watt transmitter on 880 ke., between hours of 1 a. m. and 6 a. m., EST, for a period not to exceed thirty days, for the purpose of making a site survey in the vicinity of Richmond, Va. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

KDB—Santa Barbara Broadcasters, Inc., Santa Barbara, Calif.—Granted special temporary authority to operate a 100-watt portable test transmitter between the hours of 12 midnight and 6 a. m. PST, for a period not to exceed thirty days, in order to make field intensity survey tests in the City of Santa Barbara and the immediately surrounding territory to locate a suitable new transmitter site for KDB. However, such tests not permitted during those hours prescribed for Commission monitoring schedule.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June sunset, 7:30 p. m.) to 9 p. m., CST, using power of 100 watts, on Sundays, June 6, 13, 20 and 27, 1937, in order to broadcast church services of the Kelly Memorial Methodist Church, Longview, Tex.

WFLA—Clearwater Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to close Clearwater studios from June 1 to July 15, 1937, inclusive, and use Tampa studios as main studios, on account of summer vacations for employees and in order to continue WFLA during summer period with a reduction in experienced personnel.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted special temporary authority to operate a 50-watt transmitter and a 40-foot antenna on 1450 ke. between the hours of 1 a. m. and 6 a. m., CST, for the period beginning May 18, 1937, and ending in no event later than May 24, 1937, in order to make measurements for the selection of a transmitter site. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

APPLICATION DENIED

WOW—Woodmen of the World Life Insurance Association, Omaha, Nebr.—Denied extension special temporary authority to operate with power of 5 KW at night for the period beginning May 27, 1937, and ending in no event later than June 25, 1937. (Commissioner Sykes dissented.)

EXAMINER REPORTS RELEASED SINCE MAY 11, 1937

KGFF—Ex. Rep. 1-409: KGFF Broadcasting Co., Inc., Shawnee, Okla.—Examiner P. W. Seward recommended that the peti-

tion to withdraw application of KGFF for modification of license to change frequency from 1420 ke. to 1430 ke., power from 100 watts, 250 watts LS, to 250 watts, be granted, and that application be dismissed without prejudice.

WHOM—Ex. Rep. 1-410: New Jersey Broadcasting Corp., Jersey City, N. J.—Examiner R. H. Hyde recommended that application for C. P. to increase power from 250 watts to 250 watts night, 1 KW daytime, be denied.

NEW—Ex. Rep. 1-411: Sharon Herald Broadcasting Co., Sharon, Pa.—Examiner M. H. Dalberg recommended that application for C. P. for new station to operate on 780 ke., 250 watts, daytime, be denied; and

NEW—Allen T. Simmons, Mansfield, Ohio.—That application for C. P. of Allen T. Simmons to operate new station on 780 ke., 1 KW, daytime, be granted.

NEW—Ex. Rep. 1-412: Pacific Acceptance Corp., San Diego, Calif.—Examiner P. W. Seward recommended that application for C. P. to establish a new station in San Diego to operate on 1200 ke., 100 watts, daytime, as heretofore granted by the Commission, Broadcast Division, be affirmed and granted.

NEW—Ex. Rep. 1-413: Asheville Daily News (Harold H. Thoms, Owner), Asheville, N. C.—Examiner G. H. Hill recommended that application for C. P. for new station to operate on 1370 ke., 100 watts, unlimited time, be granted.

NEW—Ex. Rep. 1-414: Central Broadcasting Corp., Centralia, Wash.—Examiner John P. Bramhall recommended that application for C. P. for new station to operate on 1440 ke., 500 watts, unlimited time, be granted.

NEW—Ex. Rep. 1-415: Okmulgee Broadcasting Corp., Okmulgee, Okla.—Examiner P. W. Seward recommended that application for C. P. for new station to operate on 1210 ke., 100 watts, daytime, be granted.

KADA—Ex. Rep. 1-416: C. C. Morris, Ada, Okla.—Examiner Seward recommended that application for modification of license to change hours of operation from daytime to unlimited be granted.

WSOC—Ex. Rep. 1-417: WSOC, Inc., Charlotte, N. C.—Examiner M. H. Dalberg recommended that application for C. P. to change frequency from 1210 ke. to 600 ke. and power from 100 watts, 250 watts LS, to 250 watts, 1 KW LS, be denied.

NEW—Ex. Rep. 1-418: Northwestern Publishing Co., Danville, Ill.—Examiner Robert L. Irwin recommended that application for C. P. for new station to operate on 1500 ke., 250 watts, daytime, be granted, subject to Commission's approval of transmitter site.

WAPO—Ex. Rep. 1-419: W. A. Patterson, Chattanooga, Tenn.—Examiner John P. Bramhall recommended that application for C. P. to change power from 100 watts LS to 250 watts daytime, 100 watts night, and hours of operation from daytime to unlimited, be granted.

APPLICATIONS RETIRED TO FILES

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Application for construction permit (B4-P-1631) to install new equipment and increase day power from 100 watts to 250 watts. Present assignment: 1370 ke., 100 watts, unlimited time. Retired to files pending action on assignment of license.

WBLK—The Exponent Company, Clarksburg, W. Va.—Informal application for special temporary authority to operate from 5 a. m. to 6 a. m., EST, Wednesday, May 12, 1937, in order to broadcast the Coronation Ceremonies from London, England.

APPLICATION DISMISSED

The following application was dismissed at the request of the applicant:

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—Application for construction permit (B3-P-1397) for 1250 ke., 1 KW night, 1 KW LS, unlimited time.

MISCELLANEOUS

WDNC—Durham Radio Corp., Durham, N. C.—Granted petition for continuance of hearing on its application for C. P. specifying 600 ke., 1 KW, unlimited time.

NEW—Bay County Publishers, Inc., Panama City, Fla.—Cancelled oral argument on application of Bay County Publishers, Inc., for new station at Panama City, Fla., 1420 ke., 100 watts, unlimited time, Docket No. 3931, and dismissed same with prejudice.

J. K. Patrick & Co., Athens, Ga.—Granted petition to intervene in the proceedings on the application of Athens Times, Inc., for new station at Athens, Ga., to use 1210 kc., 100 watts night, 250 watts day, unlimited time (Docket No. 4534).

Martin R. O'Brien, Kankakee, Ill.—Granted petition to intervene in the matter of the application of Key City Broadcasting Co. for a new station at Kankakee, Ill., to use 1500 kc., 100 watts, unlimited time (Docket No. 4522).

NEW—Ben B. Shields, Provo, Utah.—Granted petition to accept applicant's answer in the matter of the application for a new station at Provo, Utah, to use 1210 kc., 100 watts, unlimited time (Docket No. 4454).

NEW—Thomas J. Watson, Endicott, N. Y.—Granted motion for continuance of the hearing date upon his application for a new station at Endicott, N. Y., to use 1240 kc., 1 KW, unlimited time (Docket No. 4550).

Hearst Radio, Inc., New York, N. Y.—Granted motion for continuance of the hearing upon the application for new station at Albany, N. Y., to use 1240 kc., 1 KW, unlimited time (Docket 2900).

Citizens Broadcasting Corp., Schenectady, N. Y.—Granted motion for continuance of hearing date on application for new station at Schenectady, N. Y., to use 1240 kc., 1 KW night, 5 KW LS, unlimited time (Docket No. 4508).

The Commission decided a hearing date subsequent to September 6, 1937, be fixed for the three above applicants.

KGA—Louis Wasmer, Spokane, Wash.—Granted petition for a continuance of the hearing on his application for modification of license to use 950 kc., 1 KW night, 5 KW LS, unlimited time. A new hearing date subsequent to September 6, 1937, will be fixed. Present assignment: 5 KW, 1470 kc., unlimited time.

KGU—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition to intervene at hearing of application of Honolulu Broadcasting Co., Ltd. (KGMB), for transfer of control of corporation (Docket No. 3873). Denied motion of the Honolulu Broadcasting Co., Ltd., to strike petition of Advertiser Publishing Co., Ltd.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted motion for acceptance of answer filed three days late as respondent in the application of Durham Radio Corp. (WDNC), Durham, N. C., for a C. P. specifying 600 kc., 1 KW, unlimited time (Docket No. 4525).

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted application for modification of license to increase night power from 500 watts to 1 KW. Reconsidered action of March 9, 1937, in designating said application for hearing.

NEW—C. P. Sudweeks, Spokane, Wash.—Hearing date on application for a new station at Spokane, Wash., to use 550 kc., 500 watts night, 1 KW day, unlimited time, continued from June 11, 1937, until a date after August 1, 1937, to be fixed by the Docket Section.

NEW—Vancouver Radio Corp., Vancouver, Wash.—Granted petition for indefinite continuance of hearing on application for new station at Vancouver, Wash., to use 880 kc., 250 watts, daytime only (Docket No. 4388).

Port Arthur College, Port Arthur, Tex.—Granted petition to intervene in the proceeding upon the application of the Enterprise Company for a new station at Beaumont, Tex., to use 1400 kc., 500 watts, unlimited time (Docket 4513).

Sabine Broadcasting Co., Beaumont, Tex.—Granted petition to intervene in the proceeding upon the application of the Enterprise Company for a new station at Beaumont, Tex., to use 1400 kc., 500 watts, unlimited time (Docket 4513).

Magnolia Petroleum Company, Dallas, Tex.—Granted petition to intervene in the proceeding upon the application of the Enterprise Company for a new station at Beaumont, Tex., to use 1400 kc., 500 watts, unlimited time (Docket 4513).

WMEX—Northern Corporation, Boston, Mass.—Dismissed opposition to a continuance of the hearing of the application of WLAC, Nashville, Tenn., for increase in power from 5 KW to 50 KW (Docket 4137).

WLAC—WLAC, Inc., Nashville, Tenn.—Granted petition for postponement of hearing on application for C. P. to increase power from 5 KW to 50 KW (Docket 4137). Case to be continued for period of 6 months from June 16, 1937, the new hearing date to be fixed at the convenience of the Docket Section.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to withdraw without prejudice application for consent to transfer control of station WOAI to Columbia Broad-

casting System, Inc. (Docket 4238). Permitted application to be withdrawn "with prejudice."

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted petition to accept answer to the appearance of the applicant in the matter of Westinghouse Radio Stations, Inc. (WGL), Fort Wayne, Ind., to increase daytime power from 100 watts to 250 watts, 1370 kc., unlimited time (Docket 4519).

Leon M. Eisfeld, Burlington, Iowa.—Granted petition for continuance of hearing date on application for new station at Burlington, Iowa, to use 1310 kc., 100 watts, unlimited time (Docket 4502). Hearing continued to a date subsequent to June 13, 1937.

WJDX—LaMar Life Insurance Co., Jackson, Miss.—Granted petition to intervene in the matter of the application of Standard Life Insurance Co. of the South for a new station at Jackson, Miss., to use 1420 kc., 100 watts night, 250 watts day, unlimited time (Docket 4510).

Wichita Broadcasting Co., Wichita Falls, Tex.—Denied motion for a continuance of the hearing upon the application of Tri-State Broadcasting System, Inc. (KTBS), Shreveport, La., for modification of license to use 620 kc., 500 watts night, 1 KW day, unlimited time. Hearing scheduled for June 21, 1937.

Radio Enterprises, Inc., Lufkin, Tex.—Denied petition in opposition to continuance of hearing in the matter of the application of Hot Springs Chamber of Commerce (KTHS), Hot Springs, Ark., for voluntary assignment of license (Docket 4100).

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted petition for indefinite postponement of hearing on application for voluntary assignment of license.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-382: Peninsula Newspapers, Inc., Palo Alto, Calif.—Granted oral argument to be held June 24, 1937.

WMEX—Ex. Rep. 1-392: The Northern Corp., Boston, Mass.—Granted oral argument to be held June 24, 1937.

KARK—Ex. Rep. 1-393: Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted oral argument to be held June 24, 1937.

NEW—Ex. Rep. 1-394: Arthur H. Croghan, Minneapolis, Minn.—Granted oral argument to be held June 24, 1937.

NEW—Ex. Rep. 1-396: F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Granted oral argument to be held July 1, 1937.

NEW—Ex. Rep. 1-398: Stanley Reid and Charles Whitnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa.—Granted oral argument to be held July 1, 1937.

KSFO—Ex. Rep. 1-399: The Associated Broadcasters, Inc., and Western Broadcast Co., San Francisco, Calif.—Granted oral argument to be held July 1, 1937.

ACTION ON EXAMINERS' REPORTS

WMBD—Ex. Rep. I-383: Peoria Broadcasting Co., Peoria, Ill.—Granted C. P. to install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; 1440 kc., unlimited time. Examiner George H. Hill sustained. Order effective July 6, 1937.

NEW—Ex. Rep. I-385: W. H. Marolf, Escanaba, Mich.—Denied as in default C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time (site to be determined, subject to Commission's approval). Examiner R. H. Hyde sustained.

NEW—Ex. Rep. I-385: The Escanaba Daily Press Co., Escanaba, Mich.—Dismissed with prejudice C. P. for new broadcast station to operate on 1500 kc., 100 watts, daytime (Examiner R. H. Hyde sustained).

KGGC—Ex. Rep. I-104: The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted modification of license to change hours of operation from specified hours to unlimited time; 1420 kc., 100 watts (Examiner George H. Hill sustained). Order effective July 6, 1937.

WNRI—Ex. Rep. I-303: S. George Webb, Newport, R. I.—Denied modification of C. P. (1-PB-2815) for a new station for extension of completion date; 1200 kc., 100 watts, 250 watts day, unlimited time (Examiner R. H. Hyde sustained). Order effective July 6, 1937.

WTHT—Ex. Rep. I-303: The Hartford Times, Inc., Hartford, Conn.—Granted modification of C. P. (B1-P-360) for change in hours of operation from daytime to unlimited.

- Requests facilities of WNRI, 1200 kc., 100 watts (Examiner R. H. Hyde sustained). Order effective July 6, 1937.
- NEW—I-303: E. Anthony & Sons, Inc., Pawtucket, R. I.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time (facilities WNRI) (Examiner R. H. Hyde sustained).
- KFPM—Ex. Rep. I-323: Voice of Greenville, Greenville, Tex.—Denied C. P. to make changes in equipment; change frequency from 1310 kc. to 1420 kc.; increase power from 50 watts to 100 watts; change hours of operation from specified to daytime; move transmitter from 2109 Park St. (rear), Greenville, Tex., to site to be determined, subject to Commission's approval (Examiner P. W. Seward sustained). Order effective July 13, 1937.
- NEW—Ex. Rep. I-344: Hunt Broadcasting Association (Fred Horton, Pres.), Greenville, Tex.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime (Examiner George H. Hill sustained). Order effective July 13, 1937.
- WAAB—Ex. Rep. I-355: The Yankee Network, Inc., Boston, Mass.—Granted modification of license to increase day power from 500 watts to 1 KW; 1410 kc., 500 watts night, 1 KW day, unlimited time (Examiner Robert L. Irwin, sustained). Order effective July 13, 1937.
- KWBG—Ex. Rep. I-357: The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Denied C. P. to make changes in equipment and antenna (using directional antenna night); move transmitter from 101 E. Avenue A, Hutchinson, Kans., to approximately 3 miles southeast of present transmitter location; change frequency from 1420 kc. to 550 kc.; and increase power from 100 watts to 250 watts, unlimited time (Examiner Melvin H. Dalberg sustained). Order effective July 13, 1937.
- NEW—Ex. Rep. I-381: Cadillac Broadcasting Co. (Mich.), Detroit, Mich.—Dismissed without prejudice C. P. for new broadcast station to operate on 1140 kc., 500 watts, daytime (Examiner Melvin H. Dalberg sustained).

RATIFICATIONS

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

- KTMS—The News Press Publishing Co., Santa Barbara, Calif.—Granted special temporary authority to operate a 50 watt portable crystal controlled transmitter between the hours of 12 midnight and 6 a. m. PST, for the period beginning May 12, and ending in no event later than May 18, 1937, in order to make field intensity survey tests in the metropolitan area of Santa Barbara. However, such tests not permitted during hours prescribed for Commission monitoring schedule.
- W9XES—Midland Broadcasting Co., Kansas City, Mo.—Granted authority to operate as licensed period 30 days beginning May 15 and ending in no event later than June 13, relay-broadcast on Saturday mornings series of education question and answer broadcasts.
- W8XIR-WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension 30 day period stations W8XIR, WAAQ to operate as licensed beginning May 17 to June 16 inclusive for relaybroadcast interviews with school children.
- W4XBT-WAAK-W4XBZ—Radio Station WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed period May 15 through June 1, inclusive, relaybroadcast program opening Charlotte Municipal Airport.
- WMBG—Havens and Martin, Inc., Richmond, Va.—Granted modification of construction permit (B2-P-338) to install new equipment and to make changes in antenna. Provided towers marked in accordance Rule 131d.

Granted petition of Northside Broadcasting Corp. (WGRC), New Albany, Ind., to intervene in proceedings upon the applications of The Louisville Times Co., Docket No. 4222 and S. O. and P. C. Ward, d/b as Louisville Broadcasting Co., Docket No. 4466, for construction permits for new stations at Louisville, Ky.

Granted petition of Central California Broadcasters, Inc. (KRE), Berkeley, Calif., for continuance of the hearing upon its application for construction permit, Docket No. 4411, from May 21 to June 28, 1937.

Granted motion on behalf of L. L. Coryell, Sr., & L. L. Coryell, Jr., d/b as L. L. Coryell & Son, requesting that the date for taking depositions on behalf of their application for C. P. for new station, Lincoln, Nebr., Docket No. 4509, be postponed from May

15 until 10 a. m. on June 1, 1937 at the Cornhusker Hotel, Lincoln, Nebr.

Broadcast Division open own motion, ordered that the record in the following cases by held open and cases heard further on June 21, 1937—University of Minn., Minneapolis, Minn., WLB, for construction permit, Docket No. 4147, Minn. Broadcasting Corp., Minneapolis, Minn. (WTCN), for modification of license, Docket No. 4148 and St. Olaf College, Northfield, Minn. (WCAL) for construction permit, Docket No. 4149.

APPLICATIONS RECEIVED

First Zone

- NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit for a booster station on 1310 kc., 250 watts to operate synchronously with main transmitter of proposed broadcast station daytime only, in or near Washington, D. C. Requests facilities of WOL, contingent on the granting of WOL's application for change in frequency. (Request of attorney.)
- NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit for a booster station on 1310 kc., 250 watts to operate synchronously with main transmitter of proposed broadcast station daytime only, in or near Washington, D. C. Requests facilities of WOL, contingent on the granting of WOL's application for change in frequency. (Request of attorney.)
- WMBO—WMBO Incorporated, Auburn, New York.—License to 1310 cover construction permit (B1-P-1467) as modified, for a new transmitter and antenna, increase in power and move of transmitter.
- WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Authority to transfer control of corporation from Anthony D'Angelo, as trustee for Salvatore D'Angelo (his brother) and including also any right, title or interest he may be deemed to have heretofore otherwise acquired in any stock of the Paramount Broadcasting Corp., to Eva L. D'Angelo, wife of Salvatore D'Angelo, in trust for said Salvatore D'Angelo, including all right, title or interest that may be deemed to have heretofore been acquired by said Anthony D'Angelo.
- W2XJ1—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PE-103) to extend commencement date from 12-27-36 to 5-1-37 and completion date from 6-27-37 to 11-1-37.

Second Zone

- WLAD—American Broadcasting Corp. of Kentucky, Lexington, Ky. 610 Construction permit to change frequency from 1420 kc. to 610 kc., install a new transmitter, make changes in antenna and increase power from 100 watts night, 250 watts day to 500 watts night, 1 KW day.
- WSAJ—Grove City College, Grove City, Pa.—License to cover 1310 construction permit (B2-P-1372) for changes in equipment.
- NEW—S. I. Slover Corp., Norfolk, Va.—Construction permit for 1370 a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.
- WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Modification of construction permit (B2-P-1398) for a new station, requesting changes in authorized equipment, for approval of vertical antenna and transmitter site at 3 miles south of Uniontown, Pa.

Third Zone

- WNOX—Continental Radio Co., Knoxville, Tenn.—License to 1010 cover construction permit (B3-P-1295) as modified, for a new transmitter and antenna, increase in power and move of transmitter.
- NEW—Times Printing Co., Chattanooga, Tenn.—Construction permit for a new station to be operated on 1120 kc., 500 watts night, 1 KW day, unlimited time. To use directional antenna day and night.
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Voluntary 1140 assignment of license from WAPI Broadcasting Corp. to Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI).
- WAPI—Alabama Polytechnic Institute, University of Alabama and 1140 Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of license from Alabama Polytechnic Institute University of

Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI) to Voice of Alabama, Inc.

NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit for a new station to be operated on 1210 kc., 250 watts, daytime. Amended: To change power from 250 watts to 100 watts night, 250 watts day and change hours of operation from daytime to unlimited time.

NEW—Y. W. Scarborough & J. W. Orvin, Charleston, S. C.—1210 Construction permit for a new station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited time. Amended: To omit the name of Frederick Jordan from partnership.

NEW—Seaboard Broadcasting Corp., Savannah, Ga.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts daytime, unlimited time.

NEW—Southern Broadcasting Corp., Bogalusa, La.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

KPLT—North Texas Broadcasting Co., Paris, Texas.—License to 1500 cover construction permit (B3-P-1645) for changes in equipment and increase in power.

WAEB—Southeastern Broadcasting Co., Inc., Near Macon, Ga.—License to cover construction permit for a new relay broadcast station.

Fourth Zone

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Authority 550 to install new automatic frequency control equipment.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Construction permit to erect a new vertical antenna at N. E. ¼ of N. W. ¼ Section 24, Township 101, Range 50 West, 3 miles west of Sioux Falls, South Dakota.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Modification of construction permit (B4-P-1054) as modified, for changes in equipment, new antenna and move of transmitter, requesting extension of completion date from 5-18-37 to 6-18-37.

WJBC—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, Bloomington, Ill.—Modification of license to change hours of operation from share WJBL to unlimited time. (Contingent upon the granting of WJBL's application for 1370 kc., unlimited time.)

NEW—Gerald A. Travis, La Porte, Ind.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change requested frequency from 1500 kc. to 1420 kc., hours of operation from unlimited time to daytime using 250 watts, make changes in antenna and give transmitter site as site to be determined, La Porte, Indiana.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind. 1480 —Modification of construction permit (B4-P-415) for a new station, requesting changes in authorized equipment, changes in directional antenna for day use and change transmitter site from Wicker Park at Southeastern Avenue overpass, near conjunction U. S. Routes, Highland, Indiana, to 137th and Pochman Avenue, Hammond, Indiana.

Fifth Zone

NEW—Radiotel Corporation, San Diego, Calif.—Construction 920 permit for a new station to be operated on 920 kc., 500 watts, unlimited time. Amended: To change power from 500 watts to 1 KW and make changes in requested equipment.

KEX—Oregonian Publishing Co., Portland, Oregon.—Construction 1160 permit to change frequency from 1180 kc. to 1160 kc., make changes in equipment, install directional antenna for day and night use and change hours of operation from simultaneously day, KOB, share KOB night to unlimited, simultaneously with WOWO.

NEW—Evening News Press, Inc., Port Angeles, Wash.—Construction permit for a new station to be operated on 1250 kc., 250 watts, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-1352) for changes in equipment, requesting extension of completion date from 5-29-37 to 6-30-37.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—1310 Modification of construction permit (B5-P-759) to change transmitter site from Stony Point Road, Santa Rosa, California to Fresno Avenue and Vallejo Street, Santa Rosa, California, extend commencement and completion dates from 6-9-37 and 12-9-37 respectively to 60 days after grant and 180 days thereafter.

KSLM—Oregon Radio, Inc., Salem, Oregon.—Construction permit 1360 to change frequency from 1370 kc. to 1360 kc., install a new transmitter, make changes in antenna and increase power from 100 watts to 500 watts. Amended: To change transmitter site from Portland Road, ½ mile north of city limits of Salem, Oregon, to site to be determined, Salem, Oregon.

NEW—Floyd A. Parton, San Jose, Calif.—Construction permit 1330 for a new station to be operated on 1150 kc., 250 watts, daytime. Amended: To change frequency from 1150 kc. to 1330 kc., and make changes in antenna.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to add aural transmitter to television equipment.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover above.