

McNinch Assumes Duties as Chairman of the FCC

TRANSCRIPT OF FIRST PRESS CONFERENCE

Frank R. McNinch, former chairman of the Federal Power Commission, was sworn in as chairman of the Federal Communications Commission on October 1, succeeding the late Anning S. Prall. The following day he held his first press conference and indicated that he would hold similar conferences regularly at least during the time new policies may be formulated by the Commission.

During the course of the conference with the newsmen the new chairman was asked many questions. He discussed radio monopoly, newspaper ownership of broadcasting stations, trafficking in station licenses and many other matters of similar interest. Following is a stenographic transcript of the first press conference:

Let's begin the conference by my giving you a copy of the President's letter to me with regard to my work at the Federal Communications Commission.

I have no prepared statement but will be glad to try to answer any questions you may want to ask me.

I may begin with a few general observations. First I want to say that my reception by the members of the Federal Communications Commission has been just as cordial as it could have been if they, instead of the President, had selected me for this job, and I have been given assurance by the members of the Commission that I shall have their full and hearty cooperation. I shall need and shall count heavily on their support, for without this my efforts would be futile. With the support of the Commission, and as one of the seven members thereof, acting in harmony, I am confident we shall be able to do some constructive things in the public interest.

I regard broadcasting as a public utility, subject to regulation and to me regulation does not mean "strangulation" but it does mean regulation by the Commission and not being regulated by the industry or anybody else. I have had a part in the work of the Power Commission as a member and later as Chairman. That industry has grown and prospered under a policy of vigorous yet fair regulation. It has definitely resulted in the elimination of some things in the industry which were not in the public interest in my opinion but, notwithstanding that, the

sum total of the result is that that industry is today in my judgment on a sounder basis and enjoying a larger measure of prosperity than ever before in its history.

The Communications Commission's statute makes it perfectly clear that there can be no vested right in the use of radio frequencies. The statute provides, if I recall clearly, that before a license can be granted the licensee must waive any claim against the control of the United States. I shall do what I can within the statute to prevent or break up anything, if there has been anything, of what is commonly known as "trafficking in licenses."

Q. What do you mean by that?

A. I understand that under the statute the licensee has nothing to sell except the physical property which belongs to licensee. This seems clear from the provisions of the law against vesting any rights in the use of frequencies and the expressed waiver by licensee of any such claim and the further provisions forbidding transfers either voluntary or involuntary except with the consent of the Commission. One can sell only that to which he has title, either absolute or qualified.

Q. Would he have any good will?

A. None whatever, in my judgment. There can be no good will to pass on to another, it seems to me, when a license is for the limited term of six months and with no legal right to renewal and can be renewed or transferred only by written permission of the Commission and when furthermore the statute specifically forbids vested rights, within which term good will might be thought by

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some to come. I shall be interested to know, as licenses come before the Commission for action, what is the actual, legitimate cost or value of the equipment that would follow with the transfer of a license. In my opinion by reason of various statutory provisions the legal maxim, *caveat emptor*, "Let the buyer beware," has even more than usual significance because the buyer is put on notice by the statute that there is nothing he can purchase except physical property if the Commission is willing for the license to be transferred.

Q. In that connection would there be any advantage to a going concern?

A. I would not try to answer that categorically now, as I am not familiar with all the provisions of the statute. But "going concern" is a somewhat different thing than "good will." The latter implies, in part, the legal right to sell the continued use of a good name, carrying with it the good will of customers or the public, while "going concern" may, for illustration, include the legitimate expense of organizing a business and getting it going. However, I reserve completely my opinion on this question.

Q. Have you any views on newspaper ownership of stations?

A. I have not. I regard that as one of the important policy problems to be thought through and either determined by the Commission or presented to the Congress with such recommendations, if any, as the Commission may see fit to make for determination.

Q. Will you support Mr. Payne's request to Powell Crosley for a complete financial statement?

A. I neither now give nor fail to give support because I am not informed and, therefore, have no opinion at present.

Q. Have you any opinion in regard to exclusive rights in radio?

A. If by that you mean monopoly, I have. The statute forbids monopoly in broadcasting and my own views are in complete harmony with this provision of the statute. I am not now sufficiently informed to know whether there may be rare situations in which a limited monopoly may or may not be able to serve the public interest better and more economically. I want to think more about this.

Q. Monopoly would mean both local and national monopoly?

A. I should think so but on that I must reserve my opinion. However, I see at present no fundamental distinction.

Q. You have no flat feeling about networks owning stations?

A. No, I do not.

Q. How do you feel about Government ownership?

A. That is a subject to which I have not yet given thought.

Q. How many members of your Commission will sit on the radio division?

A. The present arrangement provides for three. Whether I may recommend a different arrangement I do not now know.

Q. You will serve on the radio division?

A. The Commission designates the members of the divisions. I want to be a member of each division, or at any rate to be in close touch with not only radio but also telephone and telegraph work equally. In that connection it may be a very good place for me to say that, while there has been considerably more in the press about radio than telephone and telegraph, I shall not permit my energies to be completely absorbed in any one particular phase of this Commission's work. I know very little about telephone and telegraph but I think all of us know—the man in the street knows—that telephone and telegraph affect universally and very materially both the social and economic welfare of our people. I shall take active interest in both of these industries and if there appear to be things existing there not in the public interest I shall go directly into them and assist the Commission in such way as I can in their correction.

Q. Do you think this Commission should engage in fixing charges in radio activities?

A. The statute forbids that. I am not certain that subsequent legislation should not provide for some measure of control of charges by radio just as the statute does provide for control of interstate charges made by telephone and telegraph. Saying that, I am advertent to the definition in the statute that telephone and telegraph are common carriers and that radio is not a common carrier but it is not necessary in law that an industry be a common carrier to be subject to regulation. I have read in the press now and then some statements about amounts of money supposed to have been made by this, that or another broadcasting organization. I know nothing about them. However, I have no hesitancy in saying that, while the statute does not now provide for regulation of broadcasting charges, I question the wisdom of a policy which would leave forever free from regulatory control the charges made by any public utility.

Q. Do you feel that since broadcasting stations are required to be licensed by the Federal Government that their fees should be subject to control by the Government? In other words, do you think that, since they have licenses from a Federal agency, that their degree of financial gain is to be regulated by the Federal Government?

A. The statute absolutely forbids the Commission doing what you indicate might be desirable. If the Commission had the authority, it would regulate the earnings by regulating the charges.

Q. Do you think that the radio industry should pay fees that would cover the cost of administration?

A. I have not thought that through. I have read articles pro and con and know that in other countries the arrangement is different than in the United States, but I have no opinion about it at present.

Q. Have you formed any opinion upon a tax for broadcasters?

A. No, I have not.

Q. This rate fixing, would that be rates charged on radio stations for their time?

A. Have they anything else to sell? I am not sufficiently informed to know the answer.

Q. Do you think there is a chance of recommendation to Congress in the next session?

A. I would hope that by next session I shall know more about the situation than I do now. I have tentative views but those are held in reserve until I know more about the situation and exchange views with my colleagues. I know little about my new work. My work has been in the electric power field. I am approaching my work with an open mind, desiring to hear and receive impressions and views of others who may be able to help me.

I hold to the doctrine of Thomas Jefferson, that "When a man accepts a public trust he should consider himself public property." There shall be no secrets about anything I do, nor any secrets about any opinions I may have unless I may think it inadvisable to announce an opinion before action. I am not here to do anything for anybody. I shall make such investigations as appear to be necessary to enable me to ascertain what may have been done, but which may not be beyond the power of correction. I am not going to spend my time in graveyards, listening to ghosts. I have a real job as I view it. I face the future but I shall not neglect the past if it appears to me that the past may be a lamp to guide my feet. There will be no covering up of anything by me. I care not how high nor how low it goes. I would not have accepted the job had I not been given a completely free hand to do what I think is right. My judgment and my conscience are going to be my only guides. As a member of an independent Commission, created by the Congress, I gladly recognize my responsibility to the Congress. Beyond that I have no boss except the public. I have been serving that public for some years and, if you know anything about my course on the Power Commission, you may guess fairly accurately what my course here may be.

Q. Do you anticipate any changes on the Commission now?

A. No.

Q. Have you any views as to investigation by Congress?

A. Knowing no more than I do about the situation, I cannot say that I have any views. Whether there should be an investigation by the Congress is a matter for the Congress and not for me or the Commission to determine. However, I shall make some investigation myself in order that I may work more effectively. I do not mean anything spectacular, or formal. I mean that I am going to try to get at what is the situation here in order that I may do my duty as it appears to me.

Q. What will be done about the transfers and licenses filed from time to time? Will they be acted upon immediately or wait until you have had time to form a policy?

A. I do not know what the present procedure is but I would not suggest any delay which would visit injustice on anyone. About the furthest I can go in that direction is that upon major matters pending before the Commission I shall hope that it will not appear to the Commission that giving me a reasonable time to inform myself will do injustice to anyone.

Q. Have you given any thought to the question of extending the license period?

A. I have not.

Q. You made the statement that there would be no covering up of anything about anyone either high or low. Is it your understanding that it has been done in the past?

A. No. That statement was based on what has been in the press. I do not know that there has been anything here that would not stand the white light of publicity if the facts were known. However, I think all of us are familiar with the saying that where there is a lot of smoke at least there may be a little fire. And I am a Bible reader, incidentally. The greatest piece of literature on earth. And one of the things I recall that the great preacher in Ecclesiastes said, is: "Where there is no wood the fire goeth out; and where there is no talebearer the strife ceaseth." I shall not put any wood on the fire. I shall try to dissuade any other who might be so inclined, for if there has been any fire, let's put it out.

Q. Do you intend to have regular press conferences now?

(Here followed free for all discussion and many suggestions. It was agreed that press conferences would be held, the details to be announced later.)

Q. Have you formed any opinion at all about super power stations?

A. No, I have not.

Q. Do you expect to have that matter settled before the International Telecommunications Conference?

A. No, I had not thought of it as waiting on any particular conference.

Mr. McNinch made public the following letter from the President which he received upon his appointment to the Communications Commission:

"As you go to your new assignment as Chairman of the Federal Communications Commission, I want you to know that I am confident you will render an important public service in a field which so vitally affects the public welfare. I am sure your colleagues and the public will expect and welcome from you aggressive and fearless leadership with fairness to all interests concerned. I hope and believe you will have the necessary support and cooperation of your associates and the staff, and you are assured of any help I can properly give you.

"I regard it as of prime importance that you assist the Commission in formulating policies and principles of action and procedure. After any Commission may have had sufficient experience to enable it to do so, the public and all who may have business with such agency should be advised as to principles and policies by which the Commission will be guided. In this way all who are concerned may be able to anticipate a reasonably consistent course of action.

"I earnestly hope you may be able to complete your assignment within a few months so that you may return to your post as Chairman of the Federal Power Commission."

The oath as chairman was administered on October 1 in the presence of the members of the Federal Communications Commission and of the Federal Power Commission, of which Mr. McNinch resigned as chairman to accept his new post at the request of President Roosevelt.

Judge Eugene O. Sykes, Acting Chairman of the Federal Communications Commission since the death of Mr. Prall, extended a hearty welcome on behalf of the Federal Communications Commission to the new Chairman. Judge Sykes said the government will find the services of Mr. McNinch most valuable.

Vice Chairman Clyde L. Seavey, of the Federal Power Commission, took occasion to pay a high tribute to Mr. McNinch saying he is a fine executive and a man of exceptional character. He expressed the belief that the new commissioners will learn "to love him as we have in our association with him as Chairman of the Federal Power Commission."

Responding to the hearty welcome of Judge Sykes, Mr.

McNinch said "this is an occasion of mingled regret and pleasure." He expressed the hope that he is parting only for a short time from his colleagues and associates of the Federal Power Commission, where, he said, his association had been so delightful, but found compensation in this new opportunity to render valuable public service "in cooperation with those of us who are now charged with the responsibility of the Federal Communications Commission."

The entire staff of the Federal Power Commission assembled in its hearing room to pay a parting tribute to the man who has served with that Commission for seven years and for more than four years has been its Chairman.

General Counsel Oswald Ryan, Chief Engineer Roger B. McWhorter, and Mrs. Veitch of the Personnel Division, made brief addresses expressing appreciation of Mr. McNinch's service in the Federal Power Commission, the regret of the entire personnel at parting with their chief, wishing him success in his new office, and expressing hope for his early return.

Speaking to his "comrades" of the Federal Power Commission, Mr. McNinch thanked them for their loyalty, ability and devotion to the public service and said he would welcome a return upon completion of the special work to which he had been called. He paid a high tribute to Vice Chairman Seavey, who becomes Acting Chairman, spoke of his long experience, and told the Federal Power Commission staff to "carry on" with the same enthusiasm and efficiency that had been rendered him during his chairmanship.

The members of both the Federal Communications Commission and the Federal Power Commission were guests of Chairman McNinch at luncheon at the Raleigh Hotel, following his taking the oath of office at the Federal Communications Commission.

NAB BOARD OF DIRECTORS AND NAB STATE COMMITTEE WILL MEET IN NEW YORK CITY

The President of the NAB, John Elmer, announced this week that he had notified the Officers and Directors of the NAB that a meeting of the Board would be held in New York City Sunday, October 10, at 10:30 o'clock AM, at the Waldorf Astoria Hotel. Mr. Elmer also announced that a joint meeting of the Board of Directors and the NAB State Committee would be held at the same place at 10:30 AM Monday October 11 and that a further meeting of the Board of Directors would be held Monday afternoon at an hour yet to be determined.

These meetings are preparatory to the Special NAB Convention which will be convened in New York City at the Waldorf Astoria Hotel Tuesday, October 12, at 10 AM.

Facilities for registering Delegates will be available Monday and all who can are urged to register early.

COMMITTEE PREPARING FOR HABANA INTER-AMERICAN RADIO CONFERENCE

A meeting will be held in Room 7355 of the New Post Office Building at 10:00 A. M., Friday, October 8, 1937, for the purpose of considering the broadcast phases of the Inter-American Radio Conference to be held at Habana, Cuba, beginning November 1, 1937. This meeting of the Habana Preparatory Group will be devoted to matters relating to broadcasting in the band 540-1600 kc.

All interested parties are invited by the FCC to attend.

The NAB will be represented by James W. Baldwin, managing director.

MICHIGAN BROADCASTERS ORGANIZE

The broadcasters of the State of Michigan in a meeting held at Detroit, October 4, organized the Michigan Broadcasters Association.

The following were elected Officers and Directors: President, James F. Hopkins (WJBK); Vice-president, John E. Fetzner (WKZO); Secretary-treasurer, Howard Loeb (WFDF); Directors, William J. Scripps (WWJ); Owen Uridge (WJR); Arch Shawd (WXYZ); Roy Radner (WIBM).

NEW ORLEANS STATION RECOMMENDED

WSMB, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at New Orleans, La., to use 1500 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-497 recommended that the application be granted. He states that "because of the chain affiliations of several stations in the New Orleans area and of the rather indifferent service rendered by the two local stations, there appears to be a need for the local service contemplated by this application."

The Examiner states further that "no interference would occur to or from any existing station by reason of this grant." He says also that favorable action is recommended because the application "distinctly contemplates the rendering of service to the New Orleans area which does not now satisfactorily exist."

RECOMMENDS NEW TEXAS STATION

The Dr. William S. Jacobs Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Houston, Texas, to use 1220 kilocycles, 1,000 watts and unlimited time on the air.

Examiner Tyler Berry in Report No. I-498 recommended that the application be granted. He found that

there is a need for the additional service in the area proposed to be served, that there is local talent available for the station and that granting of the application would be in the public interest.

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. 3231. A complaint has been issued charging **James T. Jarrell**, trading as **Standard Business Training Institute**, Genesee Building, Buffalo, with use of unfair methods of competition in the interstate sale of a correspondence course of instruction intended to prepare students for positions as traffic inspectors or checkers for transportation companies.

Use of the name Standard Business Training Institute, it is alleged, is misleading in that it implies and serves as a representation that Jarrell gives instruction in various business subjects and that his school is a large and an extensive institution. The complaint alleges that the respondent's course of instruction is limited to the one subject of traffic inspection, or checking, which is a type of employment rather than a business.

Nos. 3232-3233. Two complaints alleging price discrimination, in violation of the Robinson-Patman Act, have been issued, one against **American Optical Company**, Southbridge, Mass., and its officers, and the other against **Bausch & Lomb Optical Co.**, Rochester, N. Y., and six wholesaling outlets which it controls.

The complaints allege that the respondents are discriminating in price between different purchasers of their optical supplies of like grade and quality, by allowing certain purchasers lower prices, or adjustments, rebates or discounts in the form of cash or commodities, which are not granted to other purchasers competitively engaged in the resale of optical products.

Customers in whose favor such price discriminations allegedly are made, the complaints charge, are generally the larger dealers, who thus are enabled to undersell their competitors or to furnish superior facilities and services to prospective purchasers, trade thereby being diverted from the smaller retailer to the more favored and larger dealer.

No. 3234. **Consolidated Pinnacle Coal Company**, 4363 Brighton Boulevard, Denver, Colo., and its president, **Ellis Morrell**, are charged, in a complaint with use of unfair methods of competition in the interstate sale of coal.

As part of their trade name and in advertising matter the respondents allegedly feature the word "Pinnacle" which, according to the complaint, is understood by the purchasing public to signify coal of high quality obtained from the Pinnacle mine, located in Routt County, Colorado, and owned and operated for more than 25 years by Victor American Fuel Co., Denver. Pinnacle coal produced from this mine, the complaint sets out, has consistently maintained a high reputation because of its quality, utility and fuel value, and has long had a constant and favorable good will.

Cease and Desist Orders

The Commission has issued the following cease and desist orders:

No. 2737. An order to cease and desist has been issued against **Davis Paint Co., Inc.**, trading under its own name and as **Robertson Products Co.**, and against its subsidiaries, **Farm & Home Paint Co.**, **New Method Paint Co.**, and **Berry J. Davis**, president and principal stockholder of **Davis Paint Co.**, all of Kansas City, Mo.

The order directs these respondents to discontinue certain unfair methods of competition in the sale of their products. They are to cease representing that any of the corporate respondents, except the Davis company, own and operate the factories wherein the products they sell are made; that Davis Paint Co. has factories located elsewhere than in Kansas City, Mo., and Cleveland, Ohio,

and to cease asserting in guarantees, or in any other manner, that claims by customers for refunds or adjustments will be allowed, when such claims are not, in fact, so allowed.

Other representations prohibited by the order are that the respondents' paints can be purchased at prices substantially lower than the regular or current prices, and that such paints ordinarily sell for prices substantially higher than those represented to be special, when such are not the facts.

No. 2842. Misrepresentation of the quality of enamel kitchen ware and other enamel ware products sold under the name Federalware, is prohibited under an order to cease and desist entered against **Federal Enameling and Stamping Company, McKees Rock, Pa.**

The respondent company is ordered to discontinue use of the word "stainless," or any word of similar meaning, as a brand or label for or in advertising enamel ware unless the articles so described are made of a material which can successfully withstand the test of boiling in them a solution of 1½ per cent citric acid plus 1½ per cent malic acid for a half hour without showing visible signs of etching or stain.

No. 2931. An order has been entered against **New York State Sheet Metal Roofing and Air Conditioning Contractors' Association, Utica, N. Y., Fox Furnace Company, Elyria, Ohio,** and the officers of each, directing them to cease and desist from certain unfair methods of competition in connection with the interstate sale of hot air furnaces.

The New York State association is a trade organization whose membership consists of plumbing contractors and dealers in sheet metal roofing supplies and hot air furnaces. The Fox Company manufactures hot air furnaces.

The order prohibits the respondents from engaging in, by agreement or understanding, any of the following practices:

(1) Holding meetings to devise means of inducing members of trade associations similar to the New York State association not to purchase the products of manufacturers named by the respondents as being manufacturers dealing with mail order houses; (2) printing and publishing so-called "white lists" containing the names of manufacturers, approved by the respondents, who do not sell to mail order houses; (3) using in concert and agreement among themselves and with others coercive and concerted action, threats of boycott and other united action against manufacturers selling to mail order houses, and (4) causing publication and distribution of pamphlets and bulletins to various trade associations and their members, urging them to discontinue purchasing the products of manufacturers named in the pamphlets and bulletins, and urging the associations to induce their membership to discontinue trading with such manufacturers.

Practices ordered discontinued, it was found, tended to monopolize in the respondents the business of dealing in and distributing hot air furnaces; to unreasonably lessen and suppress competition in the industry, and to deprive the purchasing public of the advantages in price, service and other considerations which they would receive under conditions of free and fair competition.

No. 3033. Prohibiting certain unfair methods of competition in the sale of soaps, an order to cease and desist has been issued against **Babiglo Company, Inc., 37 West 20th St., New York.**

Use of the words "olive" or "olive oil" alone or with other words to describe a soap composed in part of olive oil and in part of other oils and fats is banned under the order, unless there conspicuously appears in immediate conjunction with these words other designations truthfully describing the content of the soap.

Use of the expressions "Old Seville," "Old Madrid," or "Infanta," alone or with other words, or use of pictorial representations, as brands or labels for soap, to imply that it was produced in and imported from Spain, is prohibited unless such representations are true. Similar use of the words "Florentine" or "Rosario" is to be discontinued unless the soap was produced in and imported from Italy or Spain.

No. 3050. An order to cease and desist from use of unfair methods of competition, exclusive dealing contracts and price discrimination has been entered against **Christmas Club, 341 Madison Ave., New York,** engaged in the sale of pass books, account books, advertising literature, and other paraphernalia for use by banks and trust companies in the conduct of Christmas clubs and other savings systems.

Some of the practices in which the corporation engaged were found by the Commission to have been in violation of Section 5 of the Federal Trade Commission Act, others in violation of Section 3 of the Clayton Act, and others violative of the Robinson-Patman Anti-Price Discrimination Act.

Among representations to be discontinued in advertising matter, or otherwise, are that the respondent corporation has the right to

the sole and exclusive use of and has trade-marked the name "Christmas Club" for its systems; that it is the manufacturer and printer of its systems, unless and until it owns or controls an establishment in which such systems are printed, and that it has spent over a specified period more than \$3,500,000, or any other sum, in promoting the Christmas Club name and plan, without accurately explaining the manner in which the sum was computed.

Stipulations

The Commission has entered into the following stipulations:

No. 01796. **Drums, Inc., Detroit,** has entered into a stipulation to discontinue false and misleading advertising in connection with the sale of Drums, a cleaning preparation for silks and other fabrics.

The respondent corporation agrees to cease advertising that Drums will not shrink, fade, spot, streak, or harm any fabric that cold water will not harm, unless this claim is qualified by the words "when used according to directions." Representations that the preparation renews colors and restores dulled and dirty fabrics to new beauty also will be discontinued.

No. 01868. **J. R. Bourdeau, trading as Metallic Sign Letter Company, 431 North Clark St., Chicago,** will stop using in advertising matter the words "gold" or "silver" in any manner so as to imply that the sign letters he sells in interstate commerce are made of gold or of silver, in whole or in part, when such is not a fact. He also will discontinue making unmodified representations of earnings in excess of the average earnings achieved by his active, full-time salesmen or dealers under normal business conditions.

No. 01870. **The Perfect Manufacturing Company, trading as R. E. Engineers, Oakley, Cincinnati,** selling a device designated Add-A-Tube for use in radio sets, will discontinue advertising that use of the product will give longer life to radio tubes and improve reception, unless the latter claim is limited to reception in the older types of sets; that sets equipped with Add-A-Tube will receive broadcasts from domestic or foreign stations not previously received, and that the product will give any radio the same tone, sharpness of selectivity, or clear reception as the latest, most expensive set on the market.

No. 01871. **Nish A. Jamgoteh, trading as Nish A. Jamgoteh Company, 2628 Hennepin Ave., Minneapolis,** selling Mothola, will desist from representing that the product affords a permanent protection against and insures safety from moths, and that the odor in most moth-proofing compounds is the moth-destroying property, and when the odor disappears the moth-proofing property of such compounds no longer remains.

No. 01872. **Sara B. Plant, Burbank, Calif., trading as Cravex Company,** will cease representing that her preparation designated Cravex is a cure for alcoholism or will cause the craving for liquor to disappear, or that it will have any direct effect on the liquor habit, unless this latter claim is expressly limited to soothing the nerves and improving the appetite.

No. 01873. **F. Ellerton Smith, Springfield, Mass., trading as Fernando Publishing Company,** will cease representing that the course in hypnotism which he sells enables one to control his destiny and overcome all obstacles, to cure disease of any sort without the use of medicine, and to be successful in everything. The respondent will stop using the word "professor" as a title for himself or any person connected with him in business, and will refrain from use of the word "doctor," unless it is stated clearly in connection with such word that he is a doctor of dental surgery.

No. 01874. **Resolute Publications, Inc., 404 Fourth Ave., New York,** agrees to desist from representing that its publications dealing with subjects in psychology enable one to throw off fear, inferiority and disease and to replace them with health, happiness and prosperity; that they reveal the complete laws of mastery of self and of any hostile factor in life, and that its Great Master Course or Fourteen Lesson Course, or any other article, is given free so long as the recipient is required to subscribe and pay for a magazine in order to obtain the article purported to be free.

No. 01875. **Earle J. Hansch, 740 Broadway, Los Angeles, trading as Snugfit Company,** agrees to stop advertising that through use of Snugfit, a dental product, one can correct plate trouble and overcome loosening or slipping of the plates; that the product is capable of adapting the plate to mouth tissues perfectly and that any comfort that may be derived through use of the product is permanent.

No. 01876. **Foster Manufacturing Company, 736 Keith Building, Elyria, Ohio**, engaged in selling Meco-Sazh Ointment and Meco-Sazh Body Machine and other massage devices, will discontinue representing that either of its products will grow hair, stop dandruff or keep the scalp healthy, unless this claim is limited to conditions due to lack of normal blood supply in the scalp area. The company also will cease advertising that Meco-Sazh Body Machine is capable of reducing fatty tissues as effectively as an expert masseur in constant attendance.

No. 01877. **Alfred C. Schmidt, 141 North Main St., Memphis, Tenn.**, trading as **Schmidt School of Taxidermy** and selling a correspondence course in taxidermy, will discontinue representing that he guarantees to teach anyone by mail to mount animals and birds or to tan hides, or that his course is the finest regardless of the cost of similar courses. Schmidt will stop representing that the price of his course is limited as to the time of acceptance, or otherwise, when such price is the regular price and no limitation as to the acceptance thereof exists. He also will cease awarding diplomas to purchasers of his course unless they are required to demonstrate their knowledge of taxidermy by passing appropriate examinations or meeting other adequate requirements.

No. 2051. **Wilbert W. Haase Company, Inc., and American Vault Works, Inc.**, both of 1015 Troost Ave., **Forest Park, Ill.**, have entered into a stipulation to discontinue false and misleading advertising in the sale of burial vaults. Wilbert W. Haase is president of and a large stockholder in both companies.

The companies agreed to desist from using and from licensing others to use the word "asphalt" as a trade name, in advertising matter, or otherwise, to describe vaults which are not composed of asphalt in their entirety. The stipulation provides that if the vaults are composed in substantial part of asphalt and the word "asphalt" is used to describe them, then the word shall be immediately accompanied by other words so as to indicate clearly that the vaults are not composed wholly of asphalt but in part of some other material.

No. 2052. A stipulation to stop false and misleading representations in advertising certain radio sets has been entered into by **Western Auto Supply Company, 2107 Grand St., Kansas City, Mo.**, which operates retail stores in many cities throughout the United States.

The company agreed to discontinue using the words "World-Wide" or "All-Wave" either alone or with the words "Not Just Foreign," or with any other words, to describe radio sets which are not capable of reception over the entire meter range covering all broadcasts; and to cease representing that owners of its sets can have world-wide, continuous reception of short-wave transmissions, with loud-speaker volume, as dependably and as easily as with long-wave or broadcast transmissions.

No. 2053-2054. Misbranding of hosiery sold in interstate commerce will be discontinued by two concerns under stipulations entered into. The companies are **Chipman-Lacrosse Hosiery Mills Company, Inc., of East Flat Rock, N. C.**, and **Standard Hosiery Mills, Inc., of Alamance, N. C.**

Both companies agreed to cease using the word "silk" alone or in any manner, so as to imply that hosiery so described is composed of silk, when this is not true. If hosiery is composed in substantial part of silk and the word "silk" is used to describe it, then, the stipulations provide, the word shall be immediately accompanied by other words in equally conspicuous type so as to indicate clearly that the products are not composed wholly of silk but in part of other materials.

No. 2055. **Walton Hosiery Mills, Statesville, N. C.**, agreed to stop using the phrase "Silk Reinforced with Englo", alone or with any other words, as a brand for hosiery so as to imply that it is composed of a predominating quantity of silk reinforced with a smaller quantity of any material, when such is not a fact. The corporation also will cease using the word "silk" as descriptive of hosiery or the surface thereof so as to imply that it is composed of silk, when this is not true. If the hosiery or its surface is composed in substantial part of silk, and the word "silk" is used to describe its content, then the word shall be immediately accompanied by other words in equally conspicuous type to indicate clearly that the product is not composed wholly of silk, but of other materials.

No. 2057. **Garant Hosiery Mills, Murfreesboro, Tenn.**, will refrain from branding its hosiery with the words "English Rib" so as to create the impression that the hosiery is made in England and in accordance with a process accomplished only by English style machines. In case the hosiery is manufactured elsewhere than in England, but on English style machines, and the words "English Rib" are used as descriptive thereof, then the country in which the hosiery is made shall be clearly indicated thereon.

No. 2056. Trading as **Star Radio Company, 409 11th St., N. W., Washington, D. C.**, **Max D. Montague** and **Nathan N. Wallack**, engaged in the sale of washing and ironing machines, vacuum cleaners and radios, have entered into a stipulation to discontinue use in advertising matter, or otherwise, of the word "free" which refers to articles represented to be given without cost to the purchasers of other merchandise, when, in fact, the cost of such articles is included in the selling price of the merchandise.

No. 2059. **Reliable Mattress Company, 2028 Walnut St., St. Louis**, has entered into a stipulation to cease selling or supplying its customers for sale to others, mattresses to which are affixed any false, fictitious or misleading price in excess of the price at which such mattresses are usually sold at retail.

No. 2060. A stipulation to discontinue false and misleading advertising has been entered into by **Marvin Friedland**, trading as **Philadelphia Machinery Company, 603 Arch St., Philadelphia**, engaged in the sale of various types of machinery, including electric grinders and tool sets.

Friedland agreed to cease representing that any of his products are given free to the purchaser of other of his products, when the price of the former is included in the price of the latter, or when such product represented as being given free is included not as a gratuity, but for and in consideration of the purchase of some other article. The respondent also will cease advertising that any of his products have a greater value than the prices at which they are usually sold.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning, Monday, October 11.

Monday, October 11

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—S. L. Slover Corp., Norfolk, Va.—C. P., 1370 kc., 250 watts, unlimited time.
- NEW—Harwell V. Shepard, Denton, Tex.—C. P., 1420 kc., 100 watts, daytime.
- NEW—First Baptist Church, Pontiac, Mich.—Authority to transmit programs to Station CKLW, Windsor, Ontario, Canada.
- KGAR—Tucson Motor Service Co., Tucson, Ariz.—C. P., 1340 kc., 250 watts, unlimited time. Present assignment: 1370 kc., 100 watts night, 250 watts LS, unlimited.

Tuesday, October 12

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—W. C. Irwin, Amarillo, Tex.—C. P., 1500 kc., 100 watts night, 250 watts LS, unlimited.
- W3XAU—WCAU Broadcasting Co., Newton Square, Pa.—Modification of license, 6060, 9590, 15150 kc., 10 KW, unlimited. Present assignment: 6060, 9590 kc., 10 KW, unlimited.
- W3XAU—WCAU Broadcasting Co., Newton Square, Pa.—Modification of license, 6060, 9590, 25750 kc., 10 KW, unlimited.
- NEW—Four Lakes Broadcasting Co., Madison, Wis.—C. P., 830 kc., 100 watts, daytime.
- KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Voluntary assignment of license to Beaumont Broadcasting Co.; 560 kc., 500 watts night, 1 KW LS, unlimited.
- NEW—Northwestern Broadcasting Co., Vernon, Tex. (R. H. Nichols, Pres.)—C. P., 1500 kc., 100 watts, unlimited.

Wednesday, October 13

HEARING BEFORE AN EXAMINER

(Broadcast)

- W1XEH-W1XLU-W1XO-W1XT-WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license to Travelers Broadcasting Co.; 63500 kc., 150 watts, unlimited; 290000, 450000 kc., 5 watts; 31100, 34500, 37600, 40600 kc., 50 watts; 31100, 34600, 37600, 40600 kc., 100 watts; 1060 kc. (SA for 1040 kc.), 50 KW night,

50 KW LS, share WBAL (SA unlimited time KRLD simul. ex.).

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Modification of license, 1200 kc., 100 watts, 250 watts LS, unlimited.

NEW—Burl Vance Hedrick, Salisbury, N. C.—C. P., 1340 kc., 1 KW, daytime.

Thursday, October 14

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-422:

NEW—Troy Broadcasting Co., Inc., Troy, N. Y.—C. P., 950 kc., 1 KW, daytime.

Examiner's Report No. 1-430:

WMBO—WMBO, Inc., Auburn, N. Y.—Authority to transfer control of corporation; 1310 kc., 100 watts, unlimited.

Examiner's Report No. 1-431:

NEW—Curtis Radiocasting Corp., Indianapolis, Ind.—C. P., 1500 kc., 100 watts, 250 watts LS, S.H.

WKBV—Knox Radio Corp., Richmond, Ind.—Modification of license, 1500 kc., 100 watts, unlimited time. Present assignment: 1500 kc., 100 watts, specified hours.

Examiner's Report No. 1-433:

NEW—Beaumont Broadcasting Assn., B. A. Steinhagen, Pres., Beaumont, Tex.—C. P., 1420 kc., 100 watts, unlimited time.

HEARING BEFORE AN EXAMINER

(Broadcast)

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license, 1410 kc., 1 KW, unlimited time. Present assignment: 1410 kc., 500 watts night, 1 KW LS, unlimited.

NEW—Tri-City Broadcasting Co., Inc., Schenectady, N. Y.—C. P., 950 kc., 1 KW, unlimited.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Modification of C. P., 1240 kc., 1 KW, unlimited time (C. P. for 1420 kc., 100 watts, unlimited time).

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—C. P., 1210 kc., 100 watts night, 250 watts LS, unlimited. Present assignment: 1210 kc., 100 watts, unlimited.

Friday, October 15

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—C. Bruce McConnell, Indianapolis, Ind.—C. P., 1500 kc., 100 watts, 250 watts LS, daily except Sunday, 10 a. m. to 12 noon, 6 to 10 p. m. (Requests hours now used by WKBV).

WKBV—Knox Radio Corp., Richmond, Ind.—Renewal of license, 1500 kc., 100 watts, specified hours.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, 1 KW LS, unlimited.

NEW—John P. Harris, Hutchinson, Kans.—C. P., 710 kc., 1 KW, daytime.

APPLICATIONS GRANTED

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted C. P. approving transmitter site and installation of vertical radiator.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Granted C. P. to move transmitter site locally and install vertical radiator.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted license to cover C. P., 1500 kc., 100 watts night, 250 watts day, unlimited time.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted license to cover C. P., 1500 kc., 100 watts night, 250 watts day, unlimited time.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—Granted license to cover C. P. and modifications thereof; 1310 kc., 250 watts, daytime only.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted license to cover C. P., 1210 kc., 100 watts night, 250 watts day, unlimited.

WOLS—O. Lee Stone, Florence, S. C.—Granted modification of C. P. extending completion date from 10-16-37 to 12-16-37.

WAAB—The Yankee Network, Inc., Boston, Mass.—Granted modification of license to change power of auxiliary transmitter for emergency purposes only, to correspond to the power of the main transmitter.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit program from station WXYZ to station of Canadian Broadcasting Corp.

WEAU—Morgan Murphy, Eau Claire, Wis.—Granted authority to transfer control of corporation from Morgan Murphy to Elizabeth Murphy; 1050 kc., 1 KW, limited time.

WBRC—Eloise H. Smith, Executrix of the Estate of Marcellus D. Smith, Jr., Birmingham, Ala.—Granted involuntary transfer of control of Birmingham Broadcasting Co., Inc., licensee of WBRC, to Eloise H. Smith, as executrix of estate of Marcellus D. Smith, Jr., deceased (930 kc., 1 KW, unlimited).

WBCM—James E. Davidson, Bay City, Mich.—Granted voluntary assignment of license to Bay Broadcasting Co., Inc., a newly organized corporation; 1410 kc., 500 watts day and night, unlimited.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Granted modification of C. P. to change transmitter site locally and make changes in vertical radiator.

NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind. (Mobile) (2 applications).—Granted C. P. for new relay broadcast station, frequencies 38900, 39100, 39300 and 39500 kc., 2 watts.

NEW—Jonas Weiland, Kinston, N. C. (Mobile).—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 35 watts.

NEW—KCMO Broadcasting Co., Kansas City area (Mobile).—Granted C. P. for new experimental relay broadcast station, frequencies 100000, 200000, 300000 and 500000 kc., 5 watts.

NEW—KCMO Broadcasting Co., Kansas City area (Mobile).—Granted C. P. for new experimental relay broadcast station, frequencies 100000, 200000, 300000 and 500000 kc., 10 watts.

WAXG—Florida Capitol Broadcasters, Inc., Tallahassee, Fla. (Mobile).—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Granted modification of C. P. extending commencement date to 11-2-37 and completion date to 5-2-38, and to use frequency 26100 kc. on an experimental basis.

SET FOR HEARING

NEW—Mittelle Franklin Noble, Anniston, Ala.—C. P. to erect new station, 1420 kc., 100 watts, daytime only. Exact transmitter and studio sites to be determined with Commission's approval.

NEW—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—C. P. to erect new station, 1340 kc., 250 watts, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Young People's Assn. for the Propagation of the Gospel, Philadelphia, Pa.—C. P. for new station, 1220 kc., 1 KW, unlimited time, using directional antenna system for day and night-time operation.

NEW—Jack W. Hawkins and Barney H. Hubbs, d/b as Odessa Broadcasting Co., a partnership, Odessa, Tex.—C. P. to erect a new station, 1310 kc., 100 watts, daytime only. Exact transmitter site to be determined with Commission's approval.

NEW—William F. Huffman, Wisconsin Rapids, Wis.—C. P. to erect a new station, 580 kc., 250 watts, unlimited time, using directional antenna system for night-time operation. Exact studio site to be determined with Commission's approval.

WILL—University of Illinois, Urbana, Ill.—C. P. to make changes in equipment and increase day power from 1 KW to 5 KW, using present directional antenna system.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—C. P. to install new equipment and increase day power from 250 watts to 1 KW.

WBAA—Purdue University, W. Lafayette, Ind.—C. P. to move station from W. Lafayette, Ind., to near Indianapolis, exact location to be determined subject to Commission approval; to install new equipment; increase power to 1 KW night, 5 KW day; and change hours of operation to unlimited (now operates on 890 kc., 500 watts night, 1 KW day, specified hours).

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—C. P. to install new equipment and increase day power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.

WJNO—Hazelwood, Inc., W. Palm Beach, Fla.—C. P. to install new transmitter, change frequency from 1200 kc. to 1330 kc., and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license to increase night power from 500 watts to 1 KW.

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Modification of license to increase power for night-time operation from 100 watts to 250 watts. To be heard before the Broadcast Division.

WNBR—Memphis Commercial Appeal Co., Memphis, Tenn.—Authority to transfer control of corporation to Memphis Press-Scimitar Co. (1430 kc., 500 watts, 1 KW LS, unlimited).

KRGV—M. S. Niles, Weslaco, Tex.—Authority to transfer control of KRGV, Inc., to O. L. Taylor, Gene A. Howe and T. E. Snowden; 1260 kc., 500 watts (C. P. 1 KW), unlimited.

WGES—H. J. Guyon, Thomas H. Guyon, Wm. F. Moss, Louis E. Moulds, Gene T. Dyer (stockholders of Oak Leaves Broadcasting Station, Inc.), Chicago, Ill.—Authority to transfer control from present stockholders to WSBC, Inc.; 1360 kc., 500 watts night and day except Sundays, when station has 1 KW LS, share WSBT.

SPECIAL AUTHORIZATIONS

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted special temporary authority to operate with power of 1 KW from local sunset (September sunset, 6:45 p. m.; October sunset, 5:45 p. m., CST), to the conclusion of football games on October 1, 15 and 22.

Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted special temporary authority to operate two relay broadcast transmitters on frequencies 39700, 39900, 40800 and 41400 kc., 15 watts, for the period October 1 to October 30, 1937, to relay broadcast test runs and actual races of Captain Eyston on the Bonneville Salt Flats to be rebroadcast over KSL.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate a 100-watt crystal controlled transmitter between the hours of 1 and 6 a. m., EST, for the period October 4 to November 2, 1937, in order to conduct tests on several sites in the vicinity of Philadelphia.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Granted special temporary authority to rebroadcast over station WMBC ten-minute program Wednesday between 7 and 7:30 p. m., CST, October 6, originating over state police station WRDS.

WBEQ—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate during afternoon hours not now covered by license, for the duration of the World Series games beginning October 6.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted special temporary authority to operate from local sunset (November sunset, 4:30) to 5 p. m., EST, Sundays, November 7, 14, 21 and 28, 1937, in order to broadcast program of Rev. Charles E. Coughlin.

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with station KOA from local sunset (October sunset, 7:15 p. m.) to 8 p. m., EST, October 8, in order to broadcast preliminaries to football game played between Temple University and University of Florida at Philadelphia.

WPHR—WLBC, Inc., Petersburg, Va.—Granted special temporary authority to operate from local sunset (October sunset, 5:30 p. m.) to 6 p. m., EST, on Saturdays, October 9, 16, 23 and 30, in order to broadcast football games.

WBEQ—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate from 7:30 to 8:30 p. m., CST, October 9, in order to broadcast a special program originating at Crystal Falls, Mich., for Michigan State Democratic Committee.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 8:45 p. m., CST, October 9, in order to broadcast program to be held at Crystal Falls arranged by the Democratic State Committee. Also granted special temporary authority to operate from 10 to 10:15 a. m., CST, October 12,

13, 14, 15 and 16, 1937, in order to broadcast musical program made up from the WBS program library, and from 10:15 to 10:30 a. m., CST, October 12, 13, 14, 15 and 16, in order to accommodate the Rexall Magic Hour program.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 10:30 p. m., MST, on October 15, 22, 29; November 5 and 12, 1937, in order to broadcast Roswell High School football games.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with WGNV from 2 to 3 p. m., EST, October 16 and November 13, 1937, in order to broadcast football games from high school stadium at Red Bank.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted special temporary authority to rebroadcast over KWTO conversation carried on between experimental stations W5XAR and W5XAS of the Western Radio Telegraph Co., for a period of not more than 1 hour between October 18 and 24, 1937, flying weather permitting.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 4 to 5 p. m., CST, Saturday, October 30, 1937, in order that station WBAA may broadcast the Purdue-Iowa State football game.

WNYC—City of New York Department of Plant and Structures, New York City.—Granted special temporary authority to operate from 5:45 to 11 p. m., election night, November 2, 1937, in order to broadcast municipal election returns.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for a period not to exceed 30 days, in order to broadcast certain educational programs.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted special temporary authority to operate on a frequency of 610 kc., with 1 KW power, between the hours of 1 and 6 a. m., EST, for period October 6 to 15, 1937, in order that measurements may be made to determine whether or not present antenna system complies with requirements of Rule 131.

WAXB—WAXC—Alford J. Williams, c/o Gulf Oil Corp., Pittsburgh, Pa.—Granted extension of special temporary authority to operate RCA Type H aircraft transmitter, 5 watts, on board plane NR-1050 owned by A. J. Williams, and RCA Type AVT-7 transmitter, portable on ground, on frequencies 1646, 2090, 2190, 2830 kc., as relay broadcast stations for the period October 31 to November 29, 1937, for testing and transmission of program communication service between plane and portable transmitter on ground, in connection with flight demonstrations and Junior Aviator activities at various locations over the U. S.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Denied special temporary authority to operate simultaneously with WKBO from 5:15 to 6 p. m., EST, for the period beginning October 1 and ending no later than October 30, 1937.

RENEWAL OF LICENSES

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

KALE, Portland, Ore.; KCRC, Enid, Okla.; KDFN, Casper, Wyo.; KECA, Los Angeles, Calif.; KFBK, Sacramento, Calif.; KFH, Wichita, Kans.; KFJM, Grand Forks, N. Dak.; KGA, Spokane, Wash.; KGER, Long Beach, Calif.; KGHF, Pueblo, Colo.; KGIR, Butte, Mont.; KGNO, Amarillo, Texas; KGNF, North Platte, Nebr.; KGNO, Dodge City, Kans.; KIDO, Boise, Idaho; KIEM, Eureka, Calif.; KLO, Ogden, Utah; KMO, Tacoma, Wash.; KOH, Reno, Nev.; KOMA, Oklahoma City; KOY, Phoenix, Ariz.; KQV, Pittsburgh, Pa.; KRNT, Des Moines, Iowa; KSO, Des Moines; KSTP, St. Paul, Minn.; KWK, St. Louis, Mo.; WAAB and auxiliary, Boston; WBBR, Brooklyn, N. Y.; WBNS, Columbus, Ohio; WCSC, Charleston, S. C.; WDRK, Hartford, Conn.; WEVD, New York City; WFAB, New York City; WFBL, Syracuse, N. Y.; WGES, Chicago; WHIS, Bluefield, W. Va.; WJSV, Washington, D. C.; WKBW, Buffalo, N. Y.; WMPS, Memphis, Tenn.; WORK, York, Pa.; WSPD, Toledo, Ohio; WSFA, Montgomery, Ala.; WSMK, Dayton, Ohio.

ACTION ON EXAMINERS' REPORTS

WFEA—Ex. Rep. 1-180—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license; 1340 kc., 500

watts night, 1 KW day, unlimited time. Order effective November 23, 1937. Examiner P. W. Seward sustained.

KINY—Ex. Rep. 1-386—Edwin A. Kraft, Juneau, Alaska—Granted C. P. to install new equipment; install vertical antenna; change frequencies from 1310 ke. to 1430 ke. and increase power from 100 watts to 250 watts, unlimited time. Order effective November 23, 1937. Examiner R. H. Hyde reversed.

KLPM—Ex. Rep. 1-400—John B. Cooley, Minot, N. Dak.—Granted C. P. to make changes in equipment; install vertical antenna; move transmitter from 26 E. Central Ave. to near Minot; change frequencies from 1240 ke. to 1360 ke.; increase power from 250 watts to 500 watts night, 1 KW day; change hours of operation from specified to unlimited. Order effective November 23, 1937. Examiner J. P. Bramhall sustained.

ORAL ARGUMENTS GRANTED

Oral Arguments were granted, to be held January 6, 1938, on the following Examiners' Reports:

Ex. Rep. 1-485, KGKO, Wichita Falls, Broadcasting Co., Fort Worth, Texas; Ex. Rep. 1-490, Warren B. Worcester, San Diego, Calif., and Ex. Rep. 1-493, Abraham Plotkin, Chicago, Ill., and Philadelphia Radio Broadcasting Co., Philadelphia.

APPLICATIONS DISMISSED

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

NEW—James F. Hurley, Jr., Salisbury, N. C.—C. P., 1500 ke., 100 watts, daytime.

NEW—W. Va. Broadcasting Corp., Wheeling, W. Va.—C. P., 1310 ke., 100 watts, unlimited.

KNOW—KUT Broadcasting Co., Austin, Texas—Voluntary assignment of license to Hearst Radio Inc.; 1500 ke., 100 watts, unlimited.

WACO—KTSA Broadcasting Co., Waco, Texas—Voluntary assignment of license to Hearst Radio, Inc.; 1420 ke., 100 watts, unlimited.

NEW—W. Va. Broadcasting Corp., Charleston, W. Va.—C. P., 1500 ke., 100 watts, 250 watts, LS, unlimited.

KTSA—KTSA Broadcasting Co., San Antonio, Texas—Voluntary assignment of license to Hearst Radio, Inc.; 550 ke., 1 KW, 5 KW LS, unlimited.

APPLICATIONS DENIED

NEW—Hollenbeck Heights Christian Church, Los Angeles—Application for C. P., 1170 ke., 100 watts, limited time, heretofore set for hearing, was denied as in case of default for failure of applicant to file an appearance in accordance with Rule 104.6 (c).

NEW—J. F. Rodgers, Harlingen, Texas—Application for C. P. for 1370 ke., 100 watts, 250 watts, LS, unlimited, heretofore set for hearing, was denied as in case of default for failure of applicant to file an appearance in accordance with Rule 104.6 (c).

MISCELLANEOUS

NEW—Earl Weir, St. Petersburg, Fla.—Application for C. P., 1370 ke., 100 watts, unlimited time, heretofore set for hearing, was dismissed with prejudice, inasmuch as request for withdrawal was received less than 30 days prior to hearing scheduled thereon.

Granted petition of WAVE, Inc., Louisville, Ky., to intervene in the hearing on the application of Kentucky Broadcasting Corp. for a C. P. to establish a new station at Louisville using 1210 ke., 100 watts, 250 watts, LS, unlimited time.

Granted petition of the Colonial Broadcasting Corp., Newport News, Va., to intervene in the proceedings upon the application of S. L. Slover Corp., Norfolk, Va., for C. P. for new station to use 1370 ke., 100 watts, 250 watts, LS, unlimited time.

Granted petition of Glenn Van Auken (WGVA), Indianapolis, Ind., to intervene in the proceeding upon the application of Bruce McConnell for a C. P. to establish a new station at Indianapolis on frequency 1500 ke., 100 watts, 250 watts, LS, daytime hours, except Sunday from 10 a. m. to 12 noon; 6 to 10 p. m.

Granted petition of the Evening News Association, Inc. (WWJ), Detroit, Mich., to intervene in the hearing upon the application of George B. Storer for a C. P. to establish a new station on frequency 800 ke., 1 KW, daytime hours, at Pontiac, Mich.

Granted petition of Augusta Broadcasting Co. (WRDW), Augusta, Ga., to intervene in the hearing of the application of Wm. Avera Wynne (WEED), Rocky Mount, N. C., for C. P., 1240 ke., 500 watts, unlimited time, waiving the ten-day requirement of Rule 105.20 with respect to the filing of petitions for intervention in hearings.

Granted petition of Northern Corp. (WMEX), Boston, to intervene in the hearing upon the application of the Yankee Network, Inc. (WAAB), for modification of license, specifying the frequency 1410 ke., 1 KW, unlimited time.

Granted petition of WCAE, Inc., Pittsburgh, Pa., to intervene in the proceeding upon the application of WWPO, Inc., Pittsburgh, Pa., for a C. P. to establish a new station upon frequency 1120 ke., 250 watts, unlimited time.

Granted petition of Floyd A. Parton, San Jose, Calif., to intervene in the proceedings upon the application of George H. Payne for C. P. to establish a new station on frequency 1440 ke., 500 watts, unlimited time.

Granted petition of the Citizens Broadcasting Corp., Schenectady, N. Y., to intervene in the proceeding on the application of the Tri-City Broadcasting Co., Inc., Schenectady, for a C. P. to establish a new station on frequency 950 ke., 1 KW, unlimited time.

Granted petition of WJAS, Pittsburgh Radio Supply House, Pittsburgh, Pa., to intervene in the hearing on the application of WWPO, Inc., for authority to establish a broadcast station using frequency 1120 ke., 250 watts, unlimited time.

Granted petition of Charleston Broadcasting Co., Charleston, W. Va., to intervene in the hearing on the application of the Kanawha Valley Broadcasting Co. for C. P. to establish a new station at Charleston, W. Va., to operate on frequency 1500 ke., 100 watts, unlimited time.

Granted petition of James F. Hopkins, Inc., WJBX, Detroit, Mich., to intervene in the hearing upon the application of the Cadillac Broadcasting Corp., Detroit, for a C. P. to establish a new station upon the frequency 1140 ke., 500 watts, daytime hours.

Granted petition of the Madison Broadcasting Co., Madison, Wis., in the hearing upon the application of the Four Lakes Broadcasting Co., for C. P. to erect a new station at Madison, Wis., to operate on 830 ke., 100 watts, daytime only.

Granted petition of the South Carolina Broadcasting Co., Inc., WCSC, Charleston, S. C., to intervene in the hearing on the application of Santo Settle for a C. P. to erect a new station at Charleston, S. C., to operate on frequency 1200 ke., with 100 watts night, 250 watts, LS, unlimited.

Granted petition of Jules J. Rubens for authority to intervene in the hearing on the application of Martin E. O'Brien, for C. P. to erect a new broadcast station at Aurora, Ill., to operate on 1280 ke., 250 watts, daytime only.

Granted request to cancel oral argument now set for November 4, 1937, in the matter of the application of W. E. Whitmore for C. P., to erect a new station at Hobbs, N. Mex., to use 1500 ke., 100 watts, daytime only, as the Big Springs Broadcasting Co., Big Springs, Texas, has withdrawn its exceptions to Examiner's Report No. 1-449, recommending grant of Whitmore application.

Granted petition of Travelers Broadcasting Service Corp. and The Travelers Broadcasting Co. for continuance of hearing upon their applications for assignment of licenses for stations WTIC, W1XT, W1XO, W1XLU, W1XEH, Hartford, Conn., now scheduled for October 13, for a period approximately 7 days, the new hearing date to be fixed by Dockets.

Denied petition of W. A. Barnette, Greenwood, S. C., for postponement or cancellation of the hearing upon his application for C. P. to establish a new broadcast station on 1370 ke., 250 watts, daytime hours. A hearing on this application is now scheduled for October 25.

Denied petition of Floyd A. Parton for a continuance of hearing upon his application for C. P. for new station at San Jose, Calif., using 1170 ke., 250 watts, daytime hours, and upon the application of George H. Payne for C. P. to establish a station at San Jose using frequency 1440 ke., 500 watts, unlimited time. A hearing on these applications is scheduled for October 25.

Granted petition of Pulitzer Publishing Company for extension of time for oral argument in re Examiner's Report No. 1-452, and that all parties will be given one hour.

Granted motion of applicant S. L. Slover Corp., Norfolk, Va., for continuance of hearing for a period of 30 days, on application for C. P. for new station using frequency 1370 ke., 100 watts, 250 watts LS, unlimited time.

Granted petition of Fred M. Weil for order to take deposition before Orville W. Duell, a notary public, at the Continental Hotel, Grand Coulee, Wash, such deposition to be taken on October 9,

1937. Fred M. Weil is an applicant for a new station at Grand Coulee, to use 1420 kc., 100 watts, 250 watts LS, unlimited.

Denied petition of Ellwood Warwick Lippincott, Inc., for continuance of oral argument on the application of the Bend Bulletin, now scheduled for October 28, 1937, to such time as oral argument is had on the application of Lippincott, which was heard by an Examiner on September 21, 1937, and whose report has not yet been submitted.

Granted petition of A. H. Belo Corp. (WPAA), Dallas, Tex., that Rule 104.6(b) be waived, and that the answer submitted by WFAA to applicant's appearance in Docket 3054 involving application of George B. Storer, for C. P. to erect a new station at Pontiac, Mich., be accepted and made a part of the record.

Granted request of Interstate Broadcasting Co., Inc. (WQXR), respondents, for oral argument upon Ex. Rep. 1-461, covering application of Ann Arbor Broadcasting Co., Inc., for C. P. to establish a new station on frequency 1550 kc., 1 KW, unlimited time. (Oral argument scheduled for December 16, 1937.)

Denied petition of Durham Radio Corp. (WDNC) for reopening of hearing upon its application for C. P. specifying 600 kc., 1 KW, unlimited time, directional antenna night, and to allow an amendment to the application with regard to the proposed directive antenna system, and the introduction of additional engineering testimony.

Dismissed petition filed by J. K. Patrick & Company requesting the Commission to affirm Examiner's Report No. 1-474 and to grant the authority requested therein, and cancelled oral argument set for December 9, 1937.

EXAMINERS' REPORTS RELEASED SINCE SEPTEMBER 28

NEW—Ex. Rep. 1-497: WSMB, Inc., New Orleans, La.—Examiner Melvin H. Dalberg recommended grant of C. P. to erect a new station to operate on frequency 1500 kc., with 250 watts day, 100 watts night, unlimited hours.

NEW—Ex. Rep. 1-498: Dr. Wm. States Jacobs Broadcasting Co., Houston, Tex.—Examiner Tyler Berry recommended grant of C. P. to construct a new station to operate on 1220 kc., 1 KW, unlimited time.

RATIFICATIONS

The Broadcast Division ratified the following actions taken on the dates shown:

WTMJ—The Journal Company, Milwaukee, Wis.—Granted extension equipment test period 10 days from September 27, 1937.

KTMS—The News Press Publishing Co., Santa Barbara, Calif.—Granted extension equipment test period 15 days from September 30, however, no tests permitted October 11, 3:10 to 3:30 a. m., EST, due to Commission monitoring schedule.

WWJ—The Evening News Assn., Detroit, Mich.—Granted extension special temporary authority to operate for the period October 1 to 30, with an increase in night power to 5 KW, in order to overcome interference.

KGDY—Voice of So. Dakota, Huron, S. Dak.—Granted extension special temporary authority to remain silent for the period October 1 to October 30, inclusive, for the purpose of rebuilding transmitter.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate from local sunset (October sunset, 5:30 p. m.) to 6 p. m., CST, October 3, 10, 17, 24 and 31, in order to broadcast Vesper service of local church.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WGNV from 1:45 p. m. to 3 p. m., EST, October 2, 9, 16, 23 and 30, in order to broadcast football games from Yale Bowl.

WBLY—Herbert Lee Blye, Lima, Ohio.—Upon consideration of a motion by Herbert Lee Blye for leave to withdraw his application for C. P. to make changes in equipment and increase day power from 100 to 250 watts, the Broadcast Division directed that said application be dismissed with prejudice, and an order be entered accordingly and forwarded to all interested parties.

Granted the petition of George H. Payne to intervene in the proceedings upon the application of the Pacific Agricultural Foundation, Ltd. (KQW), San Jose Calif., for C. P.

Granted petition of the Central California Broadcasters, Inc. (KRE), to intervene in the proceedings upon the application of Larry Rhine for C. P. for new station at San Francisco.

Granted petition of the Piedmont Broadcasting Corp. to intervene in the proceedings upon the application of Burl Vance Hedrick for C. P. for new station at Salisbury, N. C.

Granted petition of the City of St. Paul, Minn., to intervene in the proceedings upon the application of National Battery Broadcasting Co. (KSTP) for C. P.

Same except City of Minneapolis, Minn., to intervene in application of KSTP.

Granted motion of Westchester Broadcasting Corp., to continue the hearing upon its application for special experimental authority now scheduled for October 4, until December 3, 1937.

The Broadcast Division directed that the hearing upon the application of J. F. Rodgers for C. P., now scheduled for October 20, be continued until October 29, to be heard in consolidation with the application of the Valley Publishing Co. for C. P.

Denied request of the Curtis Radiocasting Corp. of modification of the order issued to it for the taking of depositions with respect to the application of the Knox Radio Corp. for renewal of license for station WKBV, Richmond, Ind.

The Broadcast Division (1) denied the motion of C. Bruce McConnell requesting the Commission to change the date for the taking of depositions by Knox Radio Corp. in Richmond, Ind., in support of its application for renewal of license, and (2) granted the motion of C. Bruce McConnell requesting the Commission to vacate its order heretofore issued to Knox Radio Corp. authorizing the taking of the deposition of Dr. Wm. C. Dennis in Washington, D. C., on Oct. 6, in connection with the above application, and directed that the said order be revoked.

Continued, without date, the oral argument scheduled for Thursday, September 30, upon the exceptions to Ex. Rept. 1-387, involving the application of Johnson City Broadcasting Co., Johnson City, Tenn., and Ex. Rept. 1-389, involving the applications of Knoxville Journal Broadcasting Co. and Richard M. Casto.

Granted petition of KRGV, Inc., to intervene in the proceedings upon the application of the Valley Publishing Co., for C. P. for new station at Harlingen, Tex.

Granted petition of KRGV, Inc., to intervene in the proceedings upon the application of J. F. Rodgers for C. P. for new station at Harlingen, Tex.

APPLICATIONS RECEIVED

First Zone

NEW—Sentinel Broadcasting Corp., Syracuse, N. Y.—Construction permit for a new station to be operated on 620 kc., 500 watts, unlimited time. To use directional antenna night.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Modification of construction permit (B1-P-1058) for new station, requesting approval of vertical antenna, approval of studio site at 278 Essex Street, Lawrence, Mass., and transmitter site at Lawrence, Mass.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit for a new high frequency broadcast station, requesting extension of commencement date from 5-1-37 to 11-1-37 and completion date from 11-1-37 to 5-1-38.

Second Zone

WOSU—The Ohio State University, Columbus, Ohio.—Construction permit to install a new vertical antenna and move transmitter from corner Neil and Woodruff Avenues, Columbus, Ohio, to Worthington Road, northwest of Columbus, Ohio.

NEW—Harold F. Gross, Lansing, Mich.—Construction permit for a new station to be operated on 580 kc., 500 watts night, 1 KW day, unlimited time. Amended to change from a construction permit for a new station to a construction permit for WJIM requesting change in frequency from 1210 kc. to 630 kc.; make changes in equipment; install directional antenna for day and night use; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day; and move transmitter locally.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—1310 Extension of special experimental authorization to operate a facsimile station from 12 p. m. to 6 a. m., on 100 watts, from 12-1-37 to 6-1-38.

NEW—Colonial Broadcasting Corp., Norfolk, Va.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Cleveland City Board of Education (Charles H. Lake, Supt.), Cleveland, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 26400 kc., 500 watts.

Third Zone

- NEW—Brenau College, Gainesville, Ga.—Construction permit for 1210 a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended to change requested frequency from 1420 kc. to 1210 kc., and power from 100 watts night, 250 watts day, to 100 watts.
- NEW—State Broadcasting Corp., Gretna, La.—Construction permit for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, limited time. Amended to change hours of operation from limited time to specified hours.
- NEW—Pinellas Broadcasting Co., St. Petersburg, Fla.—Construction permit for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Piedmont Broadcasting Corp., Salisbury, N. C.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime only.
- W4XFG—The National Life & Accident Insurance Co., Inc., Area of Nashville, Tenn.—License to cover construction permit (B3-PRE-136) for a new relay broadcast station.
- NEW—Southwestern Sales Corp., Area of Tulsa, Okla.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 20 watts.
- NEW—Southwestern Sales Corp., Area of Tulsa, Okla.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 20 watts.

Fourth Zone

- WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, 620 Wis.—License to use old W.E. Type 94992 (5 KW) transmitter as an auxiliary transmitter.
- WISN—Hearst Radio, Inc., Milwaukee, Wis.—Modification of 1120 license to change power from 250 watts night, 1 KW day, to 1 KW day and night.
- KWNO—Harry Dahl, Otto M. Schlachach, Maxwell H. White and 1200 Herman R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of construction permit (B4-P-983) as modified for a new station, requesting changes in transmitting equipment and increase in power from 100 watts to 250 watts. Amended to extend commencement and completion dates from 10-14-37 and 4-12-38, respectively, to 30 days after grant and 180 days thereafter.
- WJDL—Commodore Broadcasting, Inc., Decatur, Ill.—Authority 1200 to transfer control of corporation from Charles R. Cook to Decatur Newspapers, Inc., 127½ shares common stock.
- KOIL—Central States Broadcasting Co., Lincoln, Nebr.—Authority 1260 to determine operating power by direct measurement of antenna.

- WCLS—WCLS, Inc., Joliet, Ill.—Transfer control of corporation 1310 from R. W. Hoffman to L. W. Wood, 51%.
- WCBS—WCBS, Inc., Springfield, Ill.—License to cover construction permit (B4-P-1861) for new equipment, increase in power and change in hours of operation.
- WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, 1500 Ill.—Construction permit to install a new transmitter; install directional antenna for night use; change frequency from 1500 kc. to 1510 kc., power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day; move transmitter from 5th and Broadway, East St. Louis, Ill., to 3 miles east of East St. Louis, Ill.
- W9XUY—Central States Broadcasting Co., Omaha, Nebr.—Modification of construction permit (B4-PHB-25) for a new high frequency broadcast station, requesting changes in equipment.

Fifth Zone

- KPFA—The Peoples Forum of the Air., Helena, Mont.—License to 1210 cover construction permit (B5-P-1577) as modified, for a new station.
- NEW—Mountain Top Trans Radio Corp., Denver, Colo.—Construction permit for a new station to be operated on 1370 kilocycles, 100 watts night, 250 watts day, unlimited time. (Formerly filed in the name of The Neusteter Suit Co. B5-P-1930.)
- KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Authority 1450 to transfer control of corporation from Harold H. Hanseth to William B. Smullin, Times Publishing Co. (a corp.) and Standard Printing Co. (a corp.) 18,750 shares common stock.
- NEW—Don Lee Broadcasting System, Area of Southern California.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kilocycles, 2 watts.
- NEW—Don Lee Broadcasting System, Area of Southern California.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kilocycles, 2 watts.

Alaskan Zone

- KFQD—Anchorage Radio Club, Inc., Anchorage, Territory of 780 Alaska.—Construction permit to make changes in equipment.
- NEW—Anchorage Radio Club, Inc., Anchorage, Territory of Alaska.—Construction permit for a new experimental broadcast station to be operated on 3492.5, 6425 kilocycles, 175 watts.