

## REALLOCATION

**Order Your Crystals!  
Order Engineering Service!  
File for Construction Permits!**

The FCC reallocation order of January 31 leaves the industry with less than 60 days in which to prepare for the shifts. To accomplish the reallocation as scheduled on March 29, requires the utmost of cooperation between the FCC, the broadcast stations and the equipment manufacturers. The FCC reallocation release number 47182 issued January 31, outlines the course of procedure to follow.

There are two possible bottlenecks apparent at present in carrying out the reallocation. Grinding the hundreds of new crystals will be a difficult task for the manufacturers to accomplish before March 29. It is therefore of the utmost importance that stations make immediate arrangements for securing new crystals. Some stations may be able to obtain crystals from present tenants of their new frequency. Correspondence in connection with this should be carried out with all speed so that if crystals cannot be obtained this way, the manufacturer of crystals will be given the maximum possible notice. Stations should be sure to notify the manufacturer whether a directional antenna is to be used or not.

Deliveries on equipment other than crystals are slow and therefore, stations are urged to ascertain their needs and place orders immediately.

Each consulting engineering firm will be called on to change over several directional antennas. It will not be possible for each firm to be at the transmitter of each client on the night of the change. The FCC in its release provides for changing most of the directionals on a skeleton proof of performance basis. Under this plan the consultants can start immediately resetting directionals during test periods and then record the new settings. On the shift night the station engineer can set all the coils and condensers to the previously marked positions. This

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## Justice Department Files Criminal Action Against ASCAP

The Department of Justice on Wednesday, February 4, filed in the United States District Court for the Eastern District of Wisconsin at Milwaukee a criminal information against the American Society of Composers, Authors and Publishers. The information charged that the Society was an unlawful combination in restraint of trade in violation of the Sherman antitrust law. Specifically, it alleged that the following practices of the Society and its members constituted illegal conduct:

(1) The members of the Society assign exclusively to the Society all public performance rights to the copyrighted music composed or published by the respective members thus eliminating all competition among the members in the exploitation of the public performance rights to their music.

(2) The Society is governed by a self-perpetuating board of directors which supervises all of the business of the Society and determines the method of distributing the revenues of the Society among the members and the amount to be received by each member.

(3) Membership in the Society is conditioned, among other requirements, upon the regular publication by the candidate for membership of not less than five musical compositions.

(4) Performance licenses for the Society's music are available only on an all-or-none basis. Licenses authorizing the performance of single compositions or groups of compositions are not available.

(5) The fees collected for these licenses are fixed arbitrarily by the Society to all commercial users of music. In the case of radio broadcasters, this fee is based upon a percentage of the gross revenue of the music user, whether or not such revenue is derived from programs in which music controlled by the Society is used.

(6) The Society has discriminated as to both price and terms among various commercial users of music so that some users have received more favorable treatment at the hands of the Society than others who are similarly situated.

(7) The members of the Society have exercised their privilege of restricting from public performance popular and current musical compositions so as to deprive the listening public of the opportunity of hearing the restricted music and have used this privilege for the purpose of enhancing recording fees received by the members for the recording rights to their respective catalogues of music.

(8) Prior to December 31, 1940, the Society did not offer blanket licenses to radio networks, but required that each station in the network obtain a separate license. Radio stations affiliated with a network have no control over the copyrighted musical compositions

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Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## JUSTICE DEPARTMENT FILES CRIMINAL ACTION AGAINST ASCAP

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which they receive from the originating station in the network. Nevertheless these radio stations have had to accept a license from the Society upon any terms and conditions imposed by the Society or subject themselves to numerous infringement suits.

Commenting on the Department's action, Thurman Arnold, Assistant Attorney General in charge of the Anti-trust Division, stated:

"In plain language, ASCAP is charged with exploiting composers by preventing them from selling their music except on terms dictated by a self-perpetuating board of directors. That board has the power arbitrarily to determine on what basis various members of ASCAP shall share in the royalties from ASCAP compositions.

In addition to discriminating against composers, ASCAP has begun using its monopoly power to charge the users of music for songs they do not play. This is done by compelling the user to pay a percentage of his gross receipts on programs where other music is used or where no music is used. By this method, anyone who does not belong to ASCAP is excluded from the market. These practices we consider not only illegal but unjustifiable on any ground of fair dealing. Our proceeding is aimed only to compel ASCAP to stop such practices. Therefore, the Department will continue to hold the door open to proposals from ASCAP which will eliminate these abuses. It does not desire to prevent ASCAP from protecting the copyright privileges of its members."

### Others Named in Complaint

These officers and directors of ASCAP were named as defendants:

Gene Buck, president; Louis Bernstein and Otto A. Harbach, vice presidents; George W. Meyer, secretary; Gustave Schirmer, treasurer; J. J. Bregman, assistant secretary; Irving Caesar, assistant treasurer, and Max Dreyfus, Fred E. Ahlert, Saul Bornstein, George Fischer, Walter Fischer, Raymond Hubbell, Oley Speaks, Deems Taylor, Will von Tilzer, John Mercer and Oscar Hammerstein 2d; E. C. Mills, chairman of the administrative committee, and John G. Paine, general manager.

These corporations, which have officers, agents or representatives on the board of directors of ASCAP, also were named defendants:

Shapiro, Bernstein & Co., Inc.; Irving Berlin, Inc.; Bregman Vocco & Conn, Inc.; Chappell & Co., Inc.; I. B. Harms Company; J. Fischer & Bros.; Carl Fischer, Inc.; Mill Music, Inc.; Words and Music, Inc.; Robbins Music Corporation; Leo Feist, Inc.;

Miller Music, Inc.; G. Schirmer, Inc.; Boston Music Company; Willis Music Company; Harms, Inc.; M. Witmark & Sons; Remick Music Corporation; Harry von Tilzer Music Publishing Company.

All members of ASCAP, in addition to the defendants listed, are named as co-conspirators, the information states, also including these by name: Jerome Kern, Edgar Leslie, Jack Mills, Herman Starr, John O'Connor and J. J. Robbins.

The information was filed after a comprehensive investigation of the activities of the Society and its members which has been conducted by the Department for several months. Negotiations for a settlement between representatives of the Society and the Department respectively, ended abruptly late in December.

The case is in charge of Victor O. Waters, Special Assistant to the Attorney General, and Warren Cunningham, Jr., Special Attorney.

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scheme can probably be worked in the majority of cases. Inasmuch as the time is very short, it is imperative that stations immediately place orders with their consulting engineers for realigning the directional antennas.

If a station's transmitter has duplicate crystals, it will be permissible to operate with one crystal for the old frequency and one for the new frequency in the transmitter during the change-over period.

Stations should immediately place orders with the manufacturers for changing frequency monitors to the new frequencies. The FCC has made arrangements with the monitor manufacturers so that an order can be placed for the change without sending in the monitor at that time. The manufacturers will schedule the work and notify each station when to send their monitor in. In this way each station can use its monitor on the old frequency as long as possible. The FCC has authorized operation without a monitor for the required time if the monitor is returned on schedule from the manufacturer. During the period the station is without a monitor frequent checks should be made by the station's monitoring service. A check at least twice a week is suggested. A station's good standing will not be jeopardized if due precautions have been taken and good faith has been shown if they accidentally are found off frequency during the period. Stations should ask their monitor manufacturers for a recalibration schedule without delay.

The equipment necessary to change frequency only requires no further authority from the FCC but any change of tower location and antenna system changes requires a CP in the regular order. The requirements to obtain a CP are not affected by change of requirements due to the reallocation order and must be filed in the usual manner. Stations have full authority without filing for



a CP for changing monitor crystals, changing the transmitter crystals, retuning the transmitter and retuning the antenna system provided that if a directional antenna is in use the pattern on the new frequency is the same as on the old and further provided that the physical aspects of the antenna system are not to be changed.

In cases where CP's are required in connection with the reallocation, the FCC is geared to handle them promptly. A note should be appended to the application stating that it is in connection with and in accordance with the reallocation order. If an application is in such form as not to require detailed study, then the FCC, if so requested, will wire the applicant permission to proceed with the construction.

Most engineers have placed the minimum time necessary for placing the agreement into effect at three months. Inasmuch as we now have less than two months in which to do the job, it is absolutely essential that all stations:

1. Place orders for equipment immediately.
2. Place orders for engineering services immediately.
3. File any necessary applications for construction permits immediately.

FCC release number 47182 issued January 31 should be read carefully by every broadcaster. It reads as follows:

**NOTICE TO ALL STANDARD BROADCAST STATION LICENSEES MANUFACTURERS OF FREQUENCY CONTROL EQUIPMENT FREQUENCY MONITOR SERVICES AND CONSULTING RADIO ENGINEERS**

The Commission today released the frequency assignments for all standard broadcast stations to be effective 0800 GMT (3:00 a.m. EST) March 29, 1941, pursuant to the North American Regional Broadcasting Agreement (NARBA). On this date every standard broadcast station must be operated on the frequency given in the list.

In all, some 795 of the 883 broadcast stations must change frequency. The Commission requests the cooperation of broadcast licensees and manufacturers of frequency control equipment to supply the necessary equipment to facilitate the change of frequency on this date. It is urged that every broadcast licensee immediately place an order for the necessary new oscillators or modification of existing oscillators to enable it to operate on the specified frequency. Licensees should specify in the order for crystals whether a directional antenna is employed by the station.

Manufacturers are requested to give prior consideration to orders from station licensees using directive antennas in accordance with the receipt of orders for new oscillators. Each station should be supplied with only two crystals, one for the transmitter and another for the frequency monitor when there are unfilled orders with the manufacturer.

An exchange of crystals is recommended in so far as feasible. The NAB has agreed to cooperate with any licensees in coordinating this work.

All stations are hereby authorized to test on the new frequency prior to March 29 during the experimental period (1 a.m. to 6 a.m. local standard time). Licensees are requested to cooperate to avoid unnecessary interference while testing during this period. Every licensee should make arrangements to adjust the equipment so as to operate on the new frequency prior to March 29. Most stations using nondirective antennas should require not over a few hours to adjust the equipment throughout to the new frequency after the new crystals are obtained. In some cases where high power transmitters and complicated antenna coupling arrangements are used, two or more test periods may be required.

The procedure in general should be to connect the new crystal

in accordance with the design of the transmitter and adjust each successive stage, beginning with the first buffer, for optimum operation on the new frequency. Clips or other markings should be made on each tuning capacitor and inductance so that the old frequency can be returned to in the minimum of time.

At stations employing non-directive antennas, this process may be carried on through the antenna systems, and any station in good operating condition should have no great difficulty in adjusting the frequency to the new assignments. By this means every adjustment may be made ("get all set") well before March 29 and on the morning of March 29 at 3 a.m. EST, the permanent shift to the new frequency will be made. The frequency should be checked with a frequency monitoring service when the adjustments are first completed and if possible on the morning of March 29.

Each commercial frequency monitoring service is requested to cooperate by making their service available during the entire test period for a week or more before and after March 29, 1941.

General monitoring throughout the broadcast band should be carried on when scheduled checking permits, so as to advise licensees of any off frequency operation. The Commission will have its monitoring stations in operation to advise of any off frequency operation but cannot assist in making adjustments similar to a commercial service.

