

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Vol. 5 - No. 48
DEC. 10, 1937

FCC ACTS IN SEGAL CASE

The Federal Communications Commission this week suspended Paul M. Segal, prominent radio lawyer, from practising before it for a period of sixty days from December 6, 1937. George S. Smith, an associate of Segal, was found not guilty of any of the charges except in the Casto matter for which he had previously been reprimanded by the Commission.

The decision represented a unanimous verdict of the six Commissioners who heard the case. Commissioner Walker dissented only from that portion of the opinion which upheld the jurisdiction of the Commission in disqualifying Commissioner Payne from taking part in the trial.

In the first case of its kind ever to come before it, the Commission wrote a lengthy opinion in justification of its action. After reviewing the evidence the Commission said:

"Attention is also directed to the fact that Mr. Segal actually prepared or had prepared under his direction, the answer to the questions contained in these applications; that he actively participated in the concealment of the real party in interest in both applications and more especially in the Palmer applications. Besides the making of untrue and misleading statements in these applications, the further conduct of Mr. Segal, above enumerated, in concealing from the Commission the real parties interested in these applications, was intended to and did deceive the Commission in preventing it from knowing from these applications who these real applicants were. Mr. Segal was an active party in both instances in forming these corporations and in making these concealments from the Commission.

"The grant to an applicant to erect and operate a broadcasting station is regulated by the Federal Government and Congress has delegated this duty to this Commission. The law prescribes that these facilities may be granted only in the public interest, that is to say, so that the public may be served by the grant. The licensee is a trustee of the Federal Government to perform a public duty. For these reasons there must be no concealment, so far as this Commission is concerned, of the real applicants who desire to exercise this public franchise; and a lawyer who actively participates in concealing from this Commission the real party in interest and in making

untrue and misleading answers to questions prescribed by this Commission is guilty of unethical conduct in deceiving the licensing authority of the Federal Government.

"The Commission, therefore, upon the evidence finds and concludes that the conduct of the respondent, Segal, in preparing or causing to be prepared, and causing to be sworn to and filed the applications in the Palmer Broadcasting Syndicate, Inc., and the Commercial Broadcasters, Inc., and his subsequent conduct relating thereto, more especially in the Palmer Broadcasting Syndicate, Inc., did deceive and mislead the Commission in its consideration of these applications.

"The Commission further finds and concludes upon the evidence that respondent, George S. Smith, is not guilty of any of these charges except in the Casto matter for which he has already been reprimanded by the Commission.

"A number of the leading lawyers who practice at the bar of this Commission testified as to the good character and reputation of the respondent, Segal. No other fact or act of alleged misconduct in his life as a lawyer for ten or more years has been called to our attention. This testimony shows that Mr. Segal's standing, character and integrity as a lawyer has been of the highest.

"We also take judicial notice of the fact that wide publicity has been given to the charges contained in the two orders of the Commission, above quoted. This publicity has existed for a period of more than six months and that necessarily during this time the respondent, Segal, has been more or less under a cloud because of

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these charges, and that necessarily his practice must have been adversely affected. We also take into consideration that this is the first time this Commission has been called upon to enunciate certain principles relating to the truthfulness of answers contained in applications. We have given careful consideration to the testimony of Mr. Segal, namely, that he did not feel that an applicant or his lawyer was required to divulge who the real applicant was until the hearing.

"After giving most careful consideration to these facts as extenuating circumstances, the Commission concludes that the ends of justice will be fully served by suspending Mr. Segal from practicing before this Commission from December 6, 1937, until the sixth day of February, 1938, and the Commission's order will issue accordingly."

And issued the following orders:

**FEDERAL COMMUNICATIONS
COMMISSION**

Washington, D. C.

IN THE MATTER OF:

A Rule to Show Cause Issued to

**Paul M. Segal and
George S. Smith**

Order of the Commission

Charges heretofore having been preferred by the Commission in the above-entitled matter by orders of May 19 and September 16, 1937, and

The Commission having considered the separate and joint answers of the respondents thereto, the evidence adduced at public hearings duly held thereon, oral argument presented, and

In conformity with its opinion and findings this day issued,

It is, this 4th day of December, 1937, **ORDERED**

That Paul M. Segal be, and he is hereby, suspended from practicing as an attorney before this Commission during the period from December 6, 1937, to and including February 5, 1938.

BY THE COMMISSION.

T. J. SLOWIE,
Secretary.

**FEDERAL COMMUNICATIONS
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Washington, D. C.

IN THE MATTER OF:

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Charges heretofore having been preferred by the Commission in the above-entitled matter by orders of May 19 and September 16, 1937, and

The Commission having considered the separate and joint answers of the respondents thereto, the evidence adduced at public hearings duly held thereon, oral argument presented, and

The Commission having found that the said George S. Smith is not guilty of any of the charges preferred in said orders except in regard to those matters in the Casto case for which he was reprimanded by the Commission by letter dated February 10, 1937, and

In conformity with its opinion and findings this day issued,

It is, this 4th day of December, 1937, **ORDERED**

That the pending charges against the said George S. Smith be, and the same are hereby, dismissed.

BY THE COMMISSION.

T. J. SLOWIE,
Secretary.

TELEVISION STATION GRANTED

The Federal Communications Commission at its meeting on Wednesday granted a construction permit to the Philco Radio & Television Corp., of Philadelphia for the erection of a new television broadcast station to be located at Philadelphia and to use 20,400-210,000 kilocycles on an experimental basis only, with 15 watts power for a visual transmitter.

**DENIAL OF NEW STATION
RECOMMENDED**

The Evanston Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Evanston, Ill., to use 1020 kilocycles, 250 watts and daytime operation.

Examiner George H. Hill in Report No. I-542 recommended that the application be denied. He states that "while there is no radio-broadcast station located in Evanston, Ill., there does not appear to be any substantial need for the services of the proposed station. Evanston is in the metropolitan area of Chicago and receives primary service from a large number of stations. Many of these stations deliver a greater signal in Evanston than the proposed station would lay down, if the application was granted."

**INCREASED POWER RECOMMENDED FOR
KQW**

Broadcasting station KQW, San Jose, Cal., operating unlimited time on 1010 kilocycles applied to the Federal Communications Commission to increase its daytime power from 1,000 watts to 5,000 watts, to select a new site locally, install a new transmitter and erect a vertical radiator.

Examiner Tyler Berry in Report No. I-541 recommended that the application be granted. He states that there appears to be a need for the service proposed and the granting of the application would not cause objectionable interference. The Examiner says that granting of the application would be in the public interest.

TEXAS STATION RECOMMENDED

Mervel M. Valentine applied to the Federal Communications Commission for a construction permit for the erection of a new station at Laredo, Texas, to use 1500 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-539 recommended that the application be granted. He states that "according to the proof adduced by the Commission engineer no objectionable interference would ensue as the result of granting this application to or from existing stations." The Examiner states also that "in view of the fact that such stations as supply radiobroadcasting service of a primary nature to the city of Laredo are located in the Republic of Mexico and that the nature of these broadcasts is not satisfactory or appropriate to meet the demands of the population sought to be served by this applicant, there appears to be a need for the local facilities sought herein."

RECOMMENDS ALABAMA STATION

John S. Allen and G. W. Covington, Jr., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Montgomery, Ala., to use 1210 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. 540 recommends that this application be granted. He states that "the evidence indicates that a need exists in the area proposed to be served for additional radio broadcast service." The Examiner states that the granting of the application would be in the public interest.

DISMISSAL WITH PREJUDICE

The Airfan Radio Corp., Ltd., applied to the Federal Communications Commission for a construction permit for the erection of a new station at San Diego, Cal., to use 1420 kilocycles, 100 watts and unlimited time on the air.

Examiner Robert L. Irwin in Report No. I-531 recommended that the application be denied with prejudice. The Examiner states that "when the application was called for hearing, counsel for the applicant stated for the record that he had prepared the evidence in this proceeding but immediately prior to the date set for hearing his client had instructed him to note a withdrawal of the application."

WBNO LICENSE RENEWAL DENIAL RECOMMENDED

The Southern Broadcasting Corporation, applied to the Federal Communications Commission for a construction permit for the erection of a new station at New Orleans, La., to use 1200 kilocycles, 100 watts and 250 watts LS and the unlimited facilities of WBNO and WJBW. Also Station WBNO, New Orleans, asked for a license renewal and for changes from 1200 to 1420 kilocycles, from 100 watts to 100 watts and 250 watts LS and from sharing time with WJBW to unlimited time.

Examiner P. W. Seward in Report No. I-532 recommended that the application of the Southern Broadcasting Corporation "be dismissed with prejudice"; that the application of Station WBNO for license renewal be denied and that its application for changes also be denied.

It is also stated by the Examiner that "it appears that the acts and conduct of the applicant in connection with Radio Station WBNO has violated Section 310(b) of the Communications Act of 1934."

RECOMMENDS POWER INCREASE FOR WRNL

Broadcasting station WRNL, Richmond, Va., applied to the Federal Communications Commission to increase its power from 500 to 1,000 watts and from daytime to unlimited time on the air. The station operates on 880 kilocycles.

Examiner Melvin H. Dalberg in Report No. I-534 recommended that the application be granted, employing a directional antenna day and night. He states that the change would not cause objectionable interference and says that "there appears to be a need in the Richmond area for the type of service proposed by the applicant."

PROVISIONAL PERMIT RECOMMENDED

Ellwood W. Lippincott, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Bend, Ore., to use 1310 kilocycles, 100 watts and unlimited time on the air.

Examiner Tyler Berry in Report No. I-529 recommended that "if the application of Bend Bulletin be denied that the application of Ellwood W. Lippincott, Inc., * * * be granted, subject to the selection of a satisfactory transmitter site. But if the application of Bend Bulletin be granted, then it is recommended that the application of Ellwood W. Lippincott, Inc., be denied." There is need for service at Bend, the Examiner states.

RECOMMENDS DISMISSAL WITH PREJUDICE

The Broward Broadcasting Company applied to the Federal Communications Commission for a construction

permit for a new station to be located at Ft. Lauderdale, Florida, to use 1370 kilocycles, 100 watts and 250 watts LS and unlimited time.

Examiner P. W. Seward in Report No. I-536 recommended that the application be dismissed with prejudice. When the case came on for hearing at the Commission the applicant was not represented.

DENYING STATION ASSIGNMENT RECOMMENDED

The Black Hills Broadcast Company, an unincorporated association, applied to the Federal Communications Commission for authority to transfer control of Station KOBH, Rapid City, S. D., to the Black Hills Broadcast Company, of Rapid City, a corporation.

Examiner Robert L. Irwin in Report No. I-530 recommended that the application be denied. He states that "the application may not be granted within the purview of Sections 301 and 310(b) of the Communications Act of 1934. The provisions of Section 310(b) prohibit the assignment or transfer of the rights granted in the station license prior to a determination and consent in writing by the Commission that said transfer or assignment is in the public interest."

LICENSE RENEWAL RECOMMENDED FOR WJBW

Broadcasting Station WJBW, New Orleans, La., using 1200 kilocycles, 100 watts and sharing time with WBNO applied to the Federal Communications Commission for a license renewal.

Examiner P. W. Seward in Report No. I-537 recommended that the application be granted. He states that "the manner in which Radio Station WJBW has been operated does not disclose that it has been in any wise in violation of Section 310 of the Communications Act of 1934." The Examiner says that the continued operation of the station would be in the public interest.

NEW PENNSYLVANIA STATION RECOMMENDED

The Keystone Broadcasting Company, applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at New Castle, Pa., to use 1250 kilocycles, 250 watts and daytime operation.

Examiner Tyler Berry in Report No. I-533 recommended that the application be granted. The Examiner states that there is need for the service in the area proposed. There would be very slight interference to a small area adjacent to the transmitter of the proposed station. The applicant specified that the antenna site is to be subject to the Commission's approval. The Examiner found that granting of the application would be in the public interest.

NEW STATION DENIAL RECOMMENDED

Jules J. Rubens applied to the Federal Communications Commission for a construction permit for the erection of a broadcast station at Aurora, Ill., to use 1040 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-535 recommended that the application be denied. He states that "the evidence adduced at the hearing does not establish such facts as would justify a conclusion that the applicant has had any experience whatsoever in the management or conduct of a radio broadcast station, or that he has any knowledge or is familiar with the problems involved, either in the operation of such a station or the conduct of its business."

The Examiner says further in this case that "while the proposed programs appear to be typical for stations of this class, the applicant's expectations of procuring live talent of a very high order is not supported or corroborated by any proof worthy of serious consideration."

NEW STATIONS RECOMMENDED ON 940 KC.

Four applications have been filed with the Federal Communications Commission for the construction of broadcasting stations on the frequency 940 kc. These applications were filed by the El Paso Broadcasting Company, El Paso, Texas; The Tribune Company, Tampa, Florida; Radio Station KGKL, San Angelo, Texas; and the World Publishing Company, Tulsa, Oklahoma.

John P. Bramhall in Report No. I-538 made the following recommendations on these applications:

"1. That the application of the El Paso Broadcasting Company, El Paso, Texas, be granted on condition that Dorrance D. Roderick, applicant in Docket No. 3858, abandon his application for a new station at El Paso.

"2. That the application of the World Publishing Company, Tulsa, Oklahoma, be granted.

"3. That the application of KGKL, Inc., San Angelo, Texas, be denied.

"4. That the application of The Tribune Company, Tampa, Florida, be granted."

FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued 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. 3275. Alleging certain unfair representations in the sale of cosmetics, a complaint has been issued against **Allen H. Rabin**, trading as **The Rabin Company**, 820 McGarry St., Los Angeles.

Representations of The Rabin Company are alleged to have misled buyers into believing that its products contain sufficient amounts of oil of avocado to be beneficial.

According to the complaint, the avocado oil content in cleansing and tissue creams advertised was so small as to be negligible, and was incapable of impairing beneficial effects, and an astringent, a liquid powder base, lipstick and rouge allegedly contained no avocado oil.

No. 3276. A company manufacturing fabrics and one of its customers, a garment maker, are named respondents in a complaint charging misrepresentation of the fiber content of certain merchandise they sell in interstate commerce.

The respondents are **A. Schottland, Inc.**, 1441 Broadway, New York, operating fabric mills at Nanuet, N. Y., and **Rocky Mount, N. C.**, and **Valmor Undergarment Company**, 149 Madison Ave., New York, manufacturer of women's undergarments and allied products for sale to retailers and other customers.

In selling certain fabrics to garment makers, the complaint alleges, the Schottland company supplies such customers with labels and tags to be attached and which customers do attach, to the garments manufactured from the fabrics purchased. These labels and tags, it is alleged, bear the words "Pure Dye Nanuette Crepe—Du Pont Rayon and Silk," the words "Pure Dye" and "Crepe" being prominently displayed, while the words "Du Pont Rayon and Silk" are printed in small and less conspicuous type. Other fabrics sold by the Schottland company are labeled "Ray-silk," the complaint charges.

Valmor Undergarment Company, according to the complaint, attaches the tags, and labels supplied by the Schottland company to women's apparel it manufactures from the fabrics purchased from that company, and also supplies its customers with display cards which bear the same words as those appearing on the tags and labels referred to. The Valmor company allegedly describes other garments as "Van Ceta Taffeta" and "Val Sheen Satin."

Nos. 3277-3278. Complaints charging the use of lottery methods in the sale of their products have been issued against **Irving Schwartz**, 521 Fifth Ave., New York, trading as **Lloyd's Distributing Company**, and **Yale I. Glubok**, 5244 Enright Ave., St. Louis, trading as **Reliable Sales Company**.

Both companies are alleged to have provided dealers with devices specified in one instance as pullcards and in the other as pushcards. Such devices, according to the complaints, were used in conducting a lottery scheme by which purchasers drew prizes by selecting girls' names.

No. 3279. Violation of Section 3 of the Clayton Act, which prohibits exclusive dealing contracts where the effect may be to substantially lessen competition or to tend to create a monopoly, is alleged in a complaint issued against **Carter Carburetor Corporation**, St. Louis, said to be a dominant factor in the carburetor industry. The company also is charged with violation of Section 5 of the Federal Trade Commission Act, which forbids unfair methods of competition in interstate commerce.

Pointing out that carburetors are sold to automobile manufacturers for use as original equipment, and that carburetors and parts are sold to independent service stations, garages and repair shops for replacements and repairs, the complaint alleges that the Carter company supplied more than 50 per cent of the carburetors used as original equipment in automobile production for 1937, and with one other manufacturer, supplied more than 95 per cent of the carburetors so used.

According to the complaint, the Carter company has entered into contracts, now in force, for the sale and governing the terms of sale of its products, with more than 900 dealers, the contracts generally running for one year, subject to renewal and subject to cancellation by any party on 30 days' notice. Pursuant to the terms of the contracts, the dealer receives 50 per cent discount from the list price on carburetor products, as against a 25 per cent discount available to the retail trade generally.

No. 3280. **Belvedere Silks, Inc.**, 1384 Broadway, New York, is charged with unfair competition in the sale of fabrics to garment manufacturers and other customers, in a complaint.

Using its corporate name containing the word silks and the phrase Belvedere Silks, the respondent company is alleged to have advertised and sold fabrics not composed of silk but of rayon having the appearance of silk, and to have marketed such products without disclosing that they were not silk.

Stipulations

The Commission has entered into the following stipulations:

No. 01928. **Var-Ne-Sis Medicine Company**, 578 Chestnut St., Lynn, Mass., in the sale of its products, agrees to stop ad-

vertising that Var-Ne-Sis, in tablet or liquid form, is a competent remedy for rheumatism, neuritis, lumbago and kindred ailments, unless this assertion is limited to relief of some of the symptoms; that it will eliminate uric acid or other poisons, and that it is composed of roots and herbs and will tone up the system or build up general good health.

No. 01929. **Hood-Lax Corporation**, 685 Broadway, New York, agrees to cease advertising that its Cal-Par is a nerve, tissue or body builder, unless this assertion is limited in reference to bones and teeth; that the preparation is beneficial in nervous disorders, unless this is limited to temporary disorders due to Vitamin B deficiency, and that calcium deficiency is a result of modern diet, unless the claim is restricted in its reference to localities where milk and green leafed vegetables are scarce and sparingly used, or to individuals whose diets do not include sufficient milk or green leafed vegetables.

No. 01932. **Drezma, Incorporated**, 130 West Forty-second St., New York, in the sale of Drezma Lotion and Drezma Nourishing Cream, stipulates that it will no longer advertise that use of its lotion will prevent the pores from clogging; will normalize oily conditions of the skin, and that the preparation "works beneath your make-up to clear and beautify your skin." The respondent company agrees to cease employing the word "nourishing" as a part of the trade name for its face cream, provided, however, that for six months from the date of acceptance of its stipulation, it shall be permitted to use, in connection with whatever trade name it may employ, the phrase "Formerly Drezma Nourishing Cream."

No. 01934. **California Vegetable Concentrates, Inc.**, Architects Building, Los Angeles, selling certain preparations known as CVC Formulated Compounds of Vegetable Concentrates, stipulates that it will stop advertising that the average American diet is deficient in minerals and that any of its products are prolific sources of vitamin potencies unless limited to vitamins A and C. The respondent company will discontinue representing that its various preparations are indicated in the treatment of such ailments as low blood pressure, nervous debility, muscular rheumatism, calcium deficiency, malnutrition, goiter, and intestinal ulcers.

No. 01935. **W. H. Braum**, 537 South Dearborn St., Chicago, trading as **Imperial Brands Company**, will cease representing that his product designated Steno Nail Protection Cream will transform brittle, peeling or splitting nails into healthy or lovely finger-tips; that it will cause spots to disappear or hangnails to vanish; that it nourishes the nails and can be relied upon to correct bad nails, unless this claim is limited to conditions where it constitutes a corrective treatment.

No. 01936. **R. M. Jones and A. J. Cage**, trading as **Cajo Distributing Company**, 40 West Gav St., Columbus, Ohio, engaged in the sale of Glanoids Tablets, agreed to cease advertising that the preparation is a rejuvenating, scientific tonic-stimulant and a remedy for persons suffering from weak glands; that it will help those who are tired, nervous and run down; that through its use one can be young again, and that it possesses glandular food value and produces lasting benefits.

No. 01937. **Grace Donohue, Inc.**, 640 Madison Ave., New York, will cease advertising that Seba Gland Cleanser decomposes dirt particles, neutralizes excess acid residue, and is an aid in preventing eruptions or other facial blemishes; that Sanguatone will correct acne, pimples, blackheads, blemishes or blotchy skin; that Dermatone nourishes the skin, and that Pure Pore Balm is nourishing to the skin or pores. The respondent corporation further agrees to discontinue use of the names Seba Gland Cleanser, Sanguatone, and Pure Pore Balm for the products now so designated.

No. 01938. **Silmo Chemical Company, Inc.**, Vineland, N. J., will cease representing that its cod liver oil product, Silmo XX, sold as a poultry remedy assures eggs with stronger shells and increases the hatchability and the production of eggs, unless all comparative conditions are clearly stated in the advertisements in sufficiency close proximity to command attention. The respondent company admitted that its product will be as effective as represented only when fed in sufficient amounts to poultry getting less than an adequate amount of Vitamin D.

No. 01939. **Oriental Importing Company**, 654 West Lake St., Chicago, will cease advertising that any incense it sells is "lucky" or develops "lucky numbers", is prepared in accordance with a rare or mystic formula, and will bring prosperity, peace or happiness.

No. 01940. **Household Helps, Inc.**, Muncie, Ind., selling Ope-N-Seal, a device described as a fruit jar tool kit, agrees that it will stop making unmodified representations of earnings of salesmen in excess of the average earnings of its active, full-time salesmen or dealers under normal business conditions, and will

cease representing that any salesperson referred to in its advertising is still engaged in selling the respondent company's merchandise, when such is not a fact. The company admitted that some persons represented as still making large sales, profits and bonuses have not sold its products for the last eight years.

No. 01941. George Wagner, 2640 Broadway, New York, trading as American Detective Training School and as American Detective System, will discontinue representing that the correspondence course he sells contains instruction in every problem a detective is called upon to solve; that it is offered to qualify a student for a position with the United States Secret Service; that there is no other profession offering as many opportunities as detective work, and that any and every person can become a successful detective with the aid of the course. The respondent stipulates that he will cease deducting "a percentage for overhead" from refunds made to students who discontinue the course of study.

No. 01942. Picot Laboratories, Inc., Wilmington, Del., selling a laxative preparation designated Picot Salt, will cease advertising that the product is a competent treatment for rheumatism, seasickness or colds; that it is an effective remedy for constipation, unless limited to temporary constipation; that it will banish pain and prevent accumulation of poisons, and that its use will enable one to have a clear skin.

No. 01943. Dorothy Perkins Company, Mart Building, St. Louis, will refrain from representing that through use of Dorothy Perkins Cream of Roses Cleansing Cream, Acne Cream, Rose Lotion, or Acne Lotion, or a combination of these products, one may clear up acne or pimples. With respect to certain other cosmetics the respondent company sells, it stipulates that it will cease asserting that New Plex will revitalize one's face, stimulate circulation or make facial muscles firmer or more youthful; that Skin Tonic will tone or stimulate the skin or reduce large pores; that Special Astringent tightens flabby skin and corrects oiliness or large pores, and that Brilliantine will give life to the hair. The respondent company also will stop describing any of its products as Skin Tonic, Acne Lotion or Acne Cream.

No. 01944. Harold T. Maloney and John C. O'Neil, trading as Nu-Health Products Company, 178 East Long St., Columbus, Ohio, in selling Floradex, will cease representing that the product will prevent constipation or intestinal intoxication, and that it is an effective remedy for aches and pains, rheumatism, arthritis, skin eruptions, nervousness, high blood pressure, and other ailments. The respondent also will desist from advertising that Floradex is guaranteed to produce specific results.

No. 01945. Norman Paint Company, Inc., 1248 H St., N. E., Washington, D. C., will discontinue advertising that "We manufacture all the paint we sell," unless it is made clear that during the busy season a small per cent of the paint it sells is made by other manufacturers from ingredients and formulas furnished by it, and unless it is further made clear that this representation does not apply to allied products such as roof coating, spar varnish, enamel, putty, and brushes. The company also will cease asserting that its customers can "save up to 45%," unless it is explained that this representation applies only to paints manufactured by it.

No. 01946. William H. Britton, 123 Prospect Ave., Dunellen, N. J., trading as American Monogram Company, is engaged in the sale of sign letters, which, his advertising matter indicates, are designed principally for initialing automobile doors. The respondent agrees to stop representing that his sign letters, when transferred to a surface, retain their luster, color and beauty indefinitely, are more durable than paint, and, when applied, the result obtained is better than that produced by a sign painter; that they are in great demand and the quickest and easiest seller ever put on the market, and are being used by typewriter, phonograph, telephone and other companies. The respondent also will discontinue making unmodified representations of earnings in excess of the average earnings achieved by his active, fulltime sales persons or dealers under normal business conditions.

No. 01947. E. O. Reber, Lebanon, Pa., trading as Seminole Drug Company, agrees to cease representing that his Seminole Indian Herb Tablets are pure vegetable and contain no narcotics, and are capable of regulating the stomach, toning up the system, cleansing the liver and kidneys, eliminating headaches, bad nerves, and rheumatism, and relieving colds. The respondent also will stop using the word "Indian" as part of the name of his product.

No. 01948. Associated Distributors, Inc., 111 West Monroe St., Chicago, in selling a preparation called Lip-Youth, agrees to stop advertising that it will end dry, chapped, rough, parched lips; that it contains thousands of units of vitamins D and F, and that such vitamins have any appreciable effect upon the lips.

No. 2099. The J. R. Watkins Company, Winona, Minn., has entered into a stipulation to discontinue certain false and misleading representations in connection with the sale of Watkins Baking Powder, which contains, among other ingredients, dried white of egg.

According to the stipulation, the respondent company circulated among its dealers folders containing instructions for making what is known as the water-glass test, whereby it purportedly could be demonstrated that Watkins Baking Powder was a superior product and would give "better results." Certain dealers followed the instructions in making the test, which involved the use of Watkins Baking Powder and frequently a competing baking powder which did not contain any white of egg.

No. 2101. Nathan R. Stern, 6619 Denison Ave., Cleveland, trading as **Western Reserve Laboratories,** has entered into a stipulation to discontinue certain misrepresentations in connection with the interstate sale of a product to be used as a household cleaning agent and as a windshield cleaner.

According to the stipulation, Stern labeled his product Benzzyne-Crystals, but suggested to retail customers that they use the name Benzoline or Spray-On for the product, and furnished them with labels bearing the name Benzoline.

Stern agreed to cease using the words Benzzyne or Benzoline in any manner so as to imply that the preparation to which the words refer is a benzene product or crystallized benzene, when such is not a fact. He also will stop representing that cleaning with the so-called Benzzyne Crystals or Benzoline is the same as cleaning with naphtha or some other dry cleaning preparation, or that such product is a proper substitute for dry cleaning or the use of naphtha.

Cease and Desist Orders

The Commission has issued the following cease and desist orders:

No. 2838. Misrepresentation of the therapeutic value and place of origin of certain cosmetics is prohibited under an order to cease and desist entered against **Bourjois, Inc., 35 West 34th St., New York,** and its subsidiary, **Barbara Gould Sales Corporation.** Products involved in the order are Evening in Paris Talcum, Barbara Gould Irradiated Face Powder and Barbara Gould Irradiated Skin Food, the name of which was changed to Barbara Gould Irradiated Skin Cream in July, 1935.

The respondent companies are ordered to desist from using the word "Paris" or "France" or any illustration suggesting French origin to advertise or describe products compounded, bottled or packaged in the United States solely from imported ingredients, without making this fact clearly known. It was found that Evening in Paris Talcum was not manufactured in France as represented, but was made at the Bourjois, Inc., factory in Rochester, N. Y., from ingredients imported separately into the United States.

No. 3177. Prohibiting certain lottery methods in the sale of clocks and other merchandise, an order to cease and desist has been issued against **Frieda Wolchin, 3318 West Marquette Road, Chicago,** trading as **Wright Manufacturers Distributing Company.**

Under the order, the respondent is directed to discontinue selling or otherwise disposing of clocks or other merchandise by the use of pushcards or similar devices, and to cease supplying and shipping to others certain pushcards or similar devices so prepared or printed as to enable them to sell or distribute clocks or other merchandise.

FTC DISMISSES COMPLAINTS

Nos. 2252-2523-2366. The Federal Trade Commission has dismissed complaints against **Bristol-Myers Company, New York City,** drug manufacturer, **Gillette Safety Razor Company, Boston,** and **Yardley & Co., Ltd., New York City,** manufacturer of soaps and toilet preparations. The complaints charged resale price maintenance in the sale of the respondent companies' products, and were issued and the cases tried prior to approval of the Tydings-Miller Act.

In dismissing the complaints, the Commission points out that the testimony and evidence in these proceedings appears insufficient to support the complaints' allegations respecting sales into the District of Columbia for resale therein, or sales into States not having statutes legalizing minimum resale price contracts or agreements.

The order of dismissal points out that the Tydings-Miller Act, approved August 17, 1937, provides that nothing therein contained shall render illegal contracts or agreements prescribing minimum prices for resale of a commodity which bears, or the label or container of which bears the trade-mark, brand or name of the producer or distributor of such commodity, and which is in free and open competition with commodities of the same general class produced or distributed by others, when that type of contracts or agreements are lawful as applied to intra-state transactions under the laws or public policy of any State in which such resale is to be made, or to which the commodity is to be transported for such resale.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, December 13:

Monday, December 13

HEARING BEFORE AN EXAMINER (Broadcast)

WMPS—Memphis Commercial Appeal Co., Transferor, and Memphis Press-Scimitar Co., Transferee, Memphis, Tenn.—Transfer of control of corporation.

KRGV—M. S. Niles, Transferor, O. L. Taylor, Gene Howe and T. E. Snowden, Transferees, Weslaco, Tex.—Transfer of control of corporation.

Thursday, December 16

ORAL ARGUMENT BEFORE THE COMMISSION

Examiner's Report No. 1-475:

NEW—Press-Union Publishing Co., Atlantic City, N. J.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited.

Examiner's Report No. 1-461:

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—C. P., 1550 kc., 1 KW, unlimited time.

Examiner's Report No. 1-476:

NEW—Summit Radio Corp., Akron, Ohio.—C. P., 1430 kc., 1 KW, unlimited time.

Examiner's Report No. 1-487:

NEW—Geo. W. Taylor Co., Inc., Williamson, W. Va.—C. P., 1370 kc., 100 watts, daytime.

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Lake Region Broadcasting Co., Lakeland, Fla.—C. P., 1310 kc., 100 watts night, 250 watts LS, unlimited. Present assignment: 1310 kc., 100 watts, unlimited time.

The Commission has taken the following action:

APPLICATIONS GRANTED

WGN—WGN, Inc., Chicago, Ill.—Granted special experimental authority to operate applicant's regular broadcast transmitter for the experimental transmission of facsimile signals from 1 to 6 a. m., using 50 KW power on the frequency regularly assigned to WGN, 720 kc., for the duration of the regular license period for WGN, which expires February 1, 1938.

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Granted special experimental authority to operate its regular broadcast transmitter for the experimental transmission of facsimile on frequency 650 kc., with 50 KW power, from midnight to 6 a. m., CST, for the duration of the present license period, February 1, 1938.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted special experimental authorization to operate regular broadcast

transmitter of KSD for experimental transmission of facsimile signals from 1 to 6 a. m., using 1 KW, for the period December 1, 1937, to March 1, 1938, on 550 kc.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted special experimental authority to operate a 5-KW auxiliary broadcast transmitter for the experimental transmission of facsimile on frequency 710 kc., with 5 KW, from 2 to 6 a. m., for the duration of the present license period, February 1, 1938.

NEW—Everett L. Dillard, d/b as Commercial Radio Equipment Co., Kansas City, Mo.—Granted C. P. for new high frequency broadcast station, frequencies 31600, 35600, 38600 and 41000 kc., on an experimental basis, 250 watts.

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—Granted C. P. for new television broadcast station to be located in Philadelphia, frequencies 20400-210000 kc., on an experimental basis only, power 15 watts for visual transmitter.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special experimental authority to operate regular transmitter for experimental transmission of facsimile from 1 to 6 a. m., using 10 KW power on 1460 kc.

WAXH—Savannah Broadcasting Co., Inc., Mobile (Savannah, Ga.)—Granted modification of C. P. covering authority to make changes in equipment and increase in power from 10 to 50 watts.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted C. P. covering installation of new equipment.

W9XUP—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of C. P. approving transmitter site at North Snelling Ave., and approval of antenna system.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted license to cover C. P. covering move from present location to Kingston, Pa., and install vertical antenna.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted license to cover C. P. as modified authorizing new station to operate on 1480 kc., 5 KW, daytime only, using directional antenna; transmitter to be located at 137 Pochman Avenue.

KAXA—Earle C. Anthony, Inc., Mobile (Los Angeles, Calif.)—Granted license to cover C. P. for relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted modification of C. P. extending completion date from 12-5-37 to 1-5-38.

KGCI—Clarence A. Berger and Saul S. Freeman, Couer D'Alene, Idaho.—Granted modification of C. P. approving transmitter at 3rd and Bancroft, and studio at 2nd and Sherman, both Couer D'Alene, Idaho; also approving new equipment and installation of vertical radiator.

KAID—Woodmen of the World Life Ins. Society, Mobile (Omaha, Nebr.)—Granted license to cover C. P. for relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 100 watts.

NEW—National Broadcasting Co., Inc., Mobile (Bellmore, N. Y.)—Granted C. P. and license for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 500 watts.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to install a new transmitter.

WSIX—WSIX, Inc., Nashville, Tenn.—Granted license to cover C. P. authorizing 250 watts LS; 1210 kc., 100 watts night, unlimited time.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted license to cover C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance Rule 137.

WOKO—WOKO, Inc., Albany, N. Y.—Granted license to cover C. P. to install new transmitting equipment.

KAID—Woodmen of the World Life Ins. Assn., Mobile (Omaha, Neb.)—Granted modification of C. P. to change corporate name to Woodmen of the World Life Insurance Society.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted modification of C. P. extending commencement date to 4-18-38 and completion date to 10-18-38.

WFTC—Jonas Weiland, Kinston, N. C.—Granted authority to make changes in automatic frequency control apparatus.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Granted modification of license to change name from Woodmen of the World Life Ins. Asso. to Woodmen of the World Life Insurance Society.

W9XPX-W9XPT—Woodmen of the World Life Ins. Assn., Mobile (Omaha, Neb.)—Granted modification of license to change

name from Woodmen of the World Life Ins. Asso. to Woodmen of the World Life Insurance Society.

KOVC—KOVC, Inc., Valley City, N. Dak.—Granted license to cover C. P. authorizing 250 watts LS, 1500 kc., 100 watts night, unlimited time.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted modification of C. P. authorizing installation of new equipment.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to make changes in automatic frequency control apparatus.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted C. P. for installation of auxiliary transmitter for emergency purposes only, to operate with power of 250 watts, employing present directional antenna system.

W8XNK—Charleston Broadcasting Co., Mobile (Charleston, W. Va.)—Granted modification of C. P. and license to cover same, authorizing changes in equipment and decrease in power from 5 to 2 watts, in relay broadcast station.

KSFM—National Broadcasting Co., Inc., Mobile (Area of San Francisco).—Granted modification of license for use of A1 and A2 emission in addition to A3 now authorized in outstanding permit.

NEW—The WGAR Broadcasting Co., Mobile (area of Cleveland).—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., 100 watts.

WAAI—The WGAR Broadcasting Co., Mobile (area of Cleveland).—Granted license covering above C. P.

WAHJ—The Champaign News-Gazette, Inc., Mobile (Champaign, Ill.).—Granted license to cover C. P. for relay broadcast station, frequencies 1606, 2022, 2102, 2758 kc., 100 watts.

KTMS—The News Press Publishing Co., Santa Barbara, Calif.—Granted license to cover C. P. for new station, 1220 kc., 500 watts, unlimited time, using directional antenna for both day and night-time operation.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted modification of C. P. approving transmitter site and installation of new equipment and vertical radiator.

WSMB—WSMB, Inc., New Orleans, La.—Granted modification of C. P. approving transmitter site.

SET FOR HEARING

NEW—W. A. Barnette, Greenwood, S. C.—C. P. for new station to operate on 610 kc., 250 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—F. C. Todd, Gastonia, N. C.—C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission approval.

NEW—Roberts-MacNab Co., Livingston, Mont.—C. P. (already in hearing docket) amended to request frequency 1310 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission approval.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—C. P. to move transmitter locally; install vertical radiator; change time of operation from specified hours to daytime only (facilities of KTBC).

KGDM—E. F. Peffer, Stockton, Calif.—C. P. to move transmitter locally to an exact location to be determined with Commission's approval; install new equipment; change frequency from 1100 kc. to 1150 kc.; increase power to 5 KW; and change hours of operation to limited time.

NEW—S. B. Quigley, Mobile, Ala.—C. P. for new station to operate on 1200 kc., 100 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission approval.

KGGC—Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of C. P. for changes in equipment; increase in day power to 250 watts; extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WDAE—Tampa Times Company, Tampa, Fla.—Modification of license to install directional antenna system for day and night-time operation, and change frequency from 1220 kc. to 780 kc.

NEW—Anne Jay Levine, Palm Springs, Calif.—C. P. (already in hearing docket) amended to request frequency 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined with Commission's approval.

NEW—Michael J. Mingo, Tacoma, Wash.—C. P. for new station to operate on 1400 kc., 250 watts, daytime only, exact transmitter location to be determined subject to Commission's approval; also type of antenna to be determined.

WNEW—Wodaam Corp., New York City.—Modification of license to increase day power from 2½ KW to 5 KW.

WNEL—Juan Piza, San Juan, P. R.—C. P., already in hearing docket, amended to request move of transmitter locally, install directional antenna for day and night-time operation, and change frequency to 590 kc.

NEW—N. B. Egeland, Fort Dodge, Iowa.—C. P. for new station, already in hearing docket, amended to request 1500 kc., 100 watts, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Clinton Broadcasting Corp., Clinton, Iowa.—C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter site to be determined with Commission's approval.

WGAN—Estate of George W. Martin (by Mary P. Martin, Administratrix), Portland, Me.—Transfer of control of Portland Broadcasting System, Inc., permittee of WGAN, from Estate of George W. Martin, deceased, to William N. Campbell and Lloyd C. Greene; 640 kc., 500 watts night-day, limited time, employing directional antenna.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Special experimental authority to operate unlimited time experimentally from date of grant to expiration of present license, February 1, 1938 (to be heard before the Commission).

NEW—Frank Ray, Dickinson, N. Dak.—Application for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Jonal Weiland, New Bern, N. C.—Application for new station to operate on 1370 kc., 100 watts power, unlimited time, exact transmitter and studio sites to be determined subject to Commission's approval, as well as type of antenna.

NEW—Larry Rhine, San Francisco, Calif.—Application for C. P., already in hearing docket, amended to request 1150 kc., 1 KW, daytime operation, exact transmitter and studio sites and type of antenna to be determined subject to Commission's approval.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Application for C. P., already in hearing docket, amended to request move of transmitter site locally; installation of new equipment and directional antenna system; and increase in day power from 1 to 5 KW, employing directional antenna system for both day and night-time operation.

WRDW—Augusta Broadcasting Company, Augusta, Ga.—Application for C. P. to install new equipment and directional antenna system; change frequency from 1500 kc. to 1240 kc.; increase power from 100 watts night, 250 watts day, to 1 KW, employing directional antenna system for night-time operation.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Application for C. P. to install new antenna; change frequency from 1210 kc. to 590 kc.; increase night power from 100 to 250 watts.

KPAC—Port Arthur College, Port Arthur, Tex.—Application for C. P. to move transmitter site locally; make changes in transmitter, install directional antenna system; change frequency from 1260 kc. to 1350 kc.; increase power from 500 watts day time only to 1 KW unlimited time, using directional antenna for night-time operation.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Application for modification of license to increase power and time of operation from 250 watts, daytime only, to 100 watts night, 250 watts day, unlimited time.

KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Application for voluntary assignment of license to Merced Broadcasting Company, a newly organized corporation; 1040 kc., 250 watts, daytime only.

NEW—Harry M. Ayers, Anniston, Ala.—C. P. for new station; 1420 kc., 100 watts, daytime only; exact transmitter and studio sites and type of antenna to be determined with Commission approval.

NEW—Kathryn B. Gosselin, Aurora, Ill.—C. P. for new station to operate on 1500 kc., unlimited operation; transmitter location to be determined with Commission's approval, also type of antenna.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—C. P. for changes in directional antenna system; increase in night power to 5 KW. (To be heard before the Commission.)

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va.—Voluntary assignment of license to Times-Dispatch Radio Corp., a newly organized corporation. 1500 kc., 100 watts, unlimited time.

WGAL—WGAL, Inc., Lancaster, Pa.—C. P. to move transmitter to Marietta Pike, Lancaster Township, Lancaster, Pa.; also install new equipment and directional antenna system; change frequency from 1500 kc. to 1510 kc.; increase power from 100 watts night, 250 watts day to 1 KW, unlimited time, using directional antenna system for nighttime operation. (To be heard before the Commission.)

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—C. P. to move transmitter site locally 3 miles east of E. St. Louis, Ill. Also install new equipment and directional antenna system; change frequency from 1500 kc. to 1510 kc.; increase power and time of operation from 100 watts night, 250 watts day, unlimited time, to: 1 KW night, 5 KW day, employing directional antenna for both day and nighttime use. (To be heard before the Commission.)

NEW—Scripps-Howard Radio, Inc., Denver, Colo.—C. P., already in hearing docket, amended as to transmitter site, equipment and power; 630 kc., 1 KW night, 5 KW day, using directional antenna for both day and night operation; exact studio location to be determined with Commission's approval.

WCLS—R. W. Hoffman, Joliet, Ill.—Application for transfer of control to L. W. Wood (1310 kc., 100 watts night and day, specified hours).

KRQA—J. Laurence Martin, Santa Fe, New Mexico.—Voluntary assignment of license to I. E. Lambert; 1310 kc., 100 watts day and night, unlimited time.

NEW—Garden Island Publishing Co., Ltd., Lihue, Kauai, T. H.—C. P. for new station requesting frequency 1500 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Voluntary assignment of license to Jack Williams; 1200 kc., 100 watts night, 250 watts day, unlimited time, under C. P.

WBLV—Herbert Lee Blye, Lima, Ohio.—Voluntary assignment of license to The Fort Industry Company; 1210 kc., 100 watts, daytime only.

KHUB—Anna Atkinson, Executrix, Watsonville, Calif.—Voluntary assignment of license from Anna Atkinson, Executrix of the Estate of F. W. Atkinson, deceased, licensee, to: John P. Scripps; 1310 kc., 250 watts, daytime only.

WFAB—Fifth Avenue Broadcasting Corp., Carlstadt, N. J.—Application for voluntary assignment of license to Debs Memorial Radio Fund, Inc.; 1300 kc., 1 KW, sharing with WHAZ, WEVD and WBRB (day and night).

NEW—Ben S. McGlashan, Mobile (Los Angeles, Cal.)—C. P. for new relay station; frequencies 1622, 2058, 2150, 2790 kc., 10 watts, unlimited operation.

NEW—Ben S. McGlashan, Mobile (Los Angeles, Cal.)—C. P. for new relay station; frequencies 1622, 2058, 2150, 2790 kc., 75 watts, unlimited operation.

RENEWAL OF LICENSES

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

KABC, San Antonio, Tex.; KCMC, Texarkana, Tex.; KELD, El Dorado, Ark.; KFIZ, Fond du Lac, Wis.; KGFF, Shawnee, Okla.; KFIW, Alamosa, Colo.; KGKB, Tyler, Tex.; KGKY, Scottsbluff, Neb.; KICA, Clovis, New Mexico; KLUF, Galveston, Tex.; KNEL, Brady, Tex.; KOKO, La Junta, Colo.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPLC, Lake Charles, La.; KPLT, Paris, Tex.; KRBC, Abilene, Tex.; KRMC, Jamestown, N. Dak.; KSAL, Salina, Kans.; KTEM, Temple, Tex.; KTOK, Oklahoma City, Okla.; WACO, Waco, Tex.; WAGF, Dothan, Alabama; WAO, Chattanooga, Tenn.; WATL, Atlanta, Ga.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCHV, Charlottesville, Va.; WDNC, Durham, N. C.; WDWS, Champaign, Ill.; WEED, Rocky Mount, N. C.; WELL, Battle Creek, Mich.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; WGL, Fort Wayne, Ind.; WHBB, Selma, Ala.; WHBQ, Memphis, Tenn.; WHFC, Cicero, Ill.; WHLB, Virginia, Minn.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WLEU, Erie, Pa.; WLLH, Lowell, Mass.; WMAA, Springfield, Mass.; WMBC, Detroit, Mich.; WMEX, Boston, Mass.; WMFD, Wilmington, N. C.; WNBK, Binghamton, N. Y.; WPAD, Paducah, Ky.; WRGA, Rome, Ga.;

WSAU, Wausau, Wis.; WSVS, Buffalo, N. Y.; WWSW, Pittsburgh, Pa.

The Commission (by Case, Commissioner) took the following action on December 6, 1937:

APPLICATIONS DISMISSED

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

WGES—Oak Leaves Broadcasting Station, Inc., and WSBC, Inc., Chicago, Ill.—Authority to transfer control of corporation to WSBC, Inc.; 1360 kc., 500 watts, 500 watts LS, shares with WSBT, except Sunday, when station has 1 KW LS.

NEW—Hearst Radio, Inc., Washington, D. C.—Application for C. P.; 1310 kc., 100 watts, 250 watts LS, unlimited time.

The following applications, heretofore set for hearing, was retired to the files, inasmuch as the date for which the authority was requested has passed:

Chamber of Commerce, Eureka Springs, Ark.—Authority to transmit a 1 hour program Nov. 6, 1937, to Station XENT, Nuevo Laredo, Mexico, through the facilities of Southwestern Bell Telephone Co.

Delaware Channel Corporation.—Dismissed, at request of petitioner, the petition of Delaware Channel Corp. to reopen hearing in re application for authority to transfer control of station WTBO, The Associated Broadcasting Corp., Cumberland, Md., from Roger W. Clipp and Frank V. Becker, to the Delaware Channel Corp.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted petition to intervene in the hearing on application of station WKEU, Griffin, Ga., to move to Macon, Ga., and change frequency from 1500 to 1310 kc., power from 100 watts daytime to 100 watts night, 250 watts LS, unlimited time.

NEW—The Rapids Broadcasting Co., Cedar Rapids, Ia.—Denied petition to extend the effective date of decision beyond December 15, 1937.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted petition to intervene in the hearing of the application of WRTD, the Times-Dispatch Publishing Co., Inc., for a C. P. to change frequency and power from 1500 to 1050 kc., and 100 watts to 500 watts, unlimited time.

NEW—George W. Taylor Co., Inc., Williamson, W. Va.—Denied petition for an order to submit interrogatories in connection with its application for a C. P. to establish a new station using frequency 1370 kc., 100 watts, daytime hours.

KGKO—Wichita Falls Broadcasting Co., Fort Worth, Tex.—Granted request for cancellation of oral argument in re Examiner's Report No. 1-485, scheduled for January 6, 1938.

WRTD—The Times-Dispatch Publishing Co., Richmond, Va.—Granted petition to intervene in the proceedings on the application of Havens and Martin, Inc. (WMBG), Docket 4846.

The Commission also took the following action:

MISCELLANEOUS

NEW—Virgil V. Evans, Gastonia, N. C.—Denied petition for rehearing of application for new station at Gastonia, N. C., to operate on 1420 kc., 100 watts, unlimited time. This application was denied by the Broadcast Division, effective date, September 28, 1937.

WCBA—B. Bryan Musselman, Allentown, Pa.; WSAN—WSAN, Inc., Allentown, Pa.—Denied joint petition of applicants to reconsider and grant their applications for renewal of licenses without a hearing.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted petition in so far as it requests withdrawal of its Motion to Withdraw application in Docket No. 4362; denied petition in other respects; denied petition of WCFL to close record in Docket 4362 and the petitions of WCFL and KJR in opposition to petition to withdraw.

WMEX—Northern Corporation and WCOP—Mass. Broadcasting Corp.—Dismissed petition for rehearing with respect to the action of the Broadcast Division in denying its protest in the matter of transfer of control of Mass. Broadcasting Corp. (WCOP); and dismissed motion of Mass. Broadcasting Corp. to strike said petition for rehearing.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Denied petition for rehearing in re Docket No. 3967, in which case the Broadcast Division entered its final order, effective July

- 27, 1937, granting application of the Telegraph Herald Co. for a new station at Dubuque, Iowa.
- NEW—Clarence C. Dill, Washington, D. C.—Denied petition for rehearing in re Docket No. 4079, involving denial of application for C. P. to erect a new station in Washington, D. C., to use 1390 ke., 1 KW, unlimited time, with directional antenna.
- WMIN—Edward Hoffman, trading as WMIN Broadcasting Co., St. Paul, Minn.—Granted petition to reconsider and grant without hearing application for assignment of license to WMIN Broadcasting Co., a newly organized Minnesota corporation.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.; WJSV—Columbia Broadcasting Co., Washington, D. C.—Granted petition to reopen hearing in re Docket 4756, application of KSTP to install new equipment and increase power to 50 kw, and Docket 4757, WJSV's application for the same.
- NEW—Courier Post Publishing Co., Hannibal, Mo.—Denied petition of Courier Post Publishing Co. for a rehearing in re their application to erect a new station to operate on frequency 1310 ke., 100 watts, 250 watts LS, unlimited time, and dismissed petition of Hannibal Broadcasting Co. to participate in rehearing, and the opposition thereto of The Courier-Post Publishing Co.
- NEW—Black River Valley Broadcast, Inc., Watertown, N. Y.—Dismissed petition to reconsider action in ordering a rehearing on the application of the petitioner.
- WFLA—Florida West Coast Broadcasting Co., Inc., Clearwater, Fla.—Dismissed petition and supplemental petition of Florida West Coast Broadcasting Company, Inc., for rehearing in Docket 4425 wherein Commission granted authority to WIOD-WMBF, Miami, Fla., to change frequency; dismissed opposition of WIOD to petition for rehearing.

EXAMINERS' REPORTS RELEASED SINCE NOVEMBER 17

- NEW—Ex. Rep. 1-523: United Theatres, Inc., San Juan, P. R.—Examiner Tyler Berry recommended grant of C. P. for new station to operate on 570 ke., 1 KW, unlimited time.
- KQV—Ex. Rep. 1-524: KQV Broadcasting Co., Pittsburgh, Pa.—Examiner Melvin Dalberg recommended grant of application for change in time of operation from simultaneous, day, WSMK, shares hours night, to unlimited, increase in power from 500 watts to 1 KW with use of directional antenna at night.
- WSMK—WSMK, Inc., Dayton, Ohio.—Examiner Dalberg recommended grant of application to increase power from 200 watts to 250 watts night, 500 W-LS, and change time of operation from simultaneous, day, KQV, specified hours night, to unlimited, with use of directional antenna at night.
- WBZA—Ex. Rep. 1-525: Westinghouse Electric and Manufacturing Co., Springfield, Mass.—Examiner R. H. Hyde recommended denial of C. P. to change frequency from 990 ke. to 550 ke., and from unlimited time, synchronized with WBZ, to unlimited.
- WDEV—Chas. B. Adams, Administrator of the Estate of Harry C. Whitehill, Executor of the estate of Mary M. Whitehill, Waterbury, Vt.—Examiner Hyde recommended grant of renewal of license for station WDEV to operate on 550 ke., 500 watts, daytime.
- WNBZ—Ex. Rep. 1-526: Smith and Mace, Saranac Lake, N. Y.—Examiner George H. Hill recommended grant of Voluntary Assignment of C. P. and license from Smith & Mace to Upstate Broadcasting Corp.
- WROK—Ex. Rep. 1-527: Lloyd C. Thomas, Transferor and Rockford Consolidated Newspapers, Inc., Transferee, Rockford, Ill.—Examiner Melvin H. Dalberg recommended grant of authority to transfer control of WROK, Rockford Broadcasters, Inc., to Rockford Consolidated Newspapers, Inc.
- NEW—Ex. Rep. 1-528: Nathan N. Bauer, Miami, Fla.—Examiner P. W. Seward recommended grant of C. P. for new station to operate on 1420 ke., 100 watts, unlimited time.
- NEW—Ex. Rep. 1-529: Ellwood W. Lippincott, Inc., Bend, Ore.—Examiner Tyler Berry recommended grant of application for C. P. to operate on 1310 ke., 100 watts power, unlimited time, subject to selection of satisfactory transmitter site, provided the application of the Bend Bulletin is denied.
- KOBH—Ex. Rep. 1-530: Black Hills Broadcast Co., Rapid City, S. Dak.—Examiner Robert L. Irwin recommended denial of authority to assign license of the Black Hills Broadcast Co., an unincorporated association, to Black Hills Broadcast Co., a corporation.

- NEW—Ex. Rep. 1-531: Airfan Radio Corp., Ltd., San Diego, Cal.—Examiner Robert L. Irwin recommended dismissal with prejudice of application for C. P. to operate on 1420 ke, 100 watts, unlimited.
- NEW—Ex. Rep. 1-532: Southern Broadcasting Corp., New Orleans, La.—Examiner P. W. Seward recommended dismissal with prejudice, of application for C. P. to operate on 1200 ke, 100 watts, 250 W-LS, unlimited time (facilities of WBNO and WJBW).
- WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Examiner Seward recommended denial of application for renewal of license of WBNO, and denial of C. P. to change frequency from 1200 to 1420 ke., increase power from 100 watts, to 100 watts, 250 W-LS, and time of operation from sharing with WJBW to unlimited.
- NEW—Ex. Rep. 1-533: Keystone Broadcasting Co., New Castle, Pa.—Examiner Tyler Berry recommended grant of application for C. P. for new station to operate on 1250 ke, 250 watts, daytime.
- WRNL—Ex. Rep. 1-534: WLBG, Inc., Richmond, Va.—Examiner Melvin H. Dalberg recommended grant of C. P. authorizing increase in power from 500 watts, to 1 KW, employing directional antenna day and night, and increase in hours of operation from daytime to unlimited.
- NEW—Ex. Rep. 1-535: Jules J. Rubens, Aurora, Ill.—Examiner Melvin H. Dalberg recommended denial of C. P. for new station to operate on 1040 ke, 250 watts, daytime.
- NEW—Ex. Rep. 1-536: Broward Broadcasting Co., Ft. Lauderdale, Fla.—Examiner P. W. Seward recommended dismissal with prejudice of application for C. P. for new station to operate on 1370 ke, 100 watts, 250 W-LS, unlimited time.
- WJBW—Ex. Rep. 1-537: Charles C. Carlson, New Orleans, La.—Examiner P. W. Seward recommended grant of application for renewal of license of station WJBW to operate on 1200 ke, 100 watts; shares with WBNO.
- NEW—Ex. Rep. 1-538: El Paso Broadcasting Co., El Paso, Tex.—Examiner John P. Bramhall recommended grant of application for new station to operate on 940 ke, 1 KW, unlimited time, provided Dorrance D. Roderick abandon his application for a new station at El Paso.
- NEW—Ex. Rep. 1-538: World Publishing Co., Tulsa, Okla.—Examiner Bramhall recommended grant of application for C. P. for new station to operate on 940 ke., 1 KW, 5 KW LS, unlimited time.
- KGKL—KGKL, Inc., San Angelo, Tex.—Examiner Bramhall recommended denial of application of KGKL to change frequency from 1370 to 940 ke., power from 100 watts, 250 watts LS, to 1 KW, 5 KW LS.
- NEW—The Tribune Company, Tampa, Fla.—Examiner Bramhall recommended grant of application for C. P. to operate on 940 ke., 1 KW, 5 KW LS, unlimited time.
- NEW—Ex. Rep. 1-539: Mervel M. Valentine, Laredo, Tex.—Examiner Melvin H. Dalberg recommended grant of C. P. for new station to operate on 1500 ke., 100 watts, 250 watts LS, unlimited time.
- NEW—Ex. Rep. 1-540: John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Examiner P. W. Seward recommended grant of C. P. for new station to operate on 1210 ke., 100 watts, daytime.
- KQE—Ex. Rep. 1-541: Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Examiner Tyler Berry recommended grant of C. P. to increase power from 1 KW to 1 KW night, 5 KW LS.
- NEW—Ex. Rep. 1-542: Thos. F. Airth, Wythe Walker & Rex Schepp, d/b as Evanston Broadcasting Co., Evanston, Ill.—Examiner George H. Hill recommended denial of C. P. for a new station to operate on 1020 ke., 250 watts, daytime.

APPLICATIONS RECEIVED First Zone

- WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-1651) for a new transmitter and antenna, increase in power and move of transmitter, requesting extension of completion date from 1-4-38 to 3-4-38.
- WGNY—Peter Goelet, Newburgh, N. Y.—Construction permit to 1210 make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day. Amended to change frequency from 1210 ke. to 1220 ke., and requested power from 100 watts night, 250 watts day, to 250 watts, and hours of operation from share WBRB, WFAS and WGBB to daytime.

NEW—Orrin A. Senzel, Rochester, N. Y.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

WBRY—American-Republican, Inc., Waterbury, Conn.—Construction permit to install a new transmitter and increase power from 1 KW to 1 KW night, 5 KW day. Amended to make changes in requested equipment and change requested power from 1 KW night, 5 KW day, to 5 KW day and night.

W2XAX—Columbia Broadcasting System, New York, N. Y.—Modification of construction permit (B1-PVB-6) for new equipment and increase in power, requesting the frequencies 50090-56000 kc. and delete 42000-55000, 60000-86000 kc.

NEW—WDRC, Inc., Hartford, Conn. (to be determined).—Construction permit for a new high frequency broadcast station (frequency modulated) to be operated on the frequencies 40300, 88500, 109000, 177000, 218000 kc., 1000 watts. Amended to delete frequencies 88500, 109000, 177000 and 218000 kc.

NEW—WHDL, Inc., area of Olean, N. Y.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 25 watts.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to make changes in equipment and increase power from 20 KW to 50 KW.

Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-1085) as modified for new equipment, vertical antenna, increase in power, and move of transmitter, requesting extension of completion date from 1-6-38 to 3-15-38.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—License to cover construction permit (B2-P-1412) as modified for move of transmitter and new vertical antenna.

WLW—The Crosley Radio Corporation, Cincinnati, Ohio.—Extension of special experimental authorization to operate with power of 500 KW day and 500 KW night, using directional antenna, for period 2-1-38 to 8-1-38.

WICA—C. A. Rowley, Ashtabula, Ohio.—License to cover construction permit (B2-P-756) as modified for a new station.

WICA—C. A. Rowley, Ashtabula, Ohio.—Authority to determine operating power by direct measurement of antenna.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to change frequency from 1160 kc. to 1140 kc., hours of operation from simultaneous day WOWO, share night WOWO, to unlimited time, and install directional antenna for night use, and move transmitter from Bell's Lane, 8½ miles northeast of Wheeling, West Liberty, W. Va., to 2½ miles east of St. Clairsville, Richland Township, Ohio. Amended to install a new transmitter, make changes in directional antenna for night use and increase power from 5 KW to 50 KW.

WMBG—Havens & Martin, Inc., Richmond, Va.—Construction permit to make changes in equipment and increase power from 500 watts to 1 KW. Amended to make further changes in equipment and change requested power from 1 KW to 1 KW night, 5 KW day, using directional antenna.

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Modification of license to change power from 500 watts night, 1 KW day, to 1 KW day and night.

W8XOY—Allen T. Simmons, Tallmadge, Ohio.—License to cover construction permit (B2-PHB-34) as modified for a new high frequency broadcast station.

W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PHB-7) for a new high frequency broadcast station, requesting authority to install a new transmitter.

NEW—Michigan State College, area of East Lansing, Mich.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 15 watts.

NEW—Michigan State College, area of East Lansing, Mich.—License to cover above.

NEW—Michigan State College, area of East Lansing, Mich.—Construction permit for a new relay broadcast station to be operated on 38900, 39100, 39300, 39500 kc., 15 watts.

NEW—Michigan State College, area of East Lansing, Mich.—License to cover above.

W8XKH—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Modification of construction permit (B2-PRE-44) for a new relay broadcast station, requesting extension of completion date from 12-7-37 to 6-7-38.

W8XKI—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Modification of construction permit (B2-PRE-43) for a new relay broadcast station, requesting extension of completion date from 12-7-37 to 6-7-38.

W3XAU—WCAU Broadcasting Co., near Newtown Square, Pa.—Modification of license to add the frequency 25725 kc.

Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for period 2-1-38 to 8-1-38.

WWL—Loyola University, New Orleans, La.—Extension of special experimental authorization to operate unlimited time for period 2-1-38 to 8-1-38.

WGST—Georgia School of Technology, Atlanta, Ga.—License to cover construction permit (B3-P-1880) for auxiliary transmitter.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Modification of construction permit (B3-P-1764) as modified for a new transmitter and increase in power, requesting further changes in equipment.

NEW—McComb Broadcasting Corp., McComb, Miss.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime.

NEW—George B. Peeler, Taylor, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Tex.—Construction permit to make changes in transmitting equipment; install new vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; and move transmitter from Milan Bldg., Travis and Soledad Sts., San Antonio, Tex., to 317 Arden Grove, San Antonio, Tex.

NEW—John C. Head, Lawton, Okla.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

W5XNA—Loyola University, Mobile (New Orleans, La.).—License to cover construction permit (B3-PRE-89) for a new relay broadcast station.

W5XNB—Loyola University, Mobile (vicinity New Orleans, La.).—License to cover construction permit (B3-PRE-90) for a new relay broadcast station.

WABG—Memphis Commercial Appeal Co., area Memphis, Tenn.—Construction permit to make changes in equipment and increase power from 35 watts to 50 watts.

NEW—Columbia Broadcasting System, Inc., area of Charlotte, N. C.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts.

Fourth Zone

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to transfer control of corporation from Marco Morrow, Trustee for Capper Publications, to Capper Publications, Inc., 196 shares common stock.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, from 2-1-38 to 8-1-38.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special experimental authorization to operate synchronously with KFAB from local sunset (KFAB local sunset) to midnight, CST, from 2-1-38 to 8-1-38.

WHO—Central Broadcasting Co., Des Moines, Iowa.—Extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a. m., CST, from 2-1-38 to 8-1-38.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit to install a new transmitter; increase power from 10 KW to 50 KW; and change hours of operation from simultaneous day, share WWVA night, to unlimited time. Contingent on the granting of WWVA's application for change in frequency.

WDGY—George W. Young, Minneapolis, Minn.—License to cover construction permit (B4-P-1420) as modified for a new transmitter.

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Authority to transfer control of corporation from Arthur Capper to Capper Publications, Inc., 95 shares common stock.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license to change power from 500 watts night, 1 KW day, to 1 KW day and night.

- KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Modification of construction permit (B4-P-1249) for a new station, requesting changes in equipment, approval of studio and transmitter sites at 6th and Nebraska Sts., Commerce Building, Sioux City, Iowa. Amended to change geographic location.
- NEW—Star-Times Publishing Co., St. Louis, Mo.—License to cover construction permit (B4-PFB-2) for a new facsimile broadcast station.

Fifth Zone

- KXL—KXL Broadcasters, Portland, Ore.—Construction permit to install a new transmitter and directional antenna for day and night use, change frequency from 1420 kc. to 1110 kc., power from 100 watts night, 250 watts day to 5 KW hours of operation from share with KBPS to unlimited time and move transmitter locally. Amended: To make changes in directional antenna.
- KDNC—The Democrat-News Co., Inc., Lewistown, Mont.—Modification of construction permit (B5-P-831) as modified, for extension of commencement and completion dates from 11-7-37 and 5-7-38 respectively to 1-1-39 and 6-1-39.
- KLAH—Barney Hubbs, A. J. Crawford, Harold Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. M.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- KYA—Hearst Radio, Inc., San Francisco, Calif.—License to cover construction permit (B5-P-1860) for auxiliary transmitter.

- NEW—Mountain Top Trans Radio Corp., Denver, Colo.—Construction permit for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change requested frequency from 1370 to 1310 kc.

- KIT—Carl E. Haymond, Yakima, Wash.—License to cover construction permit (B5-P-1115) as modified, for new transmitter, vertical antenna, change in frequency, increase in power and move of transmitter.

- KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Modification of construction permit (B5-P-1925) for a new station, requesting approval of vertical antenna and approval of transmitter site at Muir Ave. & Smith Street, Rock Springs, Wyoming, and move studio from 607 N. Front Street to Muir & Smith Streets, Rock Springs, Wyoming.

- KICA—Western Broadcasters, Inc., Clovis, N. M.—Authority to transfer control of corporation from J. L. Nunn to Charles C. Alsup. 25 shares common stock.

- W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to increase power of the visual transmitter from 150 watts to 1000 watts and make changes in equipment.

Alaskan Zone

- KINY—Edwin A. Kraft, Juneau, Alaska.—Modification of construction permit (B-P-1176) for new equipment, new antenna, change in frequency and power requesting change in authorized equipment, approval of vertical antenna and approval of transmitter site at A-J Rock Dump, near Juneau, Alaska.