

The National Association of Broadcasters

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NAB PRESIDENT INVITES MEMBERS TO VISIT HIM AT HEADQUARTERS

John Elmer, new NAB President, as announced last week, will spend one day (Thursday) each week at NAB headquarters; and invites members to visit him there between the hours of 10 a. m. and 4 p. m.

FCC GRANTS ELEVEN NEW STATIONS

The Federal Communications Commission has granted construction permits for eleven new broadcasting stations as follows:

To the Community Broadcasting Company, Toledo, Ohio, new station to operate on 1200 kilocycles, 100 watts, daytime, effective August 3.

To the Telegraph Herald, Dubuque, Iowa, new station to operate on 1340 kilocycles, 500 watts, daytime, effective July 27.

To the Times Publishing Company, St. Cloud, Minn., new station to operate on 1420 kilocycles, 100 watts, unlimited time, effective August 3.

To George Harm, Fresno, Cal., new station to operate on 1310 kilocycles, 100 watts, unlimited time, effective August 10.

To Hildreth & Rogers Company, Lawrence, Mass., new station to operate on 680 kilocycles, 1,000 watts, daytime, effective August 10.

To Harold Thomas, Pittsfield, Mass., new station to operate on 1310 kilocycles, 100 watts night, 250 watts day, unlimited time, effective July 20.

To the Central Broadcasting Corporation, Centralia, Wash., new station to operate on 1440 kilocycles, 500 watts, unlimited time, effective July 20.

To Frank M. Stearns, Salisbury, Md., new station to operate on 1200 kilocycles, 250 watts, daytime, effective July 27.

To the Sioux City Broadcasting Company, Sioux City, Ia., new station to operate on 1420 kilocycles, 100 watts night and 250 watts LS unlimited time, effective August 17.

To State Capitol Broadcasting Association, Austin, Texas, new station to operate on 1120 kilocycles, 1,000 watts daytime, specified hours, effective August 17.

To the Red Lands Broadcasting Association, Lufkin, Texas, new station to operate on 1310 kilocycles, 100 watts, daytime, effective September 21.

ADDITIONAL TIME RECOMMENDED FOR WBLK

Broadcasting station WBLK, Clarksburg, W. Va., operating on 1370 kilocycles, with 100 watts power, daytime, applied to the Federal Communications Commission for unlimited time.

Examiner P. W. Seward in Report No. I-456 recommended that the additional time be granted. He found that the evidence showed a need for additional nighttime service in the area proposed to be served and that granting of the application would be in the public interest.

RECOMMENDS DENIAL TRANSFER OF LICENSE

Frank P. Doherty, of Radio Broadcasters, Inc., licensee of broadcasting station KRKD, Los Angeles, Cal., applied to the Federal Communications Commission to transfer the control of the corporation to J. F. Burke, Sr., and Loyal K. King. The station operates on 1120 kilocycles, 500 watts and 2,500 watts LS, sharing time with KFSG.

Examiner P. W. Seward in Report No. I-457 recommended that the application be denied. He found that "the granting of this application would be in violation of Sections 301 and 310 of the Communications Act of 1934, and would not be in the public interest."

WHITE INTRODUCES RADIO INVESTIGATION RESOLUTION

Senator White of Maine on Tuesday introduced a resolution (S. Res. 149) calling for an investigation of the broadcasting industry by the Senate Committee on Interstate Commerce. The resolution, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

Whereas the Communications Act of 1934 declared it to be the purpose of Congress—

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(a) To maintain the control of the United States over all the channels of interstate and foreign radio transmission; to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time under licenses granted by Federal authority, and that no such licenses should be construed to create any right beyond the terms, conditions, and periods thereof;

(b) That no station license should be granted until the applicant therefor had signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of such frequency;

(c) That there should be no transfer or assignment of a station license or the frequency authorized to be used without the consent in writing of the licensing authority, to the end that technical considerations, citizenship, character, the financial, and other qualifications of a transferee or assignee should be taken into account in determining whether a transferee or assignee possessed the statutory qualifications of a license holder and that his use of a frequency would be in the public interest;

(d) That the people of the different States and the communities thereof should have efficient and equitable radio service;

(e) That broadcasting licenses should not be for a longer term than 3 years, but with the right of the Commission to grant a renewal from time to time upon the same considerations which justified the original license;

(f) That the Commission should include in the license granted to a licensee engaged in foreign communication such of the terms, conditions, or restrictions which the President might impose with respect to cable licenses under the act relating to the landing and operating of submarine cables in the United States, approved May 27, 1921, as would make certain just and reasonable rates and service and that a licensee should not enjoy exclusive rights of operation;

(g) That all laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, and agreements in restraint of trade should be applicable to the manufacture and sale of and trade in radio apparatus and devices entering into or affecting interstate or foreign radio communication, and that should any licensee be guilty of any violation of such laws his license should be revoked;

(h) That a station license should be refused any person unlawfully monopolizing or attempting unlawfully to monopolize radio communication through control of the manufacture or sale of radio apparatus through exclusive traffic arrangements, or by any other means, or to any person having used unfair methods of competition;

(i) That there should be no combination between wire companies and radio companies if the purpose or effect thereof was to lessen competition in interstate or foreign communication; and

Whereas it has been charged among other things and is believed by many persons that rights in frequencies beyond the terms of licenses are being asserted by the holders thereof and recognized by the Federal Communications Commission; that licenses, though in form limited in time as provided by law, and the frequencies therein granted, are being treated by the holders and the users thereof and by the Commission as though granted for much longer terms than designated in the licenses; that the licensing authority has in effect recognized vested property rights of great value in licenses and in frequencies contrary to the letter and spirit of the law; that by various devices and means control of licenses and of frequencies have passed to others than the original licensee without the written approval of the Commission or with Commission approval given in disregard of congressional purpose; that persons and companies have been engaged in the acquisition and sale of broadcasting stations, licenses, and frequencies; that the licensing authority has permitted concentration of stations in some parts of the country and has failed to give equitable radio service to the people of the several States and the communities thereof; that with the approval of the Commission there has come about a monopolistic concentration of ownership or control of stations in the chain companies of the United States that through exclusive traffic arrangements and otherwise monopolistic control of the facilities of foreign communication by radio is being accomplished, and that the acts and attitude of the Commission are aiding and encouraging such monopoly; that the Commission in its decision of causes disregards its own rules and standards; that in the determination of matters before it the Commission has been affected and controlled by political and other influences not contemplated by statute and not entitled to consideration by a regulatory and quasi-judicial body; and that it has failed to observe and effectuate the purposes of the Congress and the laws enacted by it in the foregoing and other respects: Therefore be it

Resolved, That the Committee on Interstate Commerce is authorized and directed to make a thorough and complete investigation of the broadcasting industry in the United States and of broadcasting, and of the acts, rules, regulations, and policies of the Federal Communications Commission with respect to broadcasting and to report to the Senate the results thereof.

In particular, but not to the exclusion of other matters, the said committee is authorized and directed to make and to report to the Senate the results of an investigation and study of—

(1) The cases, if any, in which the Commission has departed from or has modified the application of its regulations and the engineering and other standards generally observed by it, together with the reasons for each such departure or modification;

(2) All acts by the Commission which recognize or seem to recognize the right of a licensee to a license or a frequency other than as specified in the terms, conditions, and time of the license;

(3) Whether the acts and decisions of the Commission in broadcasting cases have been influenced by matters not apparent in the public records;

(4) The geographical distribution of broadcasting facilities and whether there is an equitable distribution of broadcast service to all parts of the country; and if not, what steps should be taken to provide fair and equitable service throughout the United States;

(5) The extent to which broadcast stations have been concentrated in the larger communities of the country by transfer of stations from smaller communities to such centers or otherwise;

(6) The extent to which and the circumstances under which the ownership, control, management, or interest in more than a single broadcast station has passed into the hands of any person or group of persons;

(7) The circumstances surrounding and the considerations for the voluntary transfer of station licenses or construction permits;

(8) Instances of the transfer of minority interests in broadcasting-station licensees, and all transactions directly or indirectly affecting the control of such licensees, and whether said transfers have or have not been submitted to the Commission for approval and have received Commission approval or acquiescence;

(9) The sale price of any broadcasting station in any manner sold and transferred, together with a statement of the fair value of the physical assets and of other property, rights, contracts, and licenses involved in said sales, and in particular the value placed by the parties to the transaction upon the frequency licensed to be used;

(10) The sale of stock or other securities of any broadcasting stations, of any licensees, or of any person or persons directly or indirectly controlling such licensees, and the valuation put by the person transferring the same upon the station license or the frequency, the power or the hours of operation fixed in the station license, and the circumstances surrounding and the consideration for such sales and transfers and as to the participation in the negotiations for such sales and transfers by any person other than the seller and purchaser, the transferor and the transferee;

(11) The licensing of broadcast stations to persons other than the owners of the physical equipment, and in particular all cases involving the leasing of transmitting equipment;

(12) The surrender of control of facilities by licensees including all agreements to accept proffered programs with or without supervision by the licensee;

(13) All acts or assertions by broadcast station licensees which involve the claim to any right or interest

beyond the terms, conditions, and periods of the license;

(14) Whether considerations have been paid or promised to any licensee or permittee for not interposing objection to an application for all or a part of his facilities or for other facilities which could not be granted without disregard for the Commission's rules or its standards except with the consent of such licensee or permittee;

(15) All cases in which persons whose applications for the renewal of a broadcasting license have been refused by the Commission, have received from persons licensed to use the facilities for which renewal of license has been refused, money or other consideration in excess of the value of the physical equipment taken off the air and sold to the new licensee;

(16) Cases in which the real parties in interest in any application for broadcast facilities have not been disclosed to the Commission;

(17) The extent to which holding or other intermediate companies or persons have been employed in the ownership or control of broadcast stations and the effect of such intermediate ownership or control upon the effective regulation of broadcasting;

(18) The investments by licensees in the stations authorized to be operated by them, including the investment in equipment and in other items of cost;

(19) The charges for the use of station facilities and the profit or loss resulting therefrom;

(20) The extent to which broadcast stations are used to build up other businesses or enterprises in which the station licensees or persons financially interested in the licensees are engaged; the extent to which the facilities of broadcast stations are refused or are granted conditionally to competitors of such other businesses or enterprises, and the effect of the ownership and use of such radio facilities upon the businesses of those in competition with the businesses of those having the radio facilities;

(21) The extent to which broadcast stations are owned or controlled by or are affiliated with newspapers or other media of information or entertainment, and the effect of such ownership, control, or affiliation upon competing newspapers not possessing such facilities and upon the public interest;

(22) The development and present facts concerning broadcasting networks or chains, including the effects of chain association upon the licensee's control over his station;

(23) The effect of chain operations upon the financial results and status of chain-affiliated stations and independent stations, the ability of the chain-owned or affiliated station to render a local service, both sustaining and commercial and the duplication of broadcast programs; and the desirability of special regulations governing chains and stations engaged in chain broadcasting;

(24) The extent to which licensees of broadcast sta-

tions censor or refuse programs offered to them for transmission and the reasons for and the effects of such censorship or refusal;

(25) The extent to which, the basis upon which, and the times at which broadcast stations carry programs relating to public affairs, education, religion, labor, agriculture, charity, and public service generally;

(26) The extent to which and basis upon which broadcast stations carry programs offered by or on behalf of candidates for public office or programs relating to controversial subjects in the field of National, State, or local politics; and

(27) The extent to which, the basis upon which, the manner in which, and the times at which broadcast stations are used for commercial programs, including programs advertising products claimed to have medicinal or therapeutic value and programs relating to products or services, the sale or use of which may be illegal in any State in which the programs of the station carrying such programs may be received, the time given by the several classes of stations to commercial advertising or sales talk in the programs broadcast, and whether there should be control or regulation of advertising by radio and the character and extent thereof;

Said committee is further authorized and directed to make and report to the Senate the facts with respect to:

(1) Competition between wire companies in communication between the United States and foreign countries, between radio companies in such foreign communication, and between wire and radio companies in this field of foreign communication.

(2) Instances in which the Commission has granted licenses for transmission in foreign communication or has refused or withheld action upon applications for licenses and frequencies in this field of communication, and whether such action by the Commission or its nonaction, has been with the purpose or has had the effect of aiding one company in this branch of communications or of destroying or lessening competition between American companies in foreign communication.

(3) The extent to which companies engaged in radio communication between the United States and any foreign country have entered into exclusive traffic arrangements or other agreements with the purpose or effect of securing a monopoly in such communication or of lessening competition therein and the effect of such arrangements or agreements upon competing American companies.

Said committee is further authorized and directed to make a study of the policies and principles which should be declared and made effective in legislation providing for the regulation and control of the radio industry, of broadcasting, and of interstate and foreign communication by radio.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized

to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such experts, and clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed , shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

COURT OF APPEALS DECIDES RADIO CASE

The United States Court of Appeals for the District of Columbia handed down decisions in two radio cases. Mr. Justice Stephens dissented. The opinions are as follows:

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Nos. 6772 and 6773.

EASTLAND COMPANY, A Corporation, APPELLANT,
v.

FEDERAL COMMUNICATIONS COMMISSION, PORTLAND BROADCASTING SYSTEM, INCORPORATED, INTERVENER.

CONGRESS SQUARE HOTEL COMPANY, A Corporation,
APPELLANT,
v.

FEDERAL COMMUNICATIONS COMMISSION, PORTLAND BROADCASTING SYSTEM, INCORPORATED, INTERVENER.

Appeal from the Federal Communications Commission.

Decided June 28, 1937.

Paul M. Segal and *George S. Smith*, both of Washington, D. C., for appellants.

Arthur W. Scharfeld and *Philip G. Loucks*, both of Washington, D. C., for intervener.

Hampson Gary, *George B. Porter*, *Fanney Neyman*, and *F. W. Fletcher*, all of Washington, D. C., for appellees.

Before MARTIN, Chief Justice, and ROBB, VAN ORSDEL, GRONER, and STEPHENS, Associate Justices.

MARTIN, *Chief Justice*: These appeals are brought under sections 402 (b) and (c) of the Communications Act of 1934, 48 Stat. 1064, relating to the granting by the Federal Communications Commission of licenses for

the construction and operation of radio broadcasting stations. The authority of this court in such cases is defined by subsection (e) of the Act, as follows:

"* * * that the review by the court shall be limited to questions of law, and that findings of fact by the commission, if supported by substantial evidence shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. * * *"

The decision of the Commission in the cases now upon appeal relates to certain applications of the Portland Broadcasting System, Inc., hereinafter called the Portland System, the Eastland Company, and the Congress Square Hotel Company, as interveners, for licenses permitting the use of broadcasting frequency 640 kc. for limited time of operation.

In addition to these applications, ten others involving numerous requests and proposals relating to broadcasting frequency 640 kc., were heard and denied by the Commission concurrently with those herein appealed. No appeal, however, was taken in any of the other ten applications. The present hearing therefore is confined to the appeals wherein the Eastland Company and the Congress Square Hotel Company, respectively, are appellants, in both of which the Portland System is appellee.

On April 5, 1934, the Portland System, a Maine corporation, applied to the Commission for authorization to construct a new radio station at the city of Portland, Maine, for unlimited daytime operation upon frequency 640 kc., with 500 watts power, "call letters new".

On August 3, 1934, the Eastland Company, also a Maine corporation, applied to the Commission for authorization to construct a new radio station at the city of Portland, Maine, for unlimited daytime operation upon frequency 640 kc., power 100 watts, "call letters new".

At the time in question the Congress Square Hotel Company was the owner and licensee of an existing radio broadcasting station at Portland, Maine, known by the call letters WCSH, it being the only broadcasting station in Portland at that time. It operated upon frequency 940 kc., with power of 1 kw. nighttime, 2½ kw. daytime, and unlimited hours of operation. This station, which was owned by the Eastland Company, opposed the granting of the application of the Portland System for authority to construct a new broadcasting station at Portland, and it has appealed from the Commission's order granting such application. The appeal of station WCSH is based chiefly upon the ground that such a station would unjustly prejudice the broadcasting patronage of that station.

It may be noted that the contestants both apply for authorization to use frequency 640 kc. in the stations proposed by them. This is a clear channel under the Commission's Rule 72, that is a channel upon which only a single station is permitted to operate during night hours.

During daylight hours, however, it is possible to allow duplication on such a frequency, inasmuch as (according to the theories of those learned in the art) the so-called sky-wave or ray, which is reflected in the upper atmosphere during the night hours, does not return to earth with sufficient intensity to cause interference. Such stations are designated by Rule 77 of the Commission as "limited time" stations. The frequency 640 kc. was regularly assigned by the Commission to broadcasting station KFI, located at Los Angeles, California, and accordingly the applications herein in question were for daytime operation only.

The Commission after hearing the present applications, granted that of the Portland System, denied that of the Eastland Company, and concurrently overruled the objection of the Congress Square Hotel Company. The present appeals were then taken.

The Brief of the appellants sets out four contentions in support of their appeals. The first of these reads as follows:

"1. The order and decision of the Broadcasting Division are invalid as having been made by a division of the Commission, the majority of which neither heard the evidence nor passed upon a report thereof."

Upon an examination of the record we are convinced that this contention must be overruled.

Under section 4 (a) of the Communications Act, *supra*, it is provided that the Federal Communications Commission shall be composed of seven commissioners. Under section 5 (a) it is provided that the Commission is authorized by its order to divide the members thereof into not more than three divisions each to consist of not less than three members, and that any commissioner may be assigned to and may serve upon such division as the Commission may direct; and in case of a vacancy in any division the chairman of the Commission may temporarily serve. By section 5 (b) it is provided that the Commission may assign or refer any of its work or functions to any of such divisions for action thereon. By section 5 (c) it is provided that each division so constituted shall have power and authority by a majority thereof to hear and determine as to any of the work or functions assigned to it for action by the Commission, and shall have all the jurisdiction and power conferred by law upon the Commission and be subject to the same duties and obligations, and that any decision made by such division in respect of any matter so assigned to it shall have the same force and effect as if made by the Commission.

Under Commission Order No. 1, passed July 17, 1934, Commissioners Gary, Brown, and Sykes were assigned for duty on the Broadcasting Division, and served as such when the applications involved in this case came on for hearing, to wit, from October 22 to November 2, 1934. On January 1, 1935, Commissioner Gary resigned,

and was succeeded by Commissioner Prall. On March 9, 1935, Commissioner Brown was assigned to the Telegraph Division, and was succeeded as a member of the Broadcasting Division by Commissioner Case. The applications involved in this case were decided on May 1, 1936, by the Broadcasting Division composed of Commissioners Sykes, Case, and Prall.

The record discloses that oral testimony was introduced in the case beginning October 22, 1934 and that afterwards various depositions and publications were introduced as evidence in the case. Accordingly on May 1, 1936 the Division which entered the decision in the case was composed of commissioners who had not heard the oral testimony but nevertheless had been members of the Division for more than a year prior to the date of the decision, and during that time the stenographic reports of the oral testimony and copies of the written evidence were all in their possession and under consideration by them.

No question is raised by the appellants as to lack of notice, or opportunity to present evidence and file briefs or as to the manner in which the hearing itself was conducted. The appellants were accorded ample and timely notice and a full opportunity to be heard. The commissioners who entered the decision report that they had fully considered the evidence and the entire record of the case.

The contention of appellants is that they were entitled to have their case passed upon by the identical members of the Broadcasting Division who sat at the presentation of all of the evidence in the case, and that the procedure followed amounted to a denial of a lawful hearing and trial of the case, inasmuch as two members who joined in the decision did not hear the oral evidence when delivered by the witnesses in person.

In our opinion the partial change in the personnel of the Division which decided the case did not invalidate its decision, for it was nevertheless the decision of the Division which acted upon the evidence.

In section 4, subsection (j), of the Act, *supra*, it is provided that:

"The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense."

Rule 106.8 of the Commission, provides as follows:

"106.8 Except as otherwise provided herein, the rules of evidence governing civil proceedings in the courts of the United States shall govern formal hearings before the Commission; *Provided, however*, That the Commission reserves the right to relax such rules in any case where in its judgment the ends of justice will be better served by so doing."

It is provided by sections 409 (a) and (e) of the Act, *supra*, as follows:

"Sec. 409 (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission; except that in the administration of Title III [relating to broadcasting] an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, * * *".

"(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. * * *"

The testimony in the present case according to statute would have been taken by an examiner and reported to the Commission but this course was not followed inasmuch as the questions raised by the ten application not involved in this appeal concerned a "change of policy" of the Commission. It is plain that much of the testimony in such cases must be received by the Commission in stenographic reports, inasmuch as the Commission's jurisdiction extends throughout the entire country and it would often be very expensive for witnesses to come to Washington to testify orally and impossible for the Commission personally to go to various different parts of the country to hear oral evidence. See: *Garden City Feeder Co. v. Commissioner of Int. Rev.*, 75 F. (2d) 804; *Van Buren Water Works v. Van Buren*, 152 Ark. 83; *State ex rel American Telechronometer Co. v. Baker*, 164 Wash. 483; *Union Public Service v. Corporation Commission*, 140 Kan. 722.

In the *Telechronometer case*, *supra*, the court said:

"The members of the department who made the order * * * were the lawfully constituted department of public works, they had before them the entire record, and it was their duty to enter such order thereon as in their opinion was proper * * * the fact that changes took place in the personnel of the department during the course of the hearing avails respondent nothing in its attack upon the order which is the basis for this proceeding."

Moreover, it is provided by section 409 (e) of the act that the Commission may grant a rehearing of any deci-

sion made by a Division, or by the Commission, if sufficient reason appear therefor.

No motion, however, was made by appellants for a rehearing before the Division, nor before the Commission. It seems therefore that no injustice has resulted to appellants because of the circumstances attending the hearing of the case.

The remaining contentions of the appellants challenge the findings of the Commission upon the facts as disclosed by the evidence. In respect to these findings it must be remembered that the court is not to be governed only by the weight of the evidence in cases of contradictions, but must affirm the decision of the Commission as to the facts, if supported by substantial evidence, unless the decision is "arbitrary or capricious."

The appellants for their second contention claim that the order and decision of the Broadcasting Division are in violation of the Commission's rule against repetition of applications. We think this contention is not well founded. The record discloses that in February 1934 the Commission denied an application of the Portland Maine Publishing Company for authorization to erect a new radio broadcasting station in Portland. In April 1934 the Commission received the application from the Portland System which is now in question. The record discloses that these are separate corporations and that the Portland and Maine Publishing Company holds less than half of the stock of the Portland System, and that the latter company is not controlled by the former one. The testimony upon this subject is made the basis of conflicting claims by the parties, but we think that it is sufficient to support the Commission's decision.

The appellants also contend that it was error for the Commission to grant the application of the Portland System without a showing that the applicant was financially able to construct and operate the proposed station. Upon this subject, however, the Commission makes the following statement in its decision:

"However in view of the fact that the applicant corporation already has paid into its treasury \$25,000 in cash, and the testimony under oath of its principal witnesses that the additional \$25,000 will be forthcoming, we believe any doubts which may be raised in this record as to the financial ability of the Portland Broadcasting System, or the legal or financial ability of the Portland Maine Publishing Company to pay for the stock in the applicant corporation for which it has subscribed, should be resolved in favor of the applicant and the publishing company."

We think the testimony is sufficient to support this finding.

The appellants for their fourth contention claim as follows:

"The denial of the application of the Eastland Company and the granting of that of the Portland Broadcasting System, Inc., violated the facilities-distribution section of the Communications Act of 1934 and the quota regulations of the Commission."

The act of 1934, commonly known as the "Davis Amendment", 45 Stat. 373, provides "That the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. * * *"

Under this statute the Commission by paragraph 6 (g) of its Rules, has provided:

"(g) Since the act provides for the equalizing of radio facilities among zones and among States, 'as nearly as possible', the Commission may allow a slight departure, plus or minus, from an exact mathematical estimate."

It appears from the record that at the time of the hearing the State of Maine and first zone were under quota on both day and night assignments; that the grant of Portland System's application adds to the quota of the State of Maine and first zone 0.15 units night and 0.3 units day. This would make the State over quota .08 units night and leave it under quota 0.49 units day. The first zone would still be under quota 1.84 units night and 22.45 units day. The Commission was of the opinion and so found that the increase in night quota of the State occasioned by the grant of the Portland System's application, which brought its assigned quota slightly over that due, was justified in view of the need shown, and was consistent with the terms of the Davis amendment which provides for "equal" facilities "as nearly as possible".

The Commission was also of the opinion that the evidence in the record affirmatively indicated that the city of Portland, County of Cumberland, could well support an additional radio broadcasting station without affecting adversely the services of radio station WCSH or the income or revenues of the Congress Square Hotel Company, licensee thereof and intervener herein. This was the only ground upon which the intervention of the latter company was made and the finding is therefore conclusive of its contention.

The Commission concludes its decision as follows:

"This brings us to the application of the Portland Broadcasting System for a new station in Portland, Maine. It

appears from the record, and we so find, that this applicant is legally, technically, financially and otherwise qualified to operate a station of the kind and class applied for; that the service proposed by this applicant appears to be meritorious and of interest to the listening public in that area; that this application may be granted without resulting in interference to the fair and efficient service of any other existing station, and that public interest, convenience and necessity will be served by the granting of this application."

The decision of the Federal Communications Commission is hereby affirmed.

STEPHENS, *Associate Justice*: I dissent. As I understand the facts the witnesses were heard and the argument had before Commissioners Gary, Brown and Sykes, but the decision was rendered by Commissioners Sykes, Case and Prall.

Two modes of procedure are available under the statute. Under Section 409 (a) [48 Stat. 1096, 47 U. S. C. A. § 409 (a) (Supp. 1936)] it is required that "In all cases heard by an examiner the Commission shall hear oral arguments on the request of either party." Under Section 309 (a) [48 Stat. 1085, 47 U. S. C. A. § 309 (a) (Supp. 1936)], where no hearing before an examiner is contemplated, it is provided that the "Commission . . . shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe." Reading these two sections together I think it clear that Congress intended that the Commission might proceed either by examiner or by itself; that if it proceeded by examiner, while it thus need not hear the witnesses but need only read the evidence as taken by the examiner, still it must hear oral argument; that if it proceeded by itself it must hear the witnesses. And I think Congress meant that when the Commission, proceeding by examiner, and therefore merely reading the evidence, heard oral argument, at least a majority of the Commission that heard the oral argument must also decide the case. To make oral argument to those who are not to decide would be vain. And I think further that Congress meant that when the Commission proceeded by itself, and itself, therefore, heard the witnesses, at least a majority of the Commission that heard them must decide the case. To present witnesses to those who are not to decide would also be vain.

Congress is well aware of the exigencies under which administrative tribunals burdened with a great volume of public business requiring speedy disposition operate, and customarily permits them to dispense with unnecessary formalities. But I think that in the absence of language clearly permitting it, we should not conclude that Congress intended a Commission to dispense with oral argu-

ment before, or with hearing of the witnesses by, those who are to decide. Neither of these procedures is a formality. On the contrary, each is a substantial aid to correct decision.

The authorities cited in the majority opinion are, I think, not persuasive because of material differences from the instant case in the facts or statutes involved.

In respect of the cases in the United States District Court and the United States Circuit Court of Appeals relied upon by the appellee and not mentioned in the majority opinion, to wit, *Louie Lung Gooley v. Nagle*, 49 F. (2d) 1016; *United States ex rel. Chin Cheung Nai v. Corsi*, 55 F. (2d) 360; *United States ex rel. Minuto v. Reimer*, 83 F. (2d) 166: These three cases undoubtedly countenance discontinuity in the personnel of Boards of Special Inquiry in the Department of Labor. But while entitled to respectful consideration they are not binding here, and are moreover, I think, not highly persuasive, for the reason that the statute therein involved is not, as is that involved in the instant case, explicit as to procedure. Moreover, I am myself impressed, and for the cogent reasons which he gives, with the views expressed by District Judge Woolsey, in his first opinion in *United States ex rel. Chin Cheung Nai v. Corsi*, *supra*. He there said:

In a judicial proceeding, the personnel of the court could not be changed during the trial, unless with the consent of the parties.

The reasons for this rule, which I believe to be universally observed, are not far to seek. In the first place, a change in personnel during the trial of an issue of fact would render it impossible for the court properly to chancer questions of credibility, which depend almost wholly on subtle impressions made by witnesses on the tribunal before which they are appearing.

In the second place, a change in personnel inevitably would tend to dilute the sense of individual responsibility for the decision—a feeling which should inhere as strongly in every member of an administrative board as it does in every judge.

The action of administrative boards is not subject to full judicial review on the merits, yet they have to deal with issues of fact in matters of the greatest importance to the interested parties. It seems to me, therefore, necessary, in the absence of written consent of the parties involved, that such boards should be required as a *sine qua non* of a fair hearing to observe the principle of continuity of personnel which the crystallized experience of mankind recognizes as of cardinal importance especially when facts have to be determined. [55 F. (2nd) at 361.]

I think that the Supreme Court in *Quon Quon Poy v. Johnson*, 273 U. S. 352, does not rule on the question of the effect of discontinuity of personnel.

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. 3163. F. W. Washburn Candy Corporation, Brockton, Mass., in a complaint is charged 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 selling assortments of candies of uniform size and shape, some containing centers of a different color than the majority of pieces. Purchasers drawing the different colored pieces receive prizes, according to the complaint.

No. 3164. Fioret Sales Co., Inc., 312 East 32nd St., New York, is charged with false and misleading advertising in a complaint. This company manufactures and sells perfumes.

The principal allegation of the complaint is that the respondent company used misleading descriptions of its products on price lists, display cartons and other printed matter, particularly certain inscriptions in the French language which allegedly served to lead buyers into believing that the commodities so described were manufactured in France, when, according to the complaint, they were domestic products, compounded in the United States.

No. 3165. Alleging false and misleading representations in the sale of cosmetics, mercurochrome and other drug sundries and household notions, a complaint has been issued against **Frank Spors, trading as Spors Company, LeCenter, Minn.,** a distributor of such articles to retailers and peddlers, who resell them to the consuming public.

Among allegations of the complaint are that the respondent advertised and stamped on certain articles retail prices greatly in excess of the actual selling prices; that he falsely represented himself to be an importer and manufacturer, and his business as being larger and more extensive than is actually the fact, and that the respondent furnishes dealers with merchandising plans involving the operation of gift enterprises or lottery schemes.

No. 3166. Charging unfair competition in the sale of sales promotion cards for use by retail merchants, a complaint has been issued against **Mutual Printing, Inc., 751 East 64th St., Chicago,** trading also as **Mutual Printing Co., Inc.,** and **Mutual Sales Promotion Service.**

Sales promotion cards sold by the respondent company were so designed and arranged as to involve use of a lottery scheme or gift enterprise when used by retail merchants in promoting the sale of their merchandise to the consuming public, according to the complaint.

Several groups of sales promotion cards are manufactured by the respondent company, but they all allegedly involve the same lottery scheme, and vary only in detail. A sample of the cards contains a series of amounts, such as 5, 10, and 15 cents, which may be punched by the merchant in the amount of purchases made by customers, and when all the amount numbers on the margin of the card are punched, a secret panel is opened and the customer is entitled to receive merchandise, free of charge, in the amount shown by the legend under the secret panel.

No. 3167. Charging a combination to eliminate price competition, resulting in increased prices for cement, a complaint has been issued against **The Cement Institute,** an unincorporated association, its officers, and 75 cement manufacturing member corporations, producing 95 per cent or more of all of the cement made in the United States. The complaint alleges violation of the Federal Trade Commission Act and Section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

The complaint charges that the chief means employed for carrying the cement combination into effect is concerted use of the multiple basing point system of quoting prices. Under this system, it is alleged, identical delivered prices are made by every quoting producer entering into the combination, to any given destination in the United States. Instances of identical bids made by many producers to various Federal and State agencies are set forth in the complaint.

The Commission's complaint sets out, in effect, that each producing company knows that, when it refrains from offering competitive prices in the consuming areas where it has a natural ad-

vantage and receives its highest actual price, it will receive the same freedom from price competition when the situation is reversed. In this way there is everywhere a reciprocal waiver of natural advantages with no competition in price anywhere.

Stipulations and Orders

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

No. 01788. Minnie McElroy, trading as The Worth Pharmaceutical Co., 74 Cortlandt St., New York, selling Hexsanol and Vi-Tonol, agrees to stop representing that these preparations, alone or in combination, are a competent treatment for kidney or bladder disorders, or that their use will have any effect upon the vitality of the user.

No. 01789. Petersime Incubator Co., Gettysburg, Ohio, stipulates that it will stop representing that its Buckeye Mineral Water acts on the liver and kidneys or aids these organs to function properly, that it is highly charged by nature with health-promoting minerals, and that it is not marketed for profit.

No. 01790. Dearborn Supply Co., 2350 Claybourn Ave., Chicago, will discontinue the following representations: That Mercolized Wax will free the skin of blemishes and discolorations that are not superficial and due to external causes; that Parker Belmont Beauty Cream is an oxygen cream which lightens and whitens dark skin two or three shades, or normalizes a skin which is dry or too oily; that Powdered Saxolite smooths out wrinkles and age lines and refines coarse pores; that Powdered Tarkroot is beneficial for almost every condition of the skin, such as wrinkles, enlarged pores, blackheads and other surface blemishes, and that Tarkroot Beauty Mask revives a fatigued, drooping face more quickly and more completely than anything else.

No. 01791. F. J. Lipinski and James E. Crampton, trading as Grant Laboratories, 1053 Grant St., Buffalo, will cease advertising that J. E. C.'s Rectal Remedy is a competent treatment for piles or hemorrhoids. The respondents also will desist from using the word "Laboratories" in their trade name until they actually operate a laboratory.

No. 01792. Frontier Asthma Co., Inc., 462 Niagara St., Buffalo, stipulated that in the sale of a treatment for asthma it will discontinue representing that such treatment is an effective remedy for or will remove the cause of asthma and prevent hay fever. Other respondents who entered into this stipulation are George H. Calkins, Ernest N. Post, Harry I. Partridge, William Stanton, B. F. Van Duzee and C. P. Bonham, all of Buffalo.

No. 01794. Selling printed instructions regarding a method of earning money, **R. R. Dixon, Jefferson City, Mo.,** has entered into a stipulation to discontinue certain misleading advertising representations.

Dixon agrees to stop advertising that he offers to prospective purchasers a business opportunity, and that purchasers of his printed instructions may expect to earn any amount which is in excess of the average amounts previously earned by purchasers of his instructions.

No. 2015. Oneida, Ltd., Oneida, N. Y., manufacturer of silver-plated ware, has entered into a stipulation to discontinue certain false and misleading advertising representations. This company distributes its products under the names of two of its subsidiary corporations, **William A. Rogers, Ltd.,** and **Simeon L. & George H. Rogers Co.**

Under the stipulation, Oneida, Ltd., agrees to desist from the use of or from suggesting or recommending to its retailer customers or from otherwise promoting any scheme or sales plan represented as a "Half Price" or a "Save \$20.00" sale wherein an alleged regular retail sales price of its products does not reflect or represent the normal and usual price.

No. 2161. In a cease and desist order 10 corporations manufacturing substantially all of the viscose rayon yarn made in the United States, are directed to cease and desist from entering into and carrying out a price fixing combination held to be in violation of Section 5 of the Federal Trade Commission Act.

Respondent corporations against whom the order has been entered are:

Viscose Company, New York City, with branch offices in Providence, R. I., Charlotte, N. C., Chicago and Philadelphia, and factories in Pennsylvania, Virginia and West Virginia;

DuPont Rayon Co., Inc., with plants at Buffalo, N. Y., Old Hickory, Tenn., and Amthill, Va.;

Tubize Chatillon Corporation, with plants at Hopewell, Va., and Rome, Ga.;

Industrial Rayon Corporation, with offices in New York City and plant at Cleveland, Ohio;

North American Rayon Corporation (formerly **American Glanzstoff Corporation**), with offices and plant in New York City;

American Enka Corporation, with plant at Enka, N. C.;

Skenandoa Rayon Corporation, with plant in Utica, N. Y.;

Delaware Rayon Co., of Newcastle, Del.;

Acme Rayon Corporation, Cleveland, Ohio;

The Belamose Corporation, Rocky Hill, Conn.

In its complaint against the respondent rayon corporations, the Commission charged that they had entered into "an agreement, combination, understanding, and conspiracy among themselves," to eliminate price competition among themselves.

No. 2225. Crystallone Radio Corporation, 44 West 18th St., New York, has been ordered to discontinue misleading uses of certain well known trade names in the sale of radio sets and appliances. Samuel Glick, of the same address, trading as Pontiac Radio Co., and acting as an officer and director of the Crystallone company, is also named as a respondent.

The order directs the respondents to stop using the trade names Edison, Victor or Brunswick or other trade names or marks of which they are not the legal owners, without the permission of the lawful owners thereof, or in any other way to represent that the radio sets, devices or appliances made and sold by the respondents are made, assembled, sponsored or licensed by Thomas A. Edison, Thomas A. Edison, Inc., Radio Corporation of America, Victor Talking Machine Co., Brunswick-Balke-Collender Co., Warner Brothers Pictures, Inc., or by any other organization which in fact does not make, assemble or sell such products.

In this connection, the order also bars use of colorable imitations of the names Edison, Victor or Brunswick, such as Edison with the representation of a bell, Victor with the word International, or the word "Brunswick".

No. 2526. A modified order to cease and desist has been ordered against **Mid West Mills, Inc.**, 1726-28 Arcade Place, Chicago, jobber of upholstering fabrics and other furniture material.

The modified order was issued in accordance with a decision of the United States Circuit Court of Appeals, Seventh Circuit, Chicago, on June 15, 1937.

The original order to cease and desist, issued in May, 1936, directed that Mid West Mills, Inc., cease and desist from representing by use of its corporate name, in advertising literature or in any other manner, that it was a manufacturer, mill operator or mill owner. Findings were that the respondent company was not a manufacturer of the merchandise in which it dealt.

The Commission thereafter filed in the Circuit Court of Appeals an application for enforcement of its order to cease and desist. The Court, in its opinion delivered in the case, stated that if the respondent company did not voluntarily strike the word "Mills" from its name, it should clearly inform prospective customers of the true facts. The Court denied the Commission's application for enforcement, but without prejudice to an order being entered by the Commission directing the addition of appropriate words to clearly convey the fact that the respondent company neither owns nor operates a mill.

No. 2694. A order has been issued prohibiting use of the name "I. S. U. Pilot" by 17 individuals and the **Uptown Cooperative Press, Inc.**, operating a newspaper of that name in New York.

The respondents are directed to cease and desist from using the name "I. S. U. Pilot" or any other name for their newspaper or other publications, to indicate that they constitute an authorized committee of the International Seamen's Union, or that any publication sold by them is a publication of that Union or authorized by it.

Findings are that the respondents were not members of groups or committees of the International Seamen's Union, and that the "I. S. U. Pilot" was not that Union's publication, and that the use by the respondents of the name "I. S. U. Pilot" was without permission of that Union.

According to the findings, James L. Reamey, Joseph Curran, Louis Weinstock, Abraham Baskoff, Richard M. Kroon, John Anderson, William Allen, Elmer Johnson, Robert Brown, Harry Bridges, David Gordon, Elmer Brown, Dora Zucker, Luigi Genovese, A. W. McPherson, Albert Fleming and Charles B. Killinger, as members of I. S. U. Rank & File Group, I. S. U. Rank & File Members, Rank & File Committee of the I. S. U., and Rank & File International Seamen's Union, together with Uptown Cooperative Press, Inc., have been associated within such groups for the purpose of publishing and circulating the "I. S. U. Pilot." Uptown Cooperative Press, Inc., is said to have printed the paper for the other respondents.

Nos. 2782-3132. Two candy manufacturers, **Brown & Haley**, 110 East 26th St., Tacoma, Wash., and **Miss Morris Candies, Inc.**, 517-19 Third St., North, Minneapolis, have been ordered to cease and desist from selling and distributing to dealers candy so packed and assembled that sales to the public are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The order also prohibits the respondents from supplying to dealers assortments of candy together with punchboard devices which may be used in distribution of the candy to the public at retail.

No. 2783. California Packing Corporation, said to be one of the world's largest packers and distributors of dried fruits, vegetables, and fish, and its subsidiary, **Alaska Packers Association**, both having headquarters in San Francisco, have been ordered to cease and desist from certain practices deemed to have the effect of suppressing competition and tending to create monopoly.

Among practices prohibited under the order, is the use of the respondent corporations' tonnage of freight shipments and their buying power to induce industrial companies and steamship lines to ship commodities through and utilize the facilities of Encinal Terminals, operating a public wharfing business in Alameda, Calif., on the east side of San Francisco Bay, and controlled by the respondent corporations.

Other respondents named in the order are officials or former officials of the two corporations, as follows: L. E. Wood, A. M. Lester, W. H. Levy, A. K. Tichenor, H. E. Van Horn and Irving F. Lyons.

The respondents admitted all the material allegations of the Commission's complaint as setting forth facts showing the use of unfair methods of competition within the meaning of Section 5 of the Federal Trade Commission Act. They also waived the taking of further evidence and other intervening procedure, and consented to issuance of findings of fact and order to cease and desist.

No. 2775. An order has been entered directing **Helen Ardelle, Inc.**, 1401 East 41st St., Seattle, Wash., a candy manufacturer and dealer, to cease and desist from selling to dealers candy so packed and assembled that sales to the public may be made by means of a lottery.

The respondent company also is ordered to discontinue furnishing dealers with "punchboard" devices which may be used in selling its candy to consumers.

No. 2799. Prohibiting certain unfair methods of competition in the sale of tissues advertised as mentholated tissue handkerchiefs, an order has been issued to cease and desist against **The Rieser Co., Inc.**, 119 West Fortieth St., New York.

Held to have violated Section 5 of the Federal Trade Commission Act, the respondent company is directed to cease representing that its tissue products are superior to ordinary handkerchiefs because they are sanitary and disposable or because they are mentholated. It is also ordered to stop advertising that use of its tissues will clear nasal passages and that these products have been recommended by doctors as a cure or remedy for sinus trouble, hay fever and head colds or that they are beneficial in the treatment of such ailments and conditions.

Findings are that the respondent company's products have not been recommended by physicians and that their use will not accomplish the results claimed.

Nos. 2861-3106-3145. Orders have been entered directing **Schwabacher Brothers & Co., Inc.**, Seattle, and **George C. Miller & Co., Inc.**, Boston, both candy distributors, and **Wolverine Gum, Inc.**, Detroit, to cease and desist from selling to dealers candy or chewing gum so packed and assembled that sales to the general public may be made by means of a lottery.

The orders prohibit the two candy companies from furnishing dealers with "punchboard" devices for use in retailing their candy to the public.

No. 3061. Glenn Laboratories, Inc., 287 West 127th St., New York, has been ordered to discontinue certain false and misleading advertising representations in the sale of a treatment for overweight called "Dr. Thomas' RX 157."

In its radio, newspaper and magazine advertising, the respondent corporation is directed to cease and desist from asserting that its product, so long as it contains desiccated thyroid or other form of thyroid, is a new method of treating obesity, converting food into fuel and energy, and that it can safely be taken by laymen without medical examination or advice.

No. 3069. An order requiring **Eucathol Co., Inc.**, Shawnee, Okla., has been issued to discontinue certain misleading repre-

sentations in the sale of "Eucathol", a rubbing and inhaling compound, sold also as an after-shaving cream.

Eucathol, according to the order, is not to be advertised as a preventive or cure for or as being beneficial in the treatment of insect bites, sunburn, hemorrhoids, colds, hay-fever, catarrh, scalds, skin disorders, influenza and pneumonia.

No. 3098. A modified order to cease and desist has been ordered against **George J. Nothnagel**, trading as **The Stanley Store**, 734 Haddon Ave., Collingswood, N. J., a dealer in blankets and bedspreads.

Among the practices prohibited in the original cease and desist order issued against Nothnagel June 2, 1937, and now vacated and set aside, was that of aiding or inducing purchasers of his merchandise to resell it by means of a lottery, gift enterprise or game of chance. The modified order prohibits the same practices but contains the qualification that this provision does not apply to sales of merchandise not accompanied by any acts of the respondent aiding or inducing disposition of such goods under any plan involving a lottery, gift enterprise or game of chance.

No. 3116 **Wolf Creek Soap Co.**, Northwestern Ave., **Dayton, Ohio**, has been ordered to discontinue certain unfair methods of competition in the sale of its products.

Representation is prohibited, directly or indirectly, through use of the word "Doctor" or the abbreviation "Dr.", or through words of similar import, that any of the respondent company's soap products is made pursuant to the formula of, or under the supervision of, a doctor.

The order bars use of the word "medicated", alone or with other words, or use of words of similar import, to represent that any of the respondent company's soaps have medicinal and therapeutic value, unless they actually contain medicinal ingredients in such quantity as to give the products substantial medicinal and therapeutic value.

FTC CLOSES CASES

Nos. 2362-3105. The Federal Trade Commission has closed without prejudice its cases against two dealers alleged to have sold merchandise by means of lottery methods.

A complaint had charged **Archie Richard Dahl**, of **Chicago**, trading as **Reliable Sales Co.**, with unfair competition in the sale of general merchandise by push card lottery methods. The Commission ordered the case closed after receiving information that the respondent had discontinued operating his business and was no longer engaged in the practices alleged in the complaint.

The Commission was informed that **Carl Smith**, 618 Roscoe St., **Chicago**, trading as **Fashion Silk Co.**, and formerly charged with unfair competition in the sale of hosiery through use of a lottery scheme, had discontinued the practices as alleged and that he had vacated his place of business. The case was ordered closed.

No. 2791. The Commission has also issued an order closing its case against **Remsen Corporation**, 70 Pine St., **New York**, which had been charged with unfair competition in the sale of a medicinal product advertised as "Aspirin Plus." The closing order was issued following receipt of information that the commodity in question is no longer being sold and the corporation is not operating.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The Broadcast Division of the Commission recessed after taking action on July 6 to meet again at the call of the chairman. It is not expected, unless some emergency arises, that any further meeting of the Division will be held until early September. Routine matters, of course, will be taken care of in their usual course, without formal meetings, subject to ratification by the full Broadcast Division at its next meeting.

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, July 12:

Monday, July 12

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Richard Field Lewis, Oakland, Calif.—C. P., 1160 kc., 1 KW, daytime.

NEW—Harry Schwartz, Tulsa, Okla.—C. P., 1310 kc., 250 watts, daytime.

Tuesday, July 13

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Wm. E. Walker and Merrill F. Chapin, d/b as Walker & Chapin, Oshkosh, Wis.—C. P., 1010 kc., 250 watts, unlimited time.

NEW—Genesee Radio Corp., Flint, Mich.—C. P., 1200 kc., 100 watts, 250 watts LS, specified hours.

Wednesday, July 14

HEARING BEFORE AN EXAMINER (Broadcast)

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to WBNO, Inc.; 1200 kc., 100 watts, share WJBW.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1200 kc., 100 watts, share WJBW.

WJBW—Charles C. Carlson, New Orleans, La.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (requests facilities WBNO). Present assignment: 1200 kc., 100 watts, share WBNO.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share WJBW.

NEW—Southern Broadcasting Corp., New Orleans, La.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited (requests facilities WBNO and WJBW).

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share WBNO.

NEW—Standard Life Ins. Co. of the South, Jackson, Miss.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

Thursday, July 15

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.

WROK—Lloyd C. Thomas, Transferor, and Rockford Consolidated Newspapers, Inc., Rockford, Ill.—Authority to transfer control of corporation; 1410 kc., 500 watts, 1 KW LS, unlimited.

NEW—Centennial Broadcasting Corp., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.

APPLICATIONS GRANTED

WJAC—WJAC, Inc., Johnstown, Pa.—Granted authority to install automatic frequency control.

KCMC—KCMC, Inc., Texarkana, Tex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

KGIR—KGIR, Inc., W. of City, Butte, Mont.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WJIM—Harold F. Gross, Lansing, Mich.—Granted C. P. to install new transmitter.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted license to cover C. P., 1260 kc., 1 KW, unlimited time.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license to cover C. P., 920 kc., 500 watts, daytime only.

KNEL—G. L. Burns, Brady, Tex.—Granted license to cover C. P., 1500 kc., 250 watts, daytime only.

WSM—The National Life & Accident Ins. Co., Nashville, Tenn.—Granted license to cover previously licensed auxiliary transmitter at 1501 Weston Ave., Nashville.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted modification of C. P. to extend commencement date to October 1, 1937.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted modification of C. P. to install apparatus other than as authorized.

KATE—Albert Lea Broadcasting Co., Inc., Albert Lea, Minn.—Granted modification of C. P. as modified for approval of transmitter and studio sites, change in authorized equipment, and approval of vertical radiator.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted modification of C. P. approving transmitter at State Highway No. 96, Brownsville, and studio at San Benito St., Brownsville, and changes in authorized equipment.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted modification of C. P. for changes in equipment and antenna system.

WQAN—The Scranton Times, Scranton, Pa.—Granted modification of license to increase power from 500 watts to 1 KW.

WDEL—Mason Dixon Radio Group, Inc., Wilmington, Del.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.

WAZL—Mason Dixon Radio Group, Inc., Hazleton, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.

WEST—Mason Dixon Radio Group, Inc., Easton, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.

WILM—Mason Dixon Radio Group, Inc., Wilmington, Del.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.

WCAL—Mason Dixon Radio Group, Inc., Lancaster, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.

WORK—Mason Dixon Radio Group, Inc., York, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.

KFBI—The Farmers & Bankers Life Ins. Co., Abilene, Kans.—Granted voluntary assignment of license to The Farmers and Bankers Broadcasting Corp.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of C. P. to move transmitter site locally; install vertical radiator; change time of operation from specified hours to unlimited time, except 8 to 9 p. m. Mondays; extend commencement date to 30 days after grant and completion date to 180 days thereafter.

WRAX—Broadcasting Co. and Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted special authority to increase power to 1 KW to counteract interference caused by CMX, Havana, Cuba, and WWJ, Detroit, and KPRC, Houston, Tex.

NEW—National Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. for new high frequency station, frequency 25950 kc., on experimental basis, 1 KW, A-3 emission.

NEW—Knickerbocker Broadcasting Co., Inc., New York City.—Granted C. P. for new high frequency station to be located in Flushing, N. Y. (experimental basis), frequency 26550 kc., 100 watts, A-3 emission.

NEW—Reading Broadcasting Co., Mobile, Reading, Pa.—Granted C. P. for new experimental relaybroadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W1XQ—Broadcasting Service Organization, Inc., Mobile (Boston, Mass.)—Granted license to cover C. P. for new relaybroadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

WAAR—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.)—Granted modification of C. P. covering changes in equipment; reduction in power from 50 to 40 watts; extension of commencement date to 10 days after grant and completion date to 30 days thereafter.

W9XQV—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.)—Granted modification of C. P. for changes in equipment, extension of commencement date to 10 days after grant and completion date to 30 days thereafter.

SET FOR HEARING

NEW—William C. Smith, Bogalusa, La.—C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Site and antenna system to be approved.

NEW—M. M. Valentine, Laredo, Tex.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time.

WFBR—Baltimore Radio Show, Inc., Baltimore, Md.—C. P. to change transmitter site to Reedbird and Seamon Avenues, Baltimore, also to install new equipment and directional antenna system for day and nighttime operation; increase power from 500 watts night, 1 KW day, unlimited, to 5

KW, unlimited time. (To be heard before the Broadcast Division.)

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Application for C. P. amended to request move of transmitter from Lynchburg to U. S. Highway No. 29, near Lynchburg; also to make changes in composite equipment; install directional antenna system for nighttime use; change frequency from 1200 kc. to 1390 kc.; and increase power from 100 watts night, 250 watts day, to 500 watts, unlimited time.

WDSU—WDSU, Inc., New Orleans, La.—C. P., already in hearing docket, amended to request move of transmitter site locally, exact site to be determined with Commission approval; install new equipment and directional antenna system; and increase power from 1 to 5 KW. To be heard before the Broadcast Division.

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to use present auxiliary transmitter Type W.E. 106-D as alternate transmitter. To be heard before the Broadcast Division.

SPECIAL AUTHORIZATIONS

KG DY—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for the period July 1 to 31, 1937, for the purpose of rebuilding the transmitter to comply with Rule 132.

WCAL—St. Olaf College, Northfield, Minn.—Granted extension of special temporary authority to operate from 2 to 3 p. m., CST, the following Sundays: August 1, 8, 15, 22, 29, 1937 (provided WTCN remains silent), in order to continue to schedule NBC programs with the commencement of daylight saving time in New York City.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to operate from 3 to 4 p. m., CST, the following Sundays: August 1, 8, 15, 22, 29, 1937 (provided WCAL remains silent), in order to continue to schedule NBC programs with the commencement of daylight saving time in New York City.

WCBS—WCBS, Inc., Springfield, Ill.—Granted extension of special temporary authority to operate from 10 p. m. to 12 midnight, CST, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, for the period July 8 and ending no later than August 4, in order to broadcast Municipal League Baseball games only.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 to 9 a. m., CST, the following Sundays: July 11, 18, 25 and August 1, in order to broadcast programs now heard Sunday afternoons, due to belief that audience is larger during mornings than during afternoons.

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted special temporary authority to rebroadcast over station WCCO a conversation carried on between experimental station W5XAR and W5XAS for a period not to exceed 1 hour, between July 7 and 12, 1937.

WFLA—Clearwater Chamber of Commerce, Clearwater, Fla.—Granted extension of special temporary authority to close Clearwater studios from July 16 to September 1, 1937, inclusive, and use Tampa studios, on account of summer vacations for employees in order to continue WFLA during summer period with reduction in experienced personnel.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate Daylight Saving Time instead of EST for the period ending in no event later than September 20, 1937.

APPLICATION DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—C. P., 1330 kc., 1 KW, 5 KW LS, unlimited time.

MISCELLANEOUS

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted voluntary assignment of license to Alabama Polytechnic Institute, University of Alabama State College (Board of Control of Radio Broadcasting Station WAPI); 1140 kc., 5 KW, simultaneous day KVOO, share KVOO night.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to extend effective date in re grant of application

of Hunt Broadcasting Assn. for C. P. to erect new 100-watt daytime station at Greenville, Tex., to operate on **1200 kc.** (Docket 3242).

- NEW—Kenneth Baker, Hartwell Gaus, V. A. Bernier, d/b as Key City Broadcasting Co., Kankakee, Ill.—Denied petition to take depositions in re application for new station to use **1500 kc.**, 100 watts, unlimited time (Docket 4522), and granted motions of Karl L. Ashbacher (WKBZ) and Northwestern Publishing Co. to deny and strike petition for order to take depositions.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted amended petition for acceptance of answer in re hearing on application of KCMO for C. P. to use **1450 kc.**, 1 KW, unlimited time, Docket 4485.
- NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Denied petition to reconsider and grant application in part, and to extend effective date in re application for C. P. to use **1200 kc.**, 100 watts night, 250 watts LS, unlimited, Docket 3836.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted petition to intervene in the hearing of KVOB for C. P. to use **630 kc.**, 1 KW, unlimited time, Docket 4527, scheduled for September 21, 1937.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted authority to suspend construction of new antenna and continue use of temporary antenna.
- NEW—Fall River Herald News Publishing Co., Fall River, Mass.—Denied petition to withhold decision upon the application of Harriet M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co. (Docket 4018).
- NEW—C. W. Corkhill, Sioux City, Iowa.—Denied petition for further hearing in re application for new station to operate on **1420 kc.**, 100 watts, unlimited time, and dismissed opposition to the petition for further hearing filed by the Sioux City Broadcasting Co. (Ex. Rep. 1-362).

EFFECTIVE DATES EXTENDED

- WSBT—The South Bend Tribune, South Bend, Ind.—Effective date of order extended to July 20, 1937.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended to July 20, 1937.

ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. 1-324: John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Remanded to the docket for further hearing with the privilege of all parties to introduce new testimony or take depositions.
- NEW—Ex. Rep. 1-360: Central States Broadcasting Co., Council Bluffs, Iowa.—Denied C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time, site to be determined. Examiner M. H. Dalberg reversed. Order effective September 28, 1937.
- NEW—Ex. Rep. 1-362: C. W. Corkhill, Sioux City, Iowa.—Denied C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time, site to be determined. Examiner Geo. H. Hill sustained. Order effective August 17, 1937.
- NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts night, 250 watts LS, unlimited, site to be determined. Examiner Hill sustained. Order effective August 17, 1937.
- NEW—Ex. Rep. 1-363: State Capitol Broadcasting Assn. (R. B. Anderson, President), Austin, Tex.—Granted C. P. for new station to operate on **1120 kc.**, 1 KW daytime, specified hours—all hours not used by WTAU (directional antenna); Examiner R. L. Walker reversed. Order effective August 17, 1937.
- NEW—Ex. Rep. 1-370: Falls City Broadcasting Corp., Falls City, Neb.—Denied C. P. for new broadcast station to operate on **1310 kc.**; 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 28, 1937.
- NEW—Ex. Rep. 1-377: Radio Enterprises, partnership of R. Lacy & J. R. Curtis, Lufkin, Texas.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts, daytime. Site to be determined. Examiner P. W. Seward sustained. Order effective September 21, 1937.
- NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Texas.—Granted C. P. for new station to operate on **1310 kc.**, 100 watts, daytime. Site to be determined. Examiner Seward sustained. Order effective September 21, 1937.
- NEW—Ex. Rep. 1-378: Virgil V. Evans, Gastonia, N. C.—Denied C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Examiner John P. Bramhall sustained. Order effective September 28, 1937.
- WJBR—J. B. Roberts, Gastonia, N. C.—Denied as in cases of default application for modification of C. P. to extend completion date of construction. Examiner Bramhall sustained. Order effective September 28, 1937.
- WATR—Ex. Rep. 1-379: The WATR Company, Inc., Waterbury, Conn.—Granted C. P. to make changes in transmitter; install directional antenna; move transmitter locally in Waterbury; change frequency from **1190 to 1290 kc.**; increase power from 100 watts to 250 watts and change hours of operation from limited to unlimited. Examiner M. H. Dalberg sustained. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-240: Continental Radio Co., Columbus, Ohio.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time. Site to be determined. Examiner R. L. Irwin sustained. Order effective September 7, 1937.
- NEW—Ex. Rep. 1-241: Continental Radio Co., Toledo, Ohio.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, daytime. Site to be determined. Examiner P. W. Seward sustained. Order effective August 3, 1937.
- WALR—Ex. Rep. 1-253: WALR Broadcasting Corp., Toledo, Ohio.—Denied C. P. to move studio and transmitter from Zanesville to Toledo (site to be determined). Station operates on **1210 kc.**, 100 watts, unlimited time. Examiner R. L. Walker reversed. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-254: Community Broadcasting Co., Toledo, Ohio.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts, daytime. (Site to be determined.) Examiner R. L. Walker sustained. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-264: Marysville-Yuba City Publishers, Inc., Marysville, Cal.—Denied C. P. for new station to operate on **1140 kc.**, 250 watts, daytime. (Site to be determined.) Examiner R. H. Hyde reversed. Order effective September 7, 1937.
- NEW—Ex. Rep. 1-310: Telegraph Herald, Dubuque, Iowa.—Granted C. P. for new station to operate on **1340 kc.**, 500 watts, daytime. (Site to be determined.) Examiner John P. Bramhall reversed. Order effective July 27, 1937.
- WKBK—Sanders Bros. Radio Station, Dubuque, Ia.—Granted C. P. to move studio; move transmitter from R. F. D. No. 1, E. Dubuque, Ill., to Julian Township, Ill. (site to be determined), and install new antenna, **1500 kc.**, 100 watts night, 250 watts day, unlimited. Examiner Bramhall sustained. Order effective July 27.
- NEW—Ex. Rep. 1-325: The Times Publishing Co., St. Cloud, Minn.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Site to be determined. Examiner R. L. Walker sustained. Order effective August 3, 1937.
- NEW—Michael F. Murray, St. Cloud, Minn.—Denied C. P. for new station to operate on **560 kc.**, 500 watts, daytime. (Site to be determined.) Examiner Walker sustained. Order effective August 3.
- NEW—Ex. Rep. 1-334: Clarence C. Dill, Washington, D. C.—Denied C. P. for new station to operate on **1390 kc.**, 1 KW, unlimited time. Directional antenna. Examiner John P. Bramhall reversed. Order effective September 7, 1937.
- NEW—Ex. Rep. 1-335: Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Cal.—Denied C. P. for new broadcast station to operate on **1320 kc.**, 250 watts, daytime. Examiner John P. Bramhall reversed. Order effective September 14, 1937.
- NEW—Ex. Rep. 1-336: Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited time. Examiner R. L. Irwin reversed. Order effective August 31, 1937.
- NEW—Fred J. Hart, Honolulu, T. H.—Denied C. P. for new station to operate on **600 kc.**, 250 watts, unlimited time. (Site to be determined.) Examiner Irwin sustained. Order effective August 31, 1937.
- WGAR—Ex. Rep. 1-343: The WGAR Broadcasting Corp., Cleveland, Ohio.—Denied authority to transfer control of corporation from G. A. Richards, Leo Fitzpatrick, John F. Patt & P. M. Thomas to WJR, The Goodwill Station, a Michigan Corporation. Examiner R. L. Walker reversed. Order effective September 14, 1937.
- NEW—Ex. Rep. 1-349: The Courier-Post Publishing Co., Hannibal, Mo.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. (Site to be determined.) Examiner M. H. Dalberg reversed. Order effective August 31, 1937.

NEW—Hannibal Broadcasting Co., Hannibal, Mo.—Denied C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Examiner Dalberg sustained. Order effective August 31, 1937.

NEW—Ex. Rep. 1-351: Golden Empire Broadcasting Co., Marysville, Cal.—Denied C. P. for new station to operate on 1140 kc., 250 watts, daytime. (Site to be determined.) Examiner Geo. H. Hill sustained. Order effective September 7, 1937.

NEW—Ex. Rep. 1-352: George Harm, Fresno, Cal.—Granted C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Examiner R. H. Hyde reversed. Order effective August 10, 1937. (The petition of Chase Osborn, Jr., to withhold action on this application, was denied, and the opposition to the petition of George Harm was dismissed.)

NEW—Ex. Rep. 1-353: Hildreth & Rogers Co., Lawrence, Mass.—Granted C. P. for new station to operate on 680 kc., 1 KW, daytime. Site to be determined. Examiner R. L. Walker sustained. Order effective August 10, 1937.

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Denied C. P. for new station to operate on 680 kc., 250 watts, daytime. Site to be determined. Examiner Walker sustained. Order effective August 10, 1937.

NEW—Ex. Rep. 1-358: Loyal K. King, Pasadena, Cal.—Denied C. P. for new station to operate on 1480 kc., 250 watts, daytime. Examiner R. L. Walker sustained. Order effective August 31, 1937.

WLLH—Ex. Rep. 1-361: Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted special experimental authority for a satellite station at Lawrence, Mass., to operate on 1370 kc.; 10 to 100 watts; unlimited time synchronously with WLLH, Lowell, Mass. (1370 kc., 100 watts night, 250 watts LS, unlimited). Site to be determined. Examiner Geo. H. Hill sustained. Order effective August 10, 1937.

WELI—Ex. Rep. 1-372: City Broadcasting Corp., New Haven, Conn.—Remanded case to Docket.

NEW—Lawrence K. Miller, Pittsfield, Mass.—

NEW—Ex. Rep. 1-375: Harold Thomas, Pittsfield, Mass.—Granted C. P. for new station to operate on 1310 kc.; 100 watts night, 250 watts day, unlimited time. Site to be determined. Examiner P. W. Seward reversed. Order effective July 20, 1937.

KGFF—Ex. Rep. 1-409: KGFF Broadcasting Co., Inc., Shawnee, Okla.—Dismiss without prejudice application for modification of license to change frequency from 1420 to 1430 kc.; increase power from 100 watts night, 250 watts day to 250 watts night and day, unlimited time. Examiner Seward sustained. Order effective July 2, 1937.

NEW—Ex. Rep. 1-414: Central Broadcasting Corp., Centralia, Wash.—Granted C. P. for new station to operate on 1440 kc., 500 watts, unlimited time. Site to be determined. Examiner John P. Bramhall sustained. Order effective July 20, 1937.

NEW—Ex. Rep. 1-423: Frank M. Stearns, Salisbury, Md.—Granted C. P. for new broadcast station to operate on 1200 kc., 250 watts, daytime. Site to be determined. Chief Examiner Davis G. Arnold sustained. Order effective July 27, 1937.

EXAMINERS' REPORTS RELEASED SINCE JUNE 29, 1937

KOOS—Ex. Rep. 1-453: Pacific Radio Corp., Marshfield, Ore.—Examiner P. W. Seward recommended denial of application for voluntary assignment of license to KOOS, Inc.

NEW—Ex. Rep. 1-454: T. E. Kirksey, Waco, Texas.—Examiner Tyler Berry recommended denial of application for C. P. for new station to operate on 930 kc.; 250 watts, 500 watts LS, unlimited time.

NEW—Ex. Rep. 1-455: WSMB, Inc., New Orleans, La.—Examiner P. W. Seward recommended grant of application to increase operating power from 1 KW to 1 KW, 5 KW LS.

WBLK—Ex. Rep. 1-456: The Exponent Co., Clarksburg, W. Va.—Examiner Seward recommended grant of application for modification of C. P. to change hours of operation from daytime to unlimited.

KRKD—Ex. Rep. 1-457: Radio Broadcasters, Inc., Frank P. Doherty, transferor & J. F. Burke, Sr., & Loyal King, transferees, Los Angeles, Cal.—Examiner Seward recommended denial of application to transfer control of corporation from Frank P. Doherty to J. F. Burke, Sr., and Loyal K. King.

ORAL ARGUMENTS GRANTED

WMBO—Ex. Rep. 1-430: Roy L. Albertson, Auburn, N. Y.—Granted oral argument to be held October 14, 1937.

NEW—Ex. Rep. 1-431: Curtis Radiocasting Corp., Indianapolis, Ind.—Granted oral argument to be held October 14, 1937.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted oral argument to be held October 14, 1937.

NEW—Ex. Rep. 1-433: Beaumont Broadcasting Assn., Beaumont, Texas.—Granted oral argument to be held October 14, 1937.

WMBH—Ex. Rep. 1-434: Joplin Broadcasting Assn., Joplin, Mo.—Granted oral argument to be held October 21, 1937.

NEW—Ex. Rep. 1-437: Valley Broadcasting Co., Youngstown, Ohio.—Granted oral argument to be held October 21, 1937.

APPLICATIONS RECEIVED

First Zone

WGNV—Peter Goelet, Newburgh, New York.—Construction permit 1210 to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WFEA—New Hampshire Broadcasting Company, Manchester, 1340 N. H.—Authority to determine operating power by direct measurement of antenna power.

NEW—National Broadcasting Company, Inc., Bellmore, New York.—Construction permit for a new low frequency relay broadcast station on 1606, 2022, 2102, 2758 kc., 500 watts power.

NEW—National Broadcasting Company, Inc., Bellmore, New York.—License to cover the above.

Second Zone

WWJ—The Evening News Assn., Detroit, Mich.—Construction permit 920 to make changes in old W.E. D-87737 transmitter and move same from 810 W. Lafayette, Detroit, Mich., to 12700 Eight Mile Road, West, Oak Park, Michigan, to be used as an auxiliary transmitter.

WSAI—Crosley Radio Corp., Cincinnati, Ohio.—Modification of 1330 license to increase power from 1 KW night, 2½ KW day, to 1 KW night and 5 KW daytime.

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va. 1500 —License to cover construction permit (B2-P-728) as modified for a new station.

NEW—Kanawha Valley Broadcasting Co., Charleston, W. Va.—1500 Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

XXX—First Baptist Church, Pontiac, Mich.—Authority to transmit programs from First Baptist Church at Pontiac, Mich., to Radio Station CKLW, Windsor, Ontario, Canada.

Third Zone

WNOX—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Modification of license to increase power from 1 KW night and 5 KW day to 5 KW day and night.

NEW—Charles F. Engle, Natchez, Miss.—Construction permit to 1210 erect a new station to be operated on 1210 kc., 100 watts night power and 250 watts day, unlimited hours of operation. Amended re antenna.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—1210 Construction permit to increase power from 100 watts to 100 watts night, 250 watts day, and make changes in transmitting equipment. Amended re equipment.

WTOC—Savannah Broadcasting Company, Inc., Savannah, Ga.—1260 Construction permit to install a new transmitter and increase power from 1 KW to 1 KW night and 5 KW day. Amended re antenna.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

WGTM—H. W. Wilson and Ben Farmer, Wilson, N. C.—Modification of construction permit (B3-P-1286) for a new station, requesting changes in equipment and move of studio from 206 E. Nash St., Wilson, N. C., to 115 W. Nash St., Wilson, N. C.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—License 1330 to cover construction permit (B3-P-539) as modified for a new station.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—License 1330 to cover modification of construction permit (B3-P-514) for increase in power.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Modification of construction permit (B3-P-1422) for approval of vertical antenna and transmitter site at Pensacola, Fla.

NEW—Panama City Broadcasting Co., Panama City, Fla.—Construction permit for a new station to be operated on 1420 kc., 100 watts power, daytime operation.

W4XES—C. G. Hill, George D. Walker, Susan H. Walker, Winston-Salem, N. C.—License to cover construction permit (B3-PRE-108) for a new relay broadcast station.

Fourth Zone

KFYR—Meyer Broadcasting Co., Bismarck, N. D.—Modification of construction permit (B4-P-1393) for move of transmitter from on Highway No. 10, Apple Creek Township, six miles east of Bismarck, N. Dak., to 2½ miles north and ¼ mile west of town of Menoken, N. Dak.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

WDAF—The Kansas City Star Co., Kansas City, Mo.—License to cover construction permit (B4-P-1418 as modified for equipment changes, vertical antenna, and move of transmitter.

KWNO—Harry Dahl, Otto M. Schlabach, Maxwell H. White, and Hermann R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of construction permit (B4-P-983) as modified to change authorized transmitter and studio sites from 110 Main St., Winona, Minn., to 216 Center Street, Winona, Minn., and extend commencement and completion dates from 8-15-37 to 2-15-38, respectively, to 45 days after grant and 180 days thereafter.

NEW—Frank Ray, Dickinson, N. D.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to install automatic frequency control.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—License to cover construction permit (B4-P-1695) for changes in equipment and increase in power.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—License to cover construction permit (B4-P-1631) for new equipment and increase in power.

NEW—Western Audiphone Co., Ottumwa, Iowa.—Construction permit for a new station to be operated on 1420 kc., 100 watts power, unlimited time (Sections 6, 7, 8, equipment and jurat).

KGKY—Hilliard Co., Inc., Scottsbluff, Nebr.—Authority to transfer control of corporation from A. W. Hilliard to L. L. Hilliard, 42 shares common stock.

KAGM—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—License to cover construction permit (B4-PRY-24) for new low frequency relay station.

Fifth Zone

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Extension of special experimental authorization to operate on 710 kc., 1 KW, unlimited time, for period from 8-1-37 to 2-1-38.

KDNC—The Democrat-News Co., Inc., Lewistown, Mont.—Modification of construction permit (B5-P-831) as modified for a new station, requesting equipment changes, approval of antenna, and approval of transmitter site at 509 West Main St., Lewistown, Mont., and move of studio from 513 West Main St. to 509 West Main St., Lewistown, Mont.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Modification of license to change power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

NEW—Pacific Radio Corp., Grants Pass, Ore.—Construction permit for a new station to be operated on 630 kc., 500 watts power, unlimited time. Amended: Antenna changes, change frequency from 630 kc. to 1320 kc., hours of operation from unlimited to daytime only.

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to change frequency from 1370 kc. to 560 kc.; changes in equipment; erect a new vertical antenna; increase power from 100 watts to 250 watts; and move transmitter from Marcus Whitman Hotel, 2nd and Rose Streets, Walla Walla, Wash., to site to be determined, Walla Walla, Wash. (wrong form).

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—License to cover construction permit (B5-P-1567) for new transmitter and antenna and move of transmitter.

NEW—Gila Broadcasting Co., Safford, Ariz.—Construction permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended to change requested transmitter site from Central and Main to Sixth Avenue and Relation Street, Safford, Ariz.

NEW—Fred M. Weil, Grand Coulee, Wash.—Construction permit for a new station to be operated on 1420 kc., 100 watts night and 250 watts day power, unlimited time.

NEW—Louisa B. Thornton and M. E. Thornton, d/b as Port Angeles Broadcasters, Port Angeles, Wash.—Construction permit for a new station to be operated on 1500 kc., 100 watts night and 250 watts day power, unlimited time. Amended: Change name from Port Angeles Broadcasters to Louisa B. Thornton and M. E. Thornton, d/b as Port Angeles Broadcasters.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover construction permit (B5-P-1617) for move of transmitter, and new antenna.