Stations employing directional antennas in which no substantial change in the directional pattern is required should proceed as follows:

1. Change frequency and adjust each power stage as instructed above.
2. Roughly adjust the antenna coupling and phasing in accordance with the new calculated values.
3. Exercise care to mark all inductances and capacitors so that the original position can be returned to in a short time.
4. As soon as the rough adjustments are made in the phasing and coupling equipments, turn on the power and check the field pattern in pertinent directions.

It may be necessary to purchase new fixed capacitors which should be temporarily connected in the circuit during tests and dropped out when returning to the old frequency.

The Commission will accept proof of the directive antenna operation from readings made on the radial through the monitoring points (direction in which protection is required) and a few readings in other directions.

All told, the final readings need not be in excess of some 8 or 10 in most cases. In every case, readings on appropriate selected points should be made before the frequency change and repeated after the change. Two or three measurements on the radial through the monitoring points should be made, as well as a few checks in the non-protective direction to determine the radiation efficiency.

The usual regional or clear channel station employing a two or three element directive antenna in which the suppression is not excessive, should be able to complete the entire adjustment during two or three test periods. If greater time is required in cases of high directivity or complicated antenna systems, appropriate arrangements should be made by the licensee. The time to change the equipment back from the new frequency to the old 30 kilocycles or less removed should not in any case exceed 30 minutes, if the matter is engineered in a proper manner.

Those stations having engineers familiar with the technique of adjustment of the different circuits should experience no difficulty in making all required adjustments in changing to the new frequency. Those stations employing directive antennas necessarily require the services of engineers competent to calculate and adjust directive antennas and equipped with the necessary field intensity measuring equipment. It is believed that station engineers will have no difficulty in shifting the equipment including directional antennas to the new channels on March 29 once they have been previously fully adjusted. These data on the radiation field together with the frequency check should be supplied to the Commission upon completion and prior to March 29, 1941.

In case any station is not able, due to any causes, to change to the new frequency on March 29, the Commission must be notified and the station will be required to cease operation until such station can change frequency.

All stations which must return their frequency monitors to the manufacturer to readjust the frequency should do so in the following manner:

1. Notify the manufacturer it is desired to return the monitor at once.
2. Obtain a shipment schedule from the manufacturer.

3. The Commission authorizes operation without a monitor if above schedule is followed.

The manufacturers are requested to make a schedule on the recalibration of the frequency monitors so that a great number will not be received when they cannot be handled except at a certain rate on schedule.

Stations determining power by the direct method may continue the direct method when accurate resistance measurements have been made on the new frequency and supplied to the Commission. Readings taken on the old frequency which also cover the new frequency will suffice. Stations operating by the indirect method should continue to so operate. However, attention is called to the fact that all stations must operate by direct method by June 1, 1941.

## Licenses and Construction Permits

It should be emphasized that the approval which has been given by the Commission to the lists of stations, pursuant to the agreement, does not in itself authorize operation by licensees on the frequencies or with the power specified. Action by the Commission resulting in the issuance of station licenses in accordance with the Communications Act is required before such operation is authorized. There are now pending before the Commission, applications for renewal of license for all standard broadcast stations which were in operation on October 1, 1940. The Commission, upon consideration of these applications, will issue renewal licenses effective at 3:00 a.m. EST, March 29, 1941. Such applications, if approved, will be granted in part, specifying the new frequencies in lieu of the former frequencies, and issued subject to such further conditions with respect to directional antennas as may be required in order to carry out the Agreement.

The foregoing does not mean that all pending applications for renewal of license will be granted. In instances where the Commission, in the normal course, because of complaints or investigations pending against the station, or for other reasons, may determine to hold hearings or conduct other proceedings with respect to the licensees, the Commission procedures regularly applicable in such cases will be followed. In instances where outstanding construction permits require modification in order to comply with the terms of the Agreement, the Commission will institute appropriate procedures for modification of such construction permits.

In order to comply with the assignments permissible under the Agreement, new construction is involved in some instances. Licensees whose applications for renewal are granted subject to a condition, and who accept the condition, must file applications for construction permits to carry out the construction involved for consideration in regular order by the Commission. That is, if a station now operates on frequency A with 1 kw power and under the assignment provided in the Agreement must operate under frequency B but requires a directional antenna to limit the radiation in some direction to less than the equivalent of 1 kw, the station must file an application and be granted authority to put in the necessary equipment with required antenna. The application should be filed as soon as possible and prior to March 29 and the construction proceeded with as rapidly as possible; but in any event the station will be required to shift frequency from frequency A to frequency B at the first operation after 3 a.m. EST March 29. Where construction cannot be completed by that date, such station will be required to operate without directional antenna at a sufficiently low power to avoid interference with other stations.

Some station assignments are listed with a power in excess of that now contained in the station's license. In no case is any station authorized to operate with any power other than that contained in the license or otherwise ordered by the Commission. Applications must be filed with the Commission in order to take advantage of the power increases specified under the listings and such applications will be considered in the order of their filing. The listing does not necessarily mean that the listed station or existing licensee will receive the power specified. The Commission will determine according to the requirements of the Communications Act of 1934.

## LICENSES FOR REALLOCATION

The FCC has sent this notice to standard broadcast station licensees and holders of standard broadcast station construction permits:

The Commission today issued a separate order to each of 795 standard broadcast station licensees, as to whose frequency assignments a change is contemplated in keeping with the North American Regional Broadcasting Agreement and the Recommendations adopted by the Commission's Resolution of January 31, 1941, looking to the granting of renewal of license applications specifying frequencies and conditions of operation consistent with the Agreement.

Under the Agreement all stations must shift simultaneously to appropriate frequencies at 3:00 a.m., EST, March 29, 1941. Section 307(e) of the Communications Act of 1934, as amended, provides, that the Commission may not grant renewals of existing station licenses more than 30 days prior to the expiration of such licenses. The Recommendations provide that the other governments parties to the Agreement may give notice on or before March 1, 1941, of their acceptance of said Recommendations, and that in the absence of notification prior to March 1, 1941, the Recommendations are to be considered as approved and accepted by such governments. For these reasons no final action with respect to pending renewal applications will be taken prior to March 1, 1941. The Commission desires, however, to anticipate the placing into effect of the Agreement so far as possible.

The Commission's order in each case specifies the frequency and conditions of operation proposed to be authorized. It further provides that the station licensee may give notice to the Commission of any objections it may have to the frequency assignment and other conditions of operation proposed affecting such station on or before February 18, 1941. Upon receipt of any such notice the Commission will afford appropriate opportunity for a hearing.

Although the orders permit the filing of objections and provide for hearing, it should be observed that the proposed changes were made public September 11, 1940, and opportunity was then and thereafter given to interested parties to make their views known. The purpose of the further opportunity now afforded is to permit the final examination of any remaining objections under the standard of public interest, convenience and necessity. Stations not filing objections will be deemed to have consented to such changes and the orders provide that the Commission will then consider the applications for renewal of such stations as applications for renewal on the new frequencies and subject to the new conditions.

There are outstanding standard broadcast station construction permits looking to the issuance of licenses for operation after March 29, 1941. Before any license covering such construction permits may be issued provision must be made consistent with the terms of the Agreement for the use of a frequency, and in some instances installation of directional antennas or modification of directional antennas presently provided for in said construction permits. The holder of any such construction permit should file as promptly as possible an application for modification of the construction permit to specify a frequency and conditions of operation consistent with the terms of the Agreement.

The Commission also announced that although the Recommendations are not yet legally in effect, pending the response of other governments, no action will be taken by the Commission in a manner inconsistent with the provisions of the Agreement, the Recommendations or the appended lists.

This, of course, will not preclude action where there are no questions of a signal of sufficient intensity to cause interference consequences in another country, nor the granting of authorizations for operation effective after March 29, 1941, which may be notified as changes under the Agreement.



## Radio's Moving Day

The entire radio industry is rapidly getting in step for March 29 when 90 per cent of United States stations will come in on new dial locations on over 50,000,000 radio receivers.

Suggestions to stations will be consolidated in a broadside soon to be mailed from headquarters.

Advantages to all stations concentrating on an identical point of view will be obvious to all station managers. There are basically three points which must be understood by the radio public and the servicemen who will setup the push buttons of 10,000,000 radio sets:

(1) Reallocation is another forward step in the constant improvement in radio broadcasting.

(2) Reallocation will bring better over-all program reception in the United States.

(3) Reallocation results from careful, long time planning and consultation between governments. It required over 3 years for reallocation to become effective.

Prior to the arrival of the broadside it is suggested that managers complete arrangements with power companies, gas companies and telephone companies for envelope stuffer enclosures in March bills, in line with the "Good News" bulletin of February 1.

It would also be helpful during the coming week for the cause of reallocation if managers will notify the local radio trade that they have complete information in their office on the new frequencies.

Many servicemen and dealers will want to publish a log for advance distribution to their customers.

Editors of trade papers going to servicemen and dealers have pointed out in their columns that for the first time in a great many years servicemen and dealers have log information, which is really news.

### REALLOCATION FREQUENCY LIST

#### NAB DISTRICT 1

	Present Frequency in kc.	New Frequency Mar. 29, 1941
CONNECTICUT		
WICC—Bridgeport.....	600	600
WNAB.....	CP 1420	1450
WDRC—Hartford.....	1330	1360
WTHT.....	1200	1230
WTIC.....	1040	1080
WNBC—New Britain.....	1380	1410
WELI—New Haven.....	930	960
WNLC—New London.....	1500	1490
WATR—Waterbury.....	1290	1320
WBRY.....	1530	1590
MAINE		
WRDO—Augusta.....	1370	1400
WABI—Bangor.....	1200	1230
WLBZ.....	620	620

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WCOU—Lewiston.....	1210	1240
WCSH—Portland.....	940	970
WGAN.....	560	560
WAGM—Presque Isle.....	1420	1450
MASSACHUSETTS		
WAAB—Boston.....	1410	1440
WBZ.....	990	1030
WCOP.....	1120	1150
WEEL.....	590	590
WHDH.....	830	850
WMEX.....	1470	1510
WNAC.....	1230	1260
WORL.....	920	950
WSAR—Fall River.....	1450	1480
WHAI—Greenfield.....	1210	1240
WHYN—Holyoke.....	CP 1370	1400
WOCB—nr. Hyannis.....	1210	1240
WLAU—Lawrence.....	680	680
WLLH—Lowell.....	1370	1400
WNBH—New Bedford.....	1310	1340
WBRK—Pittsfield.....	1310	1340
WESX—Salem.....	1200	1230
WBZA—Springfield.....	990	1030
WMAS.....	1420	1450
WSPR.....	1140-CP 1240	1270
WMAU—Worcester.....	CP 1200	1230
WORC.....	1280	1310
WTAG.....	580	580
NEW HAMPSHIRE		
WLNH—Laconia.....	1310	1340
WFEA—Manchester.....	1340	1370
WMUR.....	CP 610	610
WHEB—Portsmouth.....	740	750
WKNE—Keene.....	1260	1290
RHODE ISLAND		
WFCI—Pawtucket.....	CP 1390	1420
WEAN—Providence.....	780	790
WJAR.....	890	920
WPRO.....	630	630
VERMONT		
WCAX—Burlington.....	1200	1230
WSYB—Rutland.....	1500	1490
WQDM—St. Albans.....	1390	1420
WDEV—Waterbury.....	550	550

#### NAB DISTRICT 2

NEW YORK		
WABY—Albany.....	1370	1400
WOKO.....	1430	1460
WMBO—Auburn.....	1310	1340
WBTA—Batavia.....	CP 1500	1490
WNBF—Binghamton.....	1500	1490
WARD—Brooklyn.....	1400	1430
WBBC.....	1400	1430
WBBR.....	1300	1330
WCNW.....	1500	1600
WVFW.....	1400	1430
WBEN—Buffalo.....	900	930
WBNY.....	1370	1400
WEBR.....	1310	1340
WGR.....	550	550
WKBW.....	1480	1520
WSVS.....	1370	1400
WCAD—Canton.....	1220	1250
WENY—Elmira.....	1200	1230
WGBB—Freeport.....	1210	1240
WHCU—Ithaca.....	850	870
WJTN—Jamestown.....	1210	1240
WKNY—Kingston.....	1500	1490
WHNY—Newburgh.....	1220	1250
WABC—New York City.....	860	880
WBNX.....	1350	1380
WEAF.....	660	660
WEVD.....	1300	1330

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
WIIN.....	1010	1050	KQV.....	1380	1410
WINS.....	1180	1000	WCAE.....	1220	1250
WJZ.....	760	770	WJAS.....	1290	1320
WLTH.....	1400	1430	WWSW.....	1500	1490
WMCA.....	570	570	WEEU—Reading.....	830	850
WNEW.....	1250	1280	WRAW.....	1310	1340
WNYC.....	810	830	WARM—Scranton.....	CP 1370	1400
WOV.....	1100	1130	WGBI.....	880	910
WQXR.....	1550	1560	WQAN.....	880	910
WHLB—Niagara Falls.....	1260	1290	WPIC—Sharon.....	780	790
WSLB—Ogdensburg.....	1370	1400	WKOK—Sunbury.....	1210	1240
WHDL—Olean.....	1420	1450	WMBS—Uniontown.....	1420 CP 590	590
WMFF—Plattsburg.....	1310	1340	WBAX—Wilkes Barre.....	1210	1240
WKIP—Poughkeepsie.....	1420	1450	WBRE.....	1310	1340
WHAM—Rochester.....	1150	1180	WRAK—Williamsport.....	1370	1400
WHEC.....	1430	1460	WORK—York.....	1320	1350
WSAY.....	1210	1240			
WAGE—Salina.....	CP 620	620	NAB DISTRICT 4		
WNBZ—Saranac Lake.....	1290	1320	DISTRICT OF COLUMBIA		
WGY.....	790	810	WINX—Washington.....	1310	1340
WFBL—Syracuse.....	1360	1390	WJSV.....	1460	1500
WOLF.....	1500	1490	WMAL.....	630	630
WSYR.....	570	570	WOL.....	1230	1260
WHAZ—Troy.....	1300	1330	WRC.....	950	980
WTRY.....	950	980	WWDC.....	CP 1420	1450
WIBX—Utica.....	1200	1230			
WATN—Watertown.....	CP 1210	1240	MARYLAND		
WNNY.....	CP 1270	1300	WBAL—Baltimore.....	1060	1090
WFAS—White Plains.....	1210	1240	WCAO.....	600	600
WWRL—Woodside.....	1500	1600	WCBM.....	1370	1400
			WFBR.....	1270	1300
NAB DISTRICT 3			WITH.....	CP 1200	1230
DELAWARE			WTBO—Cumberland.....	800	820
WDEL—Wilmington.....	1120	1150	WFMD—Frederick.....	900	930
WILM.....	1420	1450	WJEJ—Hagerstown.....	1210	1240
NEW JERSEY			WBOC—Salisbury.....	1500	1490
WCAP—Asbury Park.....	1280	1310	NORTH CAROLINA		
WBAB—Atlantic City.....	1200	1490	WISE—Asheville.....	1370	1400
WFPG.....	1420	1450	WWNC.....	570	570
WSNJ—Bridgeton.....	1210	1240	WBT—Charlotte.....	1080	1110
WCAM—Camden.....	1280	1310	WSOC.....	1210	1240
WAAT—Jersey City.....	940	970	WDNC—Durham.....	1500	1490
WHOM.....	1450	1480	WCNC—Elizabeth City.....	1370	1400
WHBI—Newark.....	1250	1280	WFNC—Fayetteville.....	1340	1370
WOR.....	710	710	WGNC—Gastonia.....	1420	1450
WPAT—Paterson.....	CP 900	930	WGBR—Goldsboro.....	1370	1400
WBIRB—Red Bank.....	1210	1240	WBIG—Greensboro.....	1440	1470
WTNJ—Trenton.....	1280	1310	WGTC—nr. Greenville.....	1500	1490
WAWZ—Zarephath.....	1350	1380	WHKY—Hickory.....	1370	1400
PENNSYLVANIA			WMFR—High Point.....	1200	1230
WCBA—Allentown.....	1440	1470	WFTC—Kinston.....	1200	1230
WSAN.....	1440	1470	WPTF—Raleigh.....	680	680
WFBG—Altoona.....	1310	1340	WRAL.....	1210	1240
WCED—Du Bois.....	CP 1200	1230	WCBT—Roanoke Rapids.....	CP 1200	1230
WEST—Easton.....	1200	1400	WEED—Rocky Mount.....	1420	1450
WERC—Erie.....	CP 1500	1490	WSTR—Salisbury.....	1500	1490
WLEU.....	1420	1450	WMFD—Wilmington.....	1370	1400
WIBG—Glenside.....	970	990	WGTM—Wilson.....	1310	1340
WHJB—Greensburg.....	620	620	WAIR—Winston-Salem.....	1310	1340
WSAJ—Grove City.....	1310	1340	WSJS.....	1310-CP 600	600
WHP—Harrisburg.....	1430	1460	SOUTH CAROLINA		
WKBO.....	1200	1230	WAIM—Anderson.....	1200	1230
WAZL—Hazleton.....	1420	1450	WCSC—Charleston.....	1360	1390
WJAC—Johnstown.....	1370	1400	WTMA.....	1210	1250
WGAI—Lancaster.....	1500	1490	WCOS—Columbia.....	1370	1400
WKST—New Castle.....	1250	1280	WIS.....	560	560
WKPA—New Kensington.....	1120	1150	WOLS—Florence.....	1200	1230
KYW—Philadelphia.....	1020	1060	WFBC—Greenville.....	1300	1330
WCAU.....	1170	1210	WMRC.....	1500	1490
WDAS.....	1370	1400	WORD—Spartanburg.....	1370	1400
WFIL.....	560	560	WSPA.....	920	950
WHAT.....	1310	1340	WFIG—Sumter.....	1310	1340
WIP.....	610	610	VIRGINIA		
WPEN.....	920	950	WCHV—Charlottesville.....	1420	1450
WTEL.....	1310	1340	WBTV—Danville.....	1370	1400
KDKA—Pittsburgh.....	980	1020			



	Present Frequency in kc.	New Frequency Mar. 29, 1941
WFVA—Fredericksburg.....	1260	1290
WSVA—Harrisonburg.....	550	550
WLVA—Lynchburg.....	1200	1230
WMVA—Martinsville.....	CP 1420	1450
WGH—Newport News.....	1310	1340
WTAR—Norfolk.....	780	790
WPID—Petersburg.....	1210	790
WBBL—Richmond.....	1210	1240
WMBG.....	1350	1380
WRNL.....	880	910
WRVA.....	1110	1140
WDBJ—Roanoke.....	930	960
WSLS.....	1500	1490
WLPM—Suffolk.....	1420	1450

#### WEST VIRGINIA

WJLS—Beckley.....	1210	1240
WHIS—Bluefield.....	1410	1440
WCHS—Charleston.....	580	580
WGKY.....	1500	1490
WBLK—Clarksburg.....	1370	1400
WMMN—Fairmont.....	890	920
WSAZ—Huntington.....	1190-CP 900	930
WLOG—Logan.....	1200	1230
WAJR—Morgantown.....	1200	1230
WPAR—Parkersburg.....	1420	1450
WBRW—Welch.....	1310	1340
WKWK—Wheeling.....	CP 1370	1400
WWVA.....	1160	1170
WBTH—Williamson.....	1370	1400

#### NAB DISTRICT 5

##### ALABAMA

WHMA—Anniston.....	1420	1450
WAPI—Birmingham.....	1140	1170
		(See note 1)
WBRC.....	930	960
WSGN.....	1310	1340
WMSL—Decatur.....	1370	1400
WAGF—Dothan.....	1370	1400
WJBY—Gadsden.....	1210	1240
WBHP—Huntsville.....	1200	1230
WALA—Mobile.....	1380	1410
WMOB.....	1200	1230
WCOV—Montgomery.....	1210	1240
WSFA.....	1410	1440
WMSD—Muscle Shoals City.....	1420	1450
WJHO—Opelika.....	1370	1400
WHBB—Selma.....	1500	1490
WJRD—Tuscaloosa.....	1200	1230

##### FLORIDA

WMFJ—Daytona Beach.....	1420	1450
WPER—DeLand.....	CP 1310	1340
WFTL—Fort Lauderdale.....	1370	1400
WFTM—Fort Myers.....	1210	1240
WRUF—Gainesville.....	830	850
WJAX—Jacksonville.....	900	930
WJHP.....	1290	1320
WMBR.....	1370	1400
WLAK—Lakeland.....	1310	1340
WIOD—Miami.....	610	610
WQAM.....	560	560
WKAT—Miami Beach.....	1500-CP 1330	1360
WTMC—Ocala.....	1500	1490
WDBO—Orlando.....	580	580
WLOF.....	1200	1230
WDLP—Panama City.....	1200	1230
WCOA—Pensacola.....	1340	1370
WFOY—St. Augustine.....	1210	1240
WSUN—St. Petersburg.....	620	620
WTSP.....	1370-CP 1350	1380
WSPB—Sarasota.....	1420	1450
WTAL—Tallahassee.....	1310	1340
WDAE—Tampa.....	1220	1250
WFLA.....	940	970
WJNO—West Palm Beach.....	1200	1230

##### GEORGIA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WGPC—Albany.....	1420	1450
WALB.....	CP 1530	1590
WGAU—Athens.....	1310	1340
WAGA—Atlanta.....	1450	1480
WATL.....	1370	1400
WGST.....	890	920
WSB.....	740	750
WGAC—N. of Augusta.....	1210	1240
WMWH.....	CP 1420	1450
WRDW.....	1500	1490
WMOG—Brunswick.....	1500	1490
WRBL—Columbus.....	1200	1230
WMJM—Cordele.....	1500	1490
WBLJ—Dalton.....	1200	1230
WGGA—Gainesville.....	CP 1210	1240
WKEU—Griffin.....	1500	1450
WLAG—La Grange.....	CP 1210	1240
WBML—Macon.....	1420	1240
WMAZ.....	1180	940
WMGA—Moultrie.....	1370	1400
WRGA—Rome.....	1500	1490
WSAV—Savannah.....	1310	1340
WTOC.....	1260	1290
WPAX—Thomasville.....	1210	1240
WRLC—Toccoa.....	CP 1420	1450
WGOV—Valdosta.....	1420	1450
WAYX—Waycross.....	1200	1230
WDAK—West Point.....	1310	1340

##### PUERTO RICO

WPRÁ—Mayaguez.....	780	790
WPAB—Ponce.....	1340	1370
WPRP.....	1420-CP 1480	1520
WKAQ—San Juan.....	1240-CP 620	620
WNEL.....	1290	1320

#### NAB DISTRICT 6

##### ARKANSAS

KLCN—Blytheville.....	1290	1320
KFPW—Fort Smith.....	1370	1400
KTSH—Hot Springs.....	1040	1090
		(See note 2)
KWFC.....	1310	1340
KBTM—Jonesboro.....	1200	1230
KARK—Little Rock.....	890	920
KGHI.....	1200	1230
KLRA.....	1390	1420
KELD—No. of El Dorado.....	1370	1400
KOTN—Pine Bluff.....	1500	1490
KUOA—Siloam Springs.....	1260	1290

##### LOUISIANA

KALB—Alexandria.....	1210	1240
WJBO—Baton Rouge.....	1120	1150
KVOL—Lafayette.....	1310	1340
KPLC—Lake Charles.....	1500	1490
KMLB—Monroe.....	1200	1230
WNOE—New Orleans.....	1420	1450
WDSU.....	1250	1280
WJBW.....	1200	1230
WSMB.....	1320	1350
WWL.....	850	870
KRMD—Shreveport.....	1310	1340
KTBS.....	1450	1480
KWKH.....	1100	1130

##### MISSISSIPPI

WCBI—Columbus.....	1370	1400
WJPR—Greenville.....	1310	1340
WGRM—Greenwood.....	1210	1240
WGCM—Gulfport.....	1210	1240
WFOR—Hattiesburg.....	1370	1400
WJDX—Jackson.....	1270	1300
WSLI.....	1420	1450
WAML—Laurel.....	1310	1340
WSKB—McComb.....	1200	1230
WCOC—Meridian.....	880	910
WQBC—Vicksburg.....	1360	1390

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
<b>TENNESSEE</b>					
WOPI—Bristol.....	1500	1490	WIRE.....	1400	1430
WAPO—Chattanooga.....	1420-CP 1120	1150	WISH.....	CP 1280	1310
WDEF.....	CP 1370	1400	WKMO—Kokomo.....	CP 1420	1400
WDOD.....	1280	1310	WLBC—Muncie.....	1310	1340
WHUB—Cookeville.....	1370	1400	WGRG—New Albany.....	1370	1400
WTJS—Jackson.....	1310-CP 1360	1390	WKBV—Richmond.....	1500	1490
WJHL—Johnson City.....	1200-CP 880	910	WFAM—South Bend.....	1200	1230
WKPT—Kingsport.....	1370	1400	WSBT.....	1360-CP 930	960
WBIR—Knoxville.....	CP 1210	1240	WBOW—Terre Haute.....	1200	1230
WNOX.....	1010	990	WAOV—Vincennes.....	1420	1450
WROL.....	1310-CP 620	620	WBAA—West Lafayette.....	890	920
WHBQ—Memphis.....	1370	1400			
WMC.....	780	790	<b>MICHIGAN</b>		
WMPB.....	1430	1460	WELL—Battle Creek.....	1420	1400
WREC.....	600	600	WBCM—Bay City.....	1410	1440
WLAC—Nashville.....	1470	1510	WHDF—Calumet.....	1370	1400
WSIX.....	1210	1240	WJBK—Detroit.....	1500	1490
WSM.....	650	650	WJR.....	750	760
			WMBC.....	1420	1400
<b>NAB DISTRICT 7</b>					
<b>KENTUCKY</b>					
WCMJ—Ashland.....	1310	1340	WWJ.....	920	950
WLBK—Bowling Green.....	1310	1340	WXYZ.....	1240	1270
WHLN—Harlan.....	CP 1420	1450	WKAR—East Lansing.....	850	870
WHOP—Hopkinsville.....	1200	1230	WDBC—Escanaba.....	CP 1500	1490
WLAP—Lexington.....	1420	1450	WPDF—Flint.....	1310-CP 880	910
WAVE—Louisville.....	940	970	WASH—Grand Rapids.....	1270	1300
WHAS.....	820	840	WGRB.....	CP 1200	1230
WINN.....	1210	1240	WLAV.....	1310	1340
WOMI—Owensboro.....	1500	1490	WOOD.....	1270	1300
WPAD—Paducah.....	1420	1450	WJMS—Ironwood.....	1420	1450
			WIBM—Jackson.....	1370	1450
<b>OHIO</b>					
WAKR—Akron.....	1530	1590	WKZO—Kalamazoo.....	590	590
WJW.....	1210	1240	WJIM—Lansing.....	1210	1240
WICA—Ashtabula.....	940	970	WMPK—Lapeer.....	1200	1230
WHBC—Canton.....	1200	1230	WDMJ—Marquette.....	1310	1340
WCKY—Cincinnati.....	1490	1530	WKBZ—Muskegon.....	1500	1490
WCPO.....	1200	1230	WCAR—Pontiac.....	1100	1130
WKRC.....	550	550	WHLS—Port Huron.....	1370	1450
WLW.....	700	700	WEXL—Royal Oak.....	1310	1340
WSAI.....	1330	1360	WSOO—Sault Ste. Marie.....	1200	1230
WCLE—Cleveland.....	610	610	WHAL—Saginaw.....	CP 950	980
WGAR.....	1450	1480	WSAM.....	1200	1230
WHK.....	1390	1420	WTCM—Traverse City.....	CP 1370	1400
WTAM.....	1070	1100			
WBNS—Columbus.....	1430	1460	<b>NAB DISTRICT 9</b>		
WCOL.....	1200	1230	<b>ILLINOIS</b>		
WHKC.....	640	640	WMRO—Aurora.....	1250	1280
WOSU.....	570	570	WJBC—Bloomington.....	1200	1230
WHIO—Dayton.....	1260	1290	WKRO—Cairo.....	CP 1500	1490
WING.....	1380	1410	WCAZ—Carthage.....	1070	1080
WLOK—Lima.....	1210	1240	WDWS—Champaign.....	1370	1400
WMAN—Mansfield.....	1370	1400	WAAF—Chicago.....	920	950
WMRN—Marion.....	CP 1500	1490	WBBM.....	770	780
WPAY—Portsmouth.....	1370	1400	WCBD.....	1080	1110
WIZE—Springfield.....	1310	1340	WCFL.....	970	1000
WSTV—Steubenville.....	1310	1340	WCRW.....	1210	1240
WADC—Talmadge.....	1320	1350	WEDC.....	1210	1240
WSPD—Toledo.....	1340	1370	WENR.....	870	890
WTOL.....	1200	1230	WGES.....	1360	1390
WFMJ—Youngstown.....	1420	1450	WGN.....	720	720
WKBN.....	570	570	WJJD.....	1130	1160
WHIZ—Zanesville.....	1210	1240	WLS.....	870	890
			WMAQ.....	670	670
<b>NAB DISTRICT 8</b>					
<b>INDIANA</b>					
WHBU—Anderson.....	1210	1240	WMBI.....	1080	1110
WTRC—Elkhart.....	1310	1340	WSBC.....	1210	1240
WEOA—Evansville.....	1370	1400	WHFC—Cicero.....	1420	1450
WGBF.....	1250	1280	WDAN—Danville.....	1500	1490
WGL—Fort Wayne.....	1370	1450	WSOY—Decatur.....	1310	1340
WOWO.....	1160	1190	WTMV—East St. Louis.....	1500	1490
WLND—Gary.....	560	560	WGIL—Galesburg.....	1500	1400
WHIP—Hammond.....	1480	1520	WEBQ—Harrisburg.....	1210	1240
WJOB.....	1200	1230	WJPF—N. of Herrin.....	1310	1340
WFBM—Indianapolis.....	1230	1260	WCLS—Joliet.....	1310	1340
WIBC.....	1050	1070	WMBD—Peoria.....	1440	1470
			WTAD—Quincy.....	900	930
			WROK—Rockford.....	1410	1440
			WHBF—Rock Island.....	1240	1270
			WCBS—Springfield.....	1420	1450
			WTAX.....	1210	1240



	Present Frequency in kc.	New Frequency Mar. 29, 1941
WDZ—Tuscola.....	1020	1050
WILL—Urbana.....	580	580
WISCONSIN		
WHBY—Appleton.....	1200	1230
WATW—Ashland.....	1370	1400
WEAU—Eau Claire.....	1050	1070
KFIZ—Fond du Lac.....	1420	1450
WTAQ—Green Bay.....	1330	1360
WCLO—Janesville.....	1200	1230
WKBH—La Crosse.....	1380	1410
WHA—Madison.....	940	970
WIBA.....	1280	1310
WOMT—Manitowoc.....	1210	1240
WMAM—Marinette.....	570	570
WIGM—Medford.....	CP 1500	1490
WEMP—Milwaukee.....	1310	1340
WISN.....	1120	1150
WTMJ.....	620	620
WIBU—Poynette.....	1210	1240
WRJN—Racine.....	1370	1400
WJMC—Rice Lake.....	1210	1240
WHBL—Sheboygan.....	1300	1330
WLBL—Stevens Point.....	900	930
WDSM—Superior.....	1200	1230
WSAU—Wausau.....	1370	1400
WFHR—Wisconsin Rapids.....	1310	1340

#### NAB DISTRICT 10

Iowa		
WOI—Ames.....	640	640
KFGQ—Boone.....	1370	1400
WMT—Cedar Rapids.....	600	600
WOC—Davenport.....	1370	1450
KWLC—Decorah.....	1270	1240
KRNT—Des Moines.....	1320	1350
KSO.....	1430	1460
WHO.....	1000	1040
KDTH—Dubuque.....	CP 1340	1370
WKEB.....	1500	1490
KVFD—Fort Dodge.....	1370	1400
WSUI—Iowa City.....	880	910
KFJB—Marshalltown.....	1200	1230
KGLO—Mason City.....	1210-CP 1270	1300
KBIZ—Ottumwa.....	CP 1210	1240
KFNF—Shenandoah.....	890	920
KMA.....	930	960
KSCJ—Sioux City.....	1330	1360
KTRI.....	1420	1450

#### MISSOURI

KFVS—Cape Girardeau.....	1370	1400
KFUO—Clayton.....	830	850
KFRU—Columbia.....	630-CP 1370	1400
KWOS—Jefferson City.....	1310	1340
WMBH—Joplin.....	1420	1450
KCMO—Kansas City.....	1450	1480
KITE.....	1530	1590
KMBC.....	950	980
WDAF.....	610	610
WHB.....	860	880
KWOC—Poplar Bluff.....	1310	1340
KDRO—Sedalia.....	1500	1490
KFEQ—St. Joseph.....	680	680
KMOX—St. Louis.....	1090	1120
KSD.....	550	550
KWK.....	1350	1380
KXOK.....	630	630
WEW.....	760	770
WIL.....	1200	1230
KGBX—Springfield.....	1230	1260
KWTO.....	560	560

#### NEBRASKA

KORN—Fremont.....	1370	1400
KMMJ—Grand Island.....	740	750
KHAS—Hastings.....	1200	1230
KGFV—Kearney.....	1310	1340

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KFAB—Lincoln.....	770	1110
KFOR.....	1210	1240
WJAG—Norfolk.....	1060	780
KGNF—North Platte.....	1430	1460
KOIL—Omaha.....	1260	1290
KONB.....	CP 1500	1490
KOWH.....	660	660
WOW.....	590	590
KGKY—Scottsbluff.....	1500	1490

#### NAB DISTRICT 11

##### MINNESOTA

KATE—Albert Lea.....	1420	1450
KDAL—Duluth.....	1500	1490
WEBC.....	1290	1320
KGDE—Fergus Falls.....	1200	1230
WMFG—Hibbing.....	1210	1240
KYSM—Mankato.....	1500	1230
WCCO—Minneapolis.....	810	830
WDGY.....	1180	1130
WLB.....	760	770
WLOL.....	1300	1330
WTCN.....	1250	1280
KVOX—Moorhead.....	1310	1340
WCAL—Northfield.....	760	770
KROC—Rochester.....	1310	1340
KFAM—St. Cloud.....	1420	1450
KSTP—St. Paul.....	1460	1500
WMIN.....	1370	1400
WHLB—Virginia.....	1370	1400
KWLM—Willmar.....	1310	1340
KWNO—Winona.....	1200	1230

##### NORTH DAKOTA

KFYR—Bismarck.....	550	550
KDLR—Devils Lake.....	1210	1240
WDAY—Fargo.....	940	970
KFJM—Grand Forks.....	1410	1440
KRMC—Jamestown.....	1370	1400
KGCU—Mandan.....	1240	1270
KLPM—Minot.....	1360	1390
KOVG—Valley City.....	1500	1490

##### SOUTH DAKOTA

KABR—Aberdeen.....	1390	1420
KFDY—Brookings.....	780	790
KGFX—Pierre.....	630	630
KOBH—Rapid City.....	1370	1400
WCAT.....	1200	1230
KELO—Sioux Falls.....	1200	1230
KSOO.....	1110	1140
KUSD—Vermillion.....	890	920
KWAT—Watertown.....	1210	1240
WNAX—Yankton.....	570	570

#### NAB DISTRICT 12

##### KANSAS

KVAK—Atchison.....	1420	1450
KGGF—Coffeyville.....	1010	690
KGNO—Dodge City.....	1340	1370
KTSW—Emporia.....	1370	1400
KIUL—Garden City.....	1210	1240
KVGB—Great Bend.....	1370	1400
KWBG—Hutchinson.....	1420	1450
KCKN—Kansas City.....	1310	1340
KFKU—Lawrence.....	1220	1250
WREN.....	1220	1250
KSAC—Manhattan.....	580	580
KOAM—Pittsburg.....	790	810
KSAL—Salina.....	1120	1150
WIBW—Topeka.....	580	580
KANS—Wichita.....	1210	1240
KFBI.....	1050	1070
KFH.....	1300	1330

##### OKLAHOMA

KADA—No. of Ada.....	1200	1230
KVSO—Ardmore.....	1210	1240

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
KASA—Elk City.....	1210	1240	KFEL—Denver.....	920	950
KCRC—Enid.....	1360	1390	KLZ.....	560	560
KSWO—Lawton.....	CP 1120	1150	KMYR.....	1310	1340
KBIX—Muskogee.....	1500	1490	KOA.....	830	850
WNAD—Norman.....	1010	690	KPOF.....	880	910
KOCY—Oklahoma City.....	1310	1340	KVOD.....	630	630
KOMA.....	1480	1520	KIUP—Durango.....	1370	1400
KTOK.....	1370	1400	KFNJ—Grand Junction.....	1200	1230
WKY.....	900	930	KFKA—Greeley.....	880	910
KHBG—Okmulgee.....	1210	1240	KOKO—La Junta.....	1370	1400
WBBZ—Ponca City.....	1200	1230	KIDW—Lamar.....	1420	1450
KGFF—Shawnee.....	1420	1450	KGHF—Pueblo.....	1320	1350
KOME—Tulsa.....	1310	1340	KGEK—Sterling.....	1200	1230
KTUL.....	1400	1430			
KVOO.....	1140	1170	IDAHO		
TEXAS			KIDO—Boise.....	1350	1380
NAB DISTRICT 13			KID—Idaho Falls.....	1320	1350
KRBC—Abilene.....	1420	1450	KRLC—Lewiston.....	1370	1400
KFDA—Amarillo.....	1200	1230	KFXD—Nampa.....	1200	1230
KGNC.....	1410	1440	KSEI—Pocatello.....	900	930
KNOW—Austin.....	1500	1490	KTFI—Twin Falls.....	1240	1270
KTBC.....	1120	1150	KWAL—Wallace.....	1420	1450
KFDM—Beaumont.....	560	560			
KRIC.....	1420	1450	MONTANA		
KBST—Big Spring.....	1500	1490	KGHL—Billings.....	780	790
KNEL—Brady.....	1500	1490	KRBM—Bozeman.....	1420	1450
KGFI—Brownsville.....	1500	1490	KGIR—Butte.....	1340	1370
KBWD—Brownwood.....	CP 1350	1380	KFBB—Great Falls.....	1280	1310
WTAW—College Station.....	1120	1150	KPFA—Helena.....	1210	1240
KEYS—Corpus Christi.....	CP 1500	1490	KGEZ—Kalispell.....	1310-CP 1430	1340
KRIS.....	1330	1360			(See note 3)
KAND—Corsicana.....	1310	1340	KRJF—Miles City.....	CP 1310	1340
KRLD—Dallas.....	1040	1080	KGVO—Missoula.....	1260	1290
WFAA.....	800	820	KGCX—Wolf Point.....	1450	1480
WRR.....	1280	1310			
KDNT—Denton.....	1420	1450	UTAH		
KFPL—Dublin.....	1310	1340	KSUB—Cedar City.....	1310	1340
KROD—El Paso.....	1500-CP 600	600	KVNU—No. of Logan.....	1200	1230
KTSM.....	1350	1380	KLO—Ogden.....	1400	1430
KFJZ—Fort Worth.....	1240	1270	KEUB—Price.....	1420	1450
KGKO.....	570	570	KOVO—Provo.....	1210	1240
WBAP.....	800	820	KDYL—Salt Lake City.....	1290	1320
KLUF—Nr. Galveston.....	1370	1400	KSL.....	1130	1160
KPRC—Houston.....	920	950	KUTA.....	1500-CP 570	570
KTRH.....	1290	1320	WYOMING		
KXYZ.....	1440	1470	KDFN—Casper.....	1440	1470
KSAM—Huntsville.....	1500	1490	KFBC—Cheyenne.....	1420	1450
KOCA—Kilgore.....	1210	1240	KYAN.....	1370	1400
KPAB—Laredo.....	1500	1490	KPOW—Powell.....	CP 1200	1230
KFRO—Longview.....	1340	1370	KVRS—Rock Spring.....	1370	1400
KFYO—Lubbock.....	1310	1340	KWYO—Sheridan.....	1370	1400
KRBA—Lufkin.....	1310	1340			
KRLH—Midland.....	1420	1450	NAB DISTRICT 15		
KNET—Palestine.....	1420	1450	CALIFORNIA		
KPDN—Pampa.....	1310	1340	KRE—Berkeley.....	1370	1400
KPLT—Paris.....	1500	1490	KHSL—Chico.....	1260	1290
KIUN—Pecos.....	1370	1400	KIEM—Eureka.....	1450	1480
KPAC—Port Arthur.....	1220	1250	KARM—Fresno.....	1310	1340
KGKL—San Angelo.....	1370	1400	KMJ.....	580	580
KABC—San Antonio.....	1420	1450	KMYC—S.E. of Marysville.....	1420	1450
KMAC.....	1370	1400	KYOS—Merced.....	1040	1080
KONO.....	1370	1400	KTRD—Modesto.....	740	860
KTSA.....	550	550	KDON—Monterey.....	1210	1240
WOAL.....	1190	1200	KLS—Oakland.....	1280	1310
KRRV—Sherman.....	880	910	KLX.....	880	910
KXOX—Sweetwater.....	1210	1240	KROW.....	930	960
KTEM—Temple.....	1370	1400	KVCV—So. of Redding.....	1200	1230
KCMC—Texarkana.....	1420	1450	KFBK—Sacramento.....	1490	1530
KGXB—Tyler.....	1500	1490	KROY.....	1210	1240
KVWC—Vernon.....	1500	1490	KFRC—San Francisco.....	610	610
KVIC—No. of Victoria.....	1310	1340	KGO.....	790	810
WACO—Waco.....	1420	1450	KJBS.....	1070	1100
KRGV—Weslaco.....	1260	1290	KPO.....	680	680
KWFT—Wichita Falls.....	620	620	KSAN.....	1420	1450
			KSFO.....	560	560
COLORADO			KYA.....	1230	1260
NAB DISTRICT 14			KQW—San Jose.....	1010	740
KGIW—Alamosa.....	1420	1450			
KVOR—Colorado Springs.....	1270	1300			



	Present Frequency in kc.	New Frequency Mar. 29, 1941
KSRO—Santa Rosa.....	1310-CP 1320	1350
KGDM—Stockton.....	1100	1130
KWG.....	1200	1230
KTKC—Visalia.....	890	920
KHUB—Watsonville.....	1310	1340

#### HAWAII

KHBC—Hilo.....	1200	1230
KGMB—Honolulu.....	590	590
KGU.....	750	760
KTOH—Lihue.....	1500	1490

#### NEVADA

KENO—Las Vegas.....	CP 1370	1400
KFUN.....	CP 1420	1450
KOH—Reno.....	630	630

#### NAB DISTRICT 16

##### ARIZONA

KWJB—So. of Globe.....	1210	1240
KCRJ—Jerome.....	1310	1340
KSUN—Lowell.....	1200	1230
KOY—Phoenix.....	550	550
KPHO.....	1200	1230
KTAR.....	620	620
KYCA—Prescott.....	1500	1490
KGLU—Safford.....	1420	1450
KTUC—Tucson.....	1370	1400
KVOA.....	1260	1290
KYUM—Yuma.....	1210	1240

##### NEW MEXICO

KGGM—Albuquerque.....	1230	1260
KOB.....	1180	1030
KLAH—Carlsbad.....	1210	1240
KICA—Clovis.....	1370	1400
KAWM—Gallup.....	1500	1490
KWEW—Hobbs.....	1500	1490
KGFL—Roswell.....	1370	1400
KVSF—Santa Fe.....	1310	1340

##### CALIFORNIA

KERN—Bakersfield.....	1380	1410
KPMC.....	1550	1600
KMPC—Beverly Hills.....	710	710
KXO—El Centro.....	1500	1490
KIEV—Glendale.....	850	870
KFOX—Long Beach.....	1250	1280
KGER.....	1360	1390
KECA—Los Angeles.....	780	790
KFAC.....	1300	1330
KFI.....	640	640
KFSG.....	1120	1150
KFVD.....	1000	1020
KFWB.....	950	980
KGFJ.....	1200	1230
KHJ.....	900	930
KMTR.....	570	570
KNX.....	1050	1070
KRKD.....	1120	1150
KPPC—Pasadena.....	1210	1240
KFXM—San Bernadino.....	1210	1240
KFMB—San Diego.....	CP 1420	1450
KFSD.....	600	600
KGB.....	1330	1360
KVEC—San Luis Obispo.....	1200	1230
KVOE—Santa Ana.....	1500	1490
KDB—Santa Barbara.....	1500	1490
KTMS.....	1220	1250

#### NAB DISTRICT 17

##### ALASKA

KFQD—Anchorage.....	780	790
KFAR—Fairbanks.....	610	610
KINY—Juneau.....	1430	1460
KGBU—Ketchikan.....	900	930

##### OREGON

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KWIL—Albany.....	CP 1210	1240
KAST—Astoria.....	1200	1230
KBKR—Nr. Baker.....	1500	1490
KBND—Bend.....	1310	1340
KOAC—Corvallis.....	550	550
KODL—The Dalles.....	1200	1230
KORE—Eugene.....	1420	1450
KUIN—Grants Pass.....	1310	1340
KFJI—Klamath Falls.....	1210	1240
KLBM—La Grande.....	1420	1450
KOOS—Marshfield.....	1200	1230
KMED—Medford.....	1410	1440
KALE—Portland.....	1300	1330
KBPS.....	1420	1450
KEX.....	1160	1190
KGW.....	620	620
KOIN.....	940	970
KWJJ.....	1060-SA 1040	1080
KXL.....	1420	1450
KRNR—Roseburg.....	1500	1490
KSLM—Salem.....	1360	1390

##### WASHINGTON

KXRO—Aberdeen.....	1310	1340
KVOS—Bellingham.....	1200	1230
KELA—Centralia.....	1440	1470
KRKO—Everett.....	1370	1400
KWLK—Longview.....	1370	1400
KGY—Olympia.....	1210	1240
KWSC—Pullman.....	1220	1250
KEVR—Seattle.....	1370	1400
KIRO.....	710	710
KJR.....	970	1000
KOL.....	1270	1300
KOMO.....	920	950
KRSC.....	1120	1150
KTW.....	1220	1250
KXA.....	760	770
KFIO—Spokane.....	1120	1150
KFPY.....	890	920
KGA.....	1470	1500
KHQ.....	590	590
KMO—Tacoma.....	1330	1360
KVI.....	570	570
KVAN—Vancouver.....	880	910
KUJ—Walla Walla.....	1370-CP 1390	1420
KPQ—Wenatchee.....	1500	1490
KIT—Yakima.....	1250	1280

Note 1—WAPI, Birmingham, Alabama, station to operate on 1170 kc. pending adjustment of domestic problems in U. S.

Note 2—KTHS, Hot Springs, Arkansas, at present divides time with KRLD nights on 1040 kc. and operates full-time on 1060 days.

Note 3—KGEZ, Kalispell, Montana, may be moved to 1460 kc. instead of 1340 as listed.

CP—Construction permit.

SA—Special authority.

Present frequencies as of February 1, 1941.

#### PAYMENTS TO ASCAP AFTER DECEMBER 31

A number of stations have raised the question whether ASCAP is correctly interpreting its contract in demanding payment upon receipts for programs carried in December, payments for which, however, were not received until after December 31. The accounting policies of stations vary and therefore there is no uniform rule which can be applied.

Some stations report that in the past ASCAP received payment the first month of the contract or the first month

of a revised contract on all receipts received, even though some receipts were for programs carried previous months. If the contract has been so interpreted in the past, it would seem that payment to ASCAP on all receipts received during December would discharge all obligations to ASCAP.

However, if payments in the past have been made on billings or on collections when and as made, then the station is obligated to pay ASCAP on such sums as are collected after January 1 for business carried prior to January 1.

The question should be decided by each station's local counsel or accountant based upon the terms of the contract and its past interpretation by the parties.

### BMI CATALOGUE

M. E. Tompkins, Vice President and General Manager of BMI, has issued a memorandum to all members calling attention to the wealth of material in the BMI catalogue and in the catalogues of other music publishers licensing through BMI which may be used to obtain wider diversification in building programs. The memorandum follows in full:

We are heartened by the splendid support of our stations in the use of the materials offered by BMI. To forestall criticism on the part of the listening public, however, we must improve program structure by widening our use of available material in the interest of intelligent diversification.

You have splendidly cooperated with our professional department in promoting the use of the titles upon which they are working, and we do not want to diminish that cooperation.

There is, however, an enormous wealth of excellent material offered by BMI from its own catalogue as well as from the catalogues, the performance rights of which BMI has acquired. Accompanying this list is a carefully specially selected list of material from the catalogues of BMI, Ricordi, Marks and Peer. All of this material is up to the standard of our "hits". We urge continuous effort on the part of program managers throughout the industry to see that these numbers are used in ever increasing variety. If we are to have the continuous support of the listening audience, which has been very flattering up to the moment, we must now take advantage of the wider diversification that is possible from the material that BMI makes available to you.

BMI's music you already have in your library. The material listed from our other publishers, you can acquire at reasonable rates by direct application to the publisher if you do not already have it. We shall be very glad to act as intermediary for you if you wish us to have these publishers ship any material to you.

We anticipate your wholehearted support of this request.

### BEST SELLERS

BMI songs have now definitely established themselves as the most popular tunes in all parts of the country. Throughout America ten out of the ten best song sellers for the week ended February 2, according to variety, are songs published or licensed by Broadcast Music, Inc. In the history of Tin Pan Alley, no one publisher has ever had so many hits at the same time.

The enthusiastic reception by the dancing public of BMI songs is regarded as direct refutation of two theories often posed by ASCAP: (1) that playing songs on the air "ruins sheet music and record sales" and (2) that

### BMI FEATURE TUNES

February 10-17

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT

"only ASCAP writers can write hit songs". Radio's ability to skyrocket sheet music sales is reflected in the following figures: To-date "There I Go", has sold 140,000 copies of sheet music, "Frenesi", 130,000 and "I Hear A Rhapsody", 120,000. Many more thousand will be sold within the next few weeks. According to popular music experts a song is classified as a "hit" if it sells 75,000 copies, and rarely do more than 15 songs sell more than 100,000 copies in a year. It is therefore considered phenomenal that one publishing house, BMI, has turned out two songs that have sold well over one hundred thousand copies during the first month of 1941. Especially interesting is the history of "Frenesi"—the widely popular Mexican number. Although this song was published and recorded last February, it did not achieve any popularity until it was put on the radio. As soon as it began to "catch on" and appear on the programs of the name bands, sheet sales jumped and it is now a bigger hit in the United States than it ever was in Mexico.

The success of "There I Go", "I Hear A Rhapsody", "I Give You My Word", "So You're the One", "You Walk By" and many other popular dance favorites is concrete evidence that BMI has opened up a wealth of real musical talent which had hitherto been denied recognition by ASCAP's "closed-circle" policies. All these songs were written by gifted young composers, who were not lucky enough to reach the "inside" of Tin Pan Alley. For years they have been waiting for a "break". Now, thanks to BMI, these and many other composers have arrived.



## A LONDONER COMMENTS

A letter in Life Magazine, issue of February 3rd, affords interesting comment on the widespread popularity of "There I Go". John English, the writer, a Londoner, takes exception to remarks by Walter Graebner on "the enforced trend toward uniformity in London". In this connection Mr. English writes "I don't suppose this Graebner person has ever noticed how Americans drink large quantities of a drink called Coca-Cola, how they have all been humming There I Go for the past few weeks, how many of them are reading a magazine called Life, and how they all praise such characters as Charlie McCarthy and Jack Benny. Does the popularity of these things necessarily denote a trend toward uniformity? Of course not—neither in this country or in London."

## FAVORABLE COMMENT PREDOMINATING

More than a million dollars has been subscribed in license fees for the renewal period of BMI license which runs from April 1, 1941 to April 1, 1942—very strong testimony to the universal approval of BMI policies among the broadcasters.

Carl Haverlin, BMI's Station Relations Director, who attended the district meetings in the 16th, 17th, 14th and 10th Districts, reports that the consensus of the two hundred broadcasters attending these meetings was that favorable comment on the new music far outweighed the unfavorable comment. In virtually all cases where the broadcasters had taken the trouble to trace down unfavorable comment it was found to be inspired by ASCAP propagandists.

## Labor

### SUPREME COURT UPSETS ARNOLD IN FIRST LABOR CASE

The Supreme Court on February 3 handed down its decision in the first of the "Thurman Arnold" labor cases to come to the Court's attention. It will be recalled that Mr. Arnold some time ago listed five labor union practices which he thought were illegal under the Anti-Trust Laws:

1. Unreasonable restraints designed to prevent the use of cheaper material, improved equipment, or more efficient methods. An example is the effort to prevent the installation of factory-glazed windows or factory-painted kitchen cabinets.

2. Unreasonable restraints designed to compel the hiring of useless and unnecessary labor. An example is the requirement that on each truck entering a city there be a member of the local teamsters' union in addition to the driver who is already on the truck. Such unreasonable restraints must be distinguished from reasonable requirements that a minimum amount of labor be hired in the interests of safety and health or of avoidance of undue speeding of the work.

3. Unreasonable restraints designed to enforce systems of graft and extortion. When a racketeer, masquerading as a labor leader, interferes with the commerce of those who will not pay him to leave them alone, the practice is obviously unlawful.

4. Unreasonable restraints designed to enforce illegally fixed prices. An example of this activity is found in the Chicago Milk case where a labor union is charged with combining with distributors and producers to prevent milk being brought into Chicago by persons who refuse to maintain illegal and fixed prices.

5. Unreasonable restraints designed to destroy an established and legitimate system of collective bargaining. Jurisdictional strikes have been condemned by the A. F. of L. itself. Their purpose is to make war on another union by attacking employers who deal with that union. There is no way the victim of such an attack may avoid it except by exposing himself to the same attack by the other union. Restraints of trade for such a purpose are unreasonable whether undertaken by a union or by an employer restraining trade or by a combination of an employer and a union, because they represent an effort to destroy the collective bargaining relationships of a union with an employer.

The broadcasting industry was especially interested in No. 2.

It was No. 5 which the Court ruled on Monday. (U. S. vs. Hutcheson et al. No. 43.)

Certain work in connection with the building of some new beer vats at the Anheuser-Busch plant in St. Louis was awarded to the International Association of Machinists (A. F. of L.). The United Brotherhood of Carpenters and Joiners (A. F. of L.) maintained that its members should do the work. The Carpenters' Union then called a strike of its members employed at the brewery, and put Budweiser on its unfair list. Mr. Arnold stepped in and charged the Carpenters' Union with violation of the Anti-Trust Laws.

The Court held that Mr. Arnold was wrong, stating that "so long as a Union acts in self-interest, and does not combine with non-labor groups licit and the illicit under Section 20 (of the Clayton Act), are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular Union activities are the means."

Broadcasting lawyers are now studying the opinion with a view to determining how it might affect situations in which the broadcasting industry is interested.

## WAGE-HOUR ACT CONSTITUTIONAL

The same day the Court upheld the constitutionality of the Wage and Hour Act, as had been generally expected. (U. S. vs. F. W. Darby Lumber Company et al. No. 82.)

## GUARANTEED OVERTIME

Down in Dallas, Texas, William H. Atwell, a Federal District Judge, made a ruling this week which, if upheld by higher courts, would in effect remove any pain that the broadcasting industry suffers from the Act. Judge



Atwell said, in effect, that any plan for computing overtime that was agreeable to employer and employee was all right under the Act so long as the total payment exceeded the minimum wage requirements.

Specifically, Judge Atwell approved of a "guaranteed overtime" plan used by the A. H. Belo Corporation, publisher of the Dallas Morning News, and operator of stations WFAA and KGKO. The Wage and Hour Administration has ruled that such plans are illegal, and so an appeal from Judge Atwell's decision is probable.

*Warning! Judge Atwell's decision is now "the law" only in his district, and even there can be upset by a higher court. Any broadcaster who used "guaranteed overtime" plan does so at the risk of prosecution, pending a final adjudication of the question.*

### INDEPENDENT CONTRACTOR

The following exchange of correspondence about the possibility of avoiding overtime for a chief engineer by making him an "independent contractor" may be of interest:

Labor Relations Director,  
Nat'l. Ass'n of Broadcasters,  
1626 K Street, N. W.,  
Washington, D. C.

DEAR SIR:

I plan on making a contract with my chief engineer to furnish labor for our transmitter operation for a fixed sum per month. Would such a plan herein outlined be legal under wage and hour laws?

The situation is this: my chief operator would much rather work than not work and is willing to work a great many more than 40 hours per week but when it comes to paying him time and a half for all over 40 hours the expense runs too high. Now, can I make a contract with him to provide all the labor at the transmitter for a fixed sum per month. Under this contract he would agree to hire and pay all labor he employs and work them under wage and hour laws. This then, to my way of figuring would make him an independent contractor and he could work, for himself, as many hours as he desires, and pay any help he hired on wage and hour basis. He is anxious to make as much as possible of course but we really need another operator under the present set-up and operators are HARD to get. He wants to work all that he can and asked for the contract. This he figures would eliminate him from wage and hours law, since as before mentioned he would be an independent contractor.

A similar situation exists in a certain business here in town. A laundry owner leased his building to his son and in the lease agreed to furnish a fireman and a water man and a washer. The son then hires 7 employees on his own and escapes the unemployment compensation payment as he employs less than 8 employees. This was decided in his favor in district court when the state sued for unemployment insurance payments.

What is your opinion on our deal?

Very truly yours, \_\_\_\_\_

DEAR MR. \_\_\_\_\_:

You raised a very interesting point in your letter of January 30. I have consulted several leading radio lawyers. All agree that, although there is a possibility of evading excessive overtime payments by the "independent contractor" plan you proposed, such a plan would be held illegal by the Federal Communications Commission. These lawyers say that several times, in decisions, the FCC has held that the licensee must retain control over the technical operations, and consequently over his operators. If you turned that control over to an independent contractor, they say, you would be violating the terms of your license.

If you did not turn over this control, it follows that the "independent contractor" would not be real independent contractor, and thus would not be exempt under the Wage and Hour Act. Of course I did not mention your name or your station specifically in discussing this matter.

If you have any further questions about it, please do not hesitate to call on me.

Sincerely,

JOSEPH L. MILLER,  
Director of Labor Relations.

## NAB

### DISTRICT 9

Over thirty Ninth District broadcasters met in Chicago on Thursday, January 30, for the primary purpose of selecting a District Director for the coming two-year term. The following were present:

Arthur F. Howe, Bradley R. Eidmann, WAAF; J. L. Van Volkenburg, WBBM; Jack Heintz, Harold L. Dewing, WCBS; James F. Kyler, WCLO; Walter Ashe, R. M. Holt, WCLS; Francis Higgins, WDAN; Edgar L. Bill, WMBD-WDZ; A. W. Kaney, B. T. Peterson, Donald Marcotte, WENR-WMAQ; Edwin Brady, WGN; Les Johnson, WHBF; James A. Wagner, WHBY-WTAQ; Marie E. Clifford, WHFC; Ed Cunniff, WKBH; William R. Cline, George R. Cook, Harold A. Safford, WLS; Henry R. LePoidevin, WRJN; John J. Dixon, WROK; Merrill Lindsay, WSOY; L. W. Herzog, WTMJ; William H. West, WTMV; John J. Gillin, Jr., WOW.

The balloting resulted in the re-election of William H. West of WTMV, East St. Louis, Illinois, for the full two-year, 1941-42, term.

### MEMBERSHIP STILL GROWING

Since the first of the year NAB membership has increased from 497 to 518. The new members we welcome are:

Active: W8XAD (FM) Rochester, New York  
WCED—DuBois, Pennsylvania  
WCOV—Montgomery, Alabama  
WATW—Ashland, Wisconsin  
WHDF—Houghton, Michigan  
KGBU—Ketchikan, Alaska  
KODL—The Dalles, Oregon  
KWLK—Longview, Washington  
KBIZ—Ottumwa, Iowa  
KRMC—Jamestown, North Dakota  
KVOX—Moorhead, Minnesota  
KMYC—Marysville, California  
KRKD—Los Angeles, California  
KSD—St. Louis, Missouri  
WEAU—Eau Claire, Wisconsin

Associate: Long-Worth Feature Programs, Inc.  
World Broadcasting System  
Columbia Recording Corporation  
National Broadcasting Company—Radio Recording Division  
Standard Radio  
C. E. Hooper, Incorporated

### CODE COMMITTEE MEETS

Leaders of most of the outstanding women's organizations in the country commended the NAB's efforts to ul-

mate the standards of children's programs, at a luncheon Tuesday in New York, with the NAB Code Committee.

Mrs. Dorothy Lewis, who recently made a nationwide survey of children's programs, read the report of the Radio Council on Children's Programs. Neville Miller, Edgar Bill, and Earl Glade received the report on behalf of the Code Committee, and discussed at some length the industry's collaboration with the women's organizations in this respect.

At morning business sessions the Code Committee appointed J. O. Maland and Henry P. Johnston to a subcommittee, to consider time limitations for 5, 10, and 25-minute commercials. Their report will be submitted at the next NAB Convention. The Committee also passed a resolution praising the report of the Radio Council on Children's Programs, and Mrs. Lewis' valuable work. The Committee recommended that this work be continued with proper support and appropriations from the NAB Board.

A Committee study showed that nearly every station in the country was complying with the Commercial Section of the Code.

At the Monday morning session, the Committee discussed various labor broadcasting problems with Joseph L. Miller, NAB Director of Labor Relations. No formal action was taken.

## CONVENTION COMMITTEE ANNOUNCED

John J. Gillin, Jr., Tenth District Director, announced an important change in the committee line-ups for the 1941 convention to be held in St. Louis.

George Burbach, general manager of KSD, has been named as general chairman of the Publicity and Public Relations Committee. Appointed to serve with him are John C. Roberts, Jr., KXOK, St. Louis; H. Dean Fitzer, WDAF, Kansas City; Vernon H. "Bing" Smith, KOWH, Omaha; and Luther Hill, KSO-KRNT, Des Moines.

This Committee will supervise the advance, as well as the convention publicity, and arrange for the attendance at the convention of prominent officials from the cities and states within the Tenth District.

## CONVENTION RESOLUTIONS

To avoid any misunderstandings, broadcasters should read the following rules governing hotel reservations at the NAB convention in St. Louis, May 12-15. The convention will be held at the New Jefferson Hotel. Other St. Louis hotels at which accommodations may be reserved are:

Chase	DeSoto	Mayfair
Park Plaza	Lennox	Melbourne
Coronado	Mark Twain	Statler

Complete information as to type and prices at these hotels will be given in an early issue of THE REPORTS.

1. Requests for hotel reservations should be sent direct to the hotel at which the applicant desires accommodations.

2. The request should set forth in as much detail as possible—
- a. the type of accommodations desired, rate, single or double occupancy, double or twin beds, etc.
  - b. the exact date of arrival and if possible the time; the names of all people for whom reservation is requested.
  - c. the length of time which the party plans to stay.
  - d. if the reservation is not made in a firm name or the request written on a firm letterhead, the station or other business with which the reserving parties are affiliated should be given.

3. Hotels, upon receipt of any request for reservations, should immediately refer them to the NAB Housing Committee for consideration. As acknowledgment to the person from whom the request comes, the hotel should write a letter and attach a printed copy of the rules, supply of which will be provided. This is not a confirmation or acceptance by the hotel of the reservation.

4. The Housing Committee has a complete list of NAB member stations and associate members. Reservation requests from parties or stations whose names are on this list will be given priority and assignments made in the order of their receipt. Requests from parties or stations not appearing on the membership or associate membership list will be held in abeyance until April 12, at which time rights of priority will terminate and all assignments made in order of their receipt. While NAB members and associate members will be given precedence, every effort will be made to suitably and satisfactorily care for the accommodations requested by individuals, firms and radio stations not on this list.

5. If the exact type of accommodations requested are not available in the hotel specified, the NAB Housing Committee will immediately notify the individual, firm or radio station of that fact and give information as to the type of accommodation available which most nearly meets the specifications. This information shall cover the accommodations in the hotel requested, as well as in other hotels. Applicants should bear in mind that no assignments will be made in such cases until a confirmation of the alternative accommodation is sent to the Housing Committee.

## LONG DISTANCE REMOTE

In the January 10 NAB REPORTS, WOW, Omaha, claims the crown for a long distance remote control pick-up, based on its recent series of pick-ups from the Pacific Coast. Now having a scale map conveniently at hand, KWK, St. Louis, is willing to cede WOW the palm on distance. However, the St. Louis station would like to put in a claim of its own.

Said claim concerns the only foreign broadcast ever picked up by a local station. The event occurred last winter when KWK sent sports announcer Johnnie O'Hara and engineer Kenneth Hildenbrand to Havana, Cuba, to stage remote interviews with members of the two baseball teams during the series between the St. Louis Cardinals and the Cuban All-Stars.

Oddly enough, the long-distance broadcasts by both WOW and KWK were sponsored by the same St. Louis client—the Falstaff Brewing Corporation.

(EDITOR'S NOTE: *The current long distance remote "contest" will close March 1—to be reopened next January 1, provided anyone wants to challenge the title claimants at that time.*)



# Engineering

## FM CONFERENCE

Conclusions and Agreements reached during conference held on December 9, 1940, regarding equipment for high frequency (FM) broadcast stations:

In accordance with the Commission's notice of November 23, 1940, the two principal items of the conference were: (1) maximum power rating and operating power range of standard high frequency (FM) transmitters, and (2) performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

The conference was attended by approximately 40 engineers. The greater number represented manufacturers of FM equipment and broadcasters. Mr. A. D. Ring, Assistant Chief Engineer of the Commission, presided at the meeting with the assistance of Mr. Wm. H. Bauer and Mr. Wm. C. Boese.

### As to Item (1)

Considerable discussion centered around this item. The Commission in its notice of November 23, 1940, suggested a table of maximum power ratings and operating power ranges. Some of the manufacturer representatives submitted papers which suggested different power ratings and operating ranges than those set forth in the Commission's proposal. The suggested were fully discussed.

The discussion of topic (1) developed that there was unanimity of opinion in that the service area of the HF broadcast station is dependent on the antenna gain and height and the topography of the surrounding area, as well as the transmitted power. After the installation is completed, it is generally, however, more desirable for practical considerations to adjust the transmitter operating power in order to obtain minor adjustments in the service area, as may be required, rather than to adjust one of the other controllable factors in the transmitting system, including the antenna. If large adjustments are necessary in the radiation to obtain the required coverage, then changes in the antenna height or gain may be necessary. Since high frequency broadcast stations are rated on the basis of specific service, it was therefore concluded that standardization of the maximum power rating and operating range of the transmitter would be of mutual benefit to the manufacturer, broadcaster, and the Commission.

On the basis of the foregoing conclusion reached as to item (1), the following table of maximum power ratings and operating power range was adopted:

<i>Maximum Power Rating</i>	<i>Operating Power Range</i>
250 watts	100— 250 watts
1,000 watts	250— 1,000 watts
3,000 watts	1,000— 3,000 watts
10,000 watts	3,000— 10,000 watts
25,000 watts <sup>1</sup>	10,000— 25,000 watts
50,000 watts	12,500— 50,000 watts <sup>2</sup>
100,000 watts <sup>3</sup>	50,000—100,000 watts

<sup>1</sup> Not in production.

<sup>2</sup> Operating power below 25,000 watts permissible only until 25,000 watt transmitters are available. Section 3,241 of the Rules Governing High Frequency Broadcast Stations will be waived permitting this lower operating range until further notice.

<sup>3</sup> Not developed.

It was agreed that in case any manufacturer decided to produce a 25,000 or 100,000-watt transmitter for FM broadcasting stations, it must give notice to the Commission which would release to all other manufacturers of FM transmitters the manufacturer's name and the maximum power rating of the transmitter to be produced at least six months prior to the completion or delivery date of such transmitter.

### As to Item (2)

The Rules and Regulations of the Commission governing high frequency broadcast stations require that the frequency response be uniform within 2 decibels of 1,000 cycles within the range from

50 to 15,000 cycles, that the root mean square of the audio frequency harmonics be less than 2% within the range from 50 to 15,000 cycles, and that the noise level be 60 decibels or more below 100% modulation (75 kc. swing). Mr. Ring emphasized that the Commission has directed that this overall performance must be strictly adhered to in practice. Actual measurements must be made on every complete installation and furnished the Commission before a station is licensed for regular operation. This is necessary to carry out the directions of the Commission.

All of the manufacturers, except one, agreed upon the following:

1. That the performance specified in the rules was desirable.
2. It is practical to obtain this performance in practice.
3. That the achievement of this performance necessitates the making of adjustments on the completed installation and measuring the overall performance.

The discussion brought out the fact that in instances where the addition of the responses of individual amplifiers, connecting lines and transmitter would indicate the overall response to be within the Commission's rules, such performance would not necessarily obtain because of the reactions between various units. It was pointed out that if the response of the studio equipment as a whole, the connecting line and the transmitter were measured separately, these characteristics could be added with reasonable assurance that the overall response would be that expected. However, it would still be desirable to make a single series of measurements on the equipment from studio microphone terminals to the transmitter output. This is quite important when equipment of various manufacturers is utilized in an installation. Due to the fact that various units in the system contribute to the overall characteristic, a final determination of the overall performance should be the responsibility of the licensee and applicants for high frequency broadcast stations should be aware of this.

It was also considered desirable to extend the lower limit for frequency response to 30 cycles, although it was recognized that difficulty would be experienced if the 2% distortion limit was extended to this frequency response for certain types of transmitters.

One type of transmitter discussed inherently is more difficult to keep the distortion low at low frequencies whereas this is no particular problem on other designs. In order that the requirements may be the same for all transmitters, the Commission will accept installations with a maximum overall distortion of 3% RMS harmonics until further notice. The rules and the application form may be considered waived in this regard until further notice.

In connection with item (2) there was also discussed the problem of transmitting over telephone lines from the studio to transmitter the frequency response range from 30 to 15,000 cycles. An engineer appearing for the Long Lines Department of the Bell System stated that this could be done and that a number of installations had already been made that met these requirements. It is suggested that since a great deal of difficulty is being experienced in some cases, the Telephone Company should make a study of this problem, and applicants should consult the Telephone Company representative given in the attendance on difficult cases.

### Other Matters

The discussion also included the subject of determining the output power at high frequency broadcast stations. It was pointed out that the actual measurement of the power in watts was not necessary but that some means be provided to maintain the power at the value to give the coverage specified in the authorization. The indicating instrument should give a reading proportional to the power output which should be capable of being maintained uniformly for long periods of time. It was finally agreed that the use of a radio frequency ammeter or voltmeter in the transmission line circuit would be satisfactory although under sleet conditions the determination of operating power by plate input power would be satisfactory. For this purpose the efficiency factor of 0.60 was believed to be representative and proper.

The discussion of the transmitter power in the licensing of facilities raised the question of the power gains by means of horizontal directivity in various types of antenna systems. It was conceded that the broadcasting industry lacked authoritative information on the subject of antenna field gains from various antenna arrangements. A committee was suggested to collect data on practical antenna gains as well as losses to be expected in transmission lines used to supply energy to the antenna system. This information is to be made generally available to the industry and will be of vital

interest to applicants and can be used by the Commission in reviewing applications.

The Committee suggested for this purpose consists of the following:

Chairman, Mr. Lynne C. Smeby, National Association of Broadcasters

Mr. John F. Morrison, Bell Telephone Laboratories  
 Mr. R. D. Duncan, Radio Corporation of America  
 Mr. H. P. Thomas, General Electric Company  
 Mr. C. A. Priest, General Electric Company  
 Mr. Wm. B. Lodge, Columbia Broadcasting System, Inc.  
 Mr. Frank A. Gunther, Radio Engineering Laboratories  
 Mr. R. N. Harmon, Westinghouse Electric and Manufacturing Company  
 Mr. Andrew Alford, International Telephone and Telegraph  
 Mr. Paul DeMars, Yankee Network

Another topic of discussion was the situation when suitable wire lines from studio to transmitter could not be obtained as a practical fact. The manufacturers present were asked as to the availability of equipment for "Link" stations operating above 300 mc. for this purpose. It was agreed that the state of the art permitted the establishment of such a service at this time and would fill an important need.

This release is primarily for the purpose of providing a record of the conclusions and agreements reached during the conference. It appears that the conference fully served its purpose respecting equipment presently available for high frequency (FM) broadcast stations.

#### Attendance at Conference Held December 9, 1940

<i>Name</i>	<i>Representing</i>
Major Edwin H. Armstrong	Jansky & Bailey
Stuart L. Bailey	RCA Manufacturing Co.
I. R. Baker	Finch Telecommunications
James W. Baldwin	Western Electric Co.
L. F. Bockoven	Columbia Broadcasting System
Howard A. Chinn	RCA Manufacturing Co.
John B. Coleman	A. T. & T. Co.
Frank A. Cowan	R. E. L.
Joseph L. Dalton	FM Broadcasters, Inc.
Dick Donance	General Electric Co.
W. R. David	R. E. L.
Frank A. Gunther	National Broadcasting Co.
Raymond F. Guy	Westinghouse Elec. & Mfg. Co.
R. N. Harmon	Graybar
G. I. Jones	Western Electric Co.
F. R. Lack	RCA Manufacturing Co.
C. M. Lewis	Bell Telephone Labs.
R. H. Lindsay	Columbia Broadcasting System
William B. Lodge	FM Broadcasters, Inc.
Philip G. Loucks	Fort Industries Co.
H. McIntosh	Bell Telephone Labs.
W. A. MacNair	WMCA
Frank Marx	Bell Telephone Labs.
John F. Morrison	National Broadcasting Co.
George M. Nixon	General Electric Co.
M. L. Prescott	General Electric Co.
C. A. Priest	R. E. L.
Gustavus Reiniger	WGNY
Patrick Simpson	KSTP, Inc.
Hector R. Skifter	National Asso. of Broadcasters
Lynne C. Smeby	R. E. L.
C. M. Srebroff	RCA Manufacturing Co.
H. C. Vance	Western Electric Co.
H. N. Willets	Fairchild Aviation Corp.
Lewis Windmuller	McNary & Chambers
Grant Wrathall	RCA Manufacturing Co.
J. E. Young	FM Broadcasters, Inc.
J. F. Zias	

#### COLUMBUS CONFERENCE

Last-minute additions to the program of the Broadcast Engineering Conference have been announced by Dr. Everitt, Director of the Conference.

W. R. G. Baker, Chairman of the National Television Systems Committee, has arranged to bring the 9 Chair-

men of the various television standards panels to the conference. Dr. Baker was scheduled to deliver a lecture entitled "Television Standards" on Monday afternoon, February 10. It is now planned to have each panel Chairman discuss the work of his group during this period. This will consume the entire afternoon period, and therefore Dr. Everitt has announced the addition of an open forum on television, Monday evening, February 10. Dr. Baker will be Chairman of this session and the panel Chairmen will participate in the discussion.

Dr. Everitt has also announced that Samuel Renshaw, Professor of experimental psychology at the Ohio State University, will speak at the dinner on Thursday evening, February 13. Professor Renshaw will give a demonstration lecture on vision.

It was also announced that Paul deMars, Chairman of the Round Table on FM Problems, met recently in New York with the other two members of the panel, Mr. E. J. Content of WOR and Dan Gellerup of WTMJ, to organize this Round Table. Mr. Content will cover the problems connected with studios and speech acoustics, Mr. deMars will treat transmitter and relay problems, and Mr. Gellerup will discuss miscellaneous operating problems which he has met in practice. After the introductory talks, questions which have been submitted in advance will be answered and then the meeting will be opened for discussion from the floor.

Advance registrations indicate that the Engineering Conference will be well attended.

The Broadcast Engineering Conference will be held at the Ohio State University, Columbus, February 10 through 21.

## Legislation

#### NAPA BILL IN PENNSYLVANIA

House Bill 79, prohibiting the recording of any broadcast performance or rendition without the consent of the artists, and for other purposes, introduced in the Pennsylvania General Assembly January 27 by Mr. Reuben E. Cohen, is similar to the Perry Bill which died in the New York Assembly last year. It is believed to be sponsored by NAPA and is being vigorously opposed by Pennsylvania broadcasters. The bill is printed in full below:

#### AN ACT

Prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded and the offering for sale, selling, leasing, licensing or possession of such unlawful recording and providing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. It is unlawful for any person, copartnership, association or corporation to record any broadcast performance or rendition



tion with intent to offer for sale, sell, lease or license or otherwise commercially use such recording without the consent and permission of the person or persons whose performance or rendition is so recorded.

Section 2. It is unlawful for any person, copartnership, association or corporation to offer for sale, sell, lease or license or otherwise commercially use any recording of any broadcast performance or rendition without the consent and permission of the person or persons whose performance or rendition is so recorded.

Section 3. It is unlawful for any person, copartnership, association or corporation to use any recording of any broadcast performance or rendition for commercial purposes without the consent or permission of the person or persons whose performance or rendition has been so recorded.

Section 4. Whoever violates any of the provisions of sections one or two of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or undergo imprisonment for not more than one (1) year, or both, as the court may direct.

Section 5. Whoever violates any of the provisions of section three of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or undergo imprisonment of not more than three (3) months or both as the court may direct.

Section 6. Upon conviction of a violation of any provisions of this act the court shall also order the delivery and the destruction of such unlawful recordings.

Section 7. None of the provisions of this act shall apply to any case of recording for private personal communal, civic or political uses or to any recording of any address or talk on subjects of a public nature.

Section 8. This act shall become effective immediately upon final enactment.

## FEDERAL LEGISLATION

### HOUSE

H. R. 3099 (WALTER, D-PENNA.) JUDICIAL CODE—To amend the Judicial Code by adding thereto a new section 274e, relating to the interception of wire or radio communications by persons employed in the investigation, detection, or prevention of offenses against the United States. Referred to Committee on Judiciary.

### SENATE

S. 674 (HATCH, D-N. M., and VAN NUYS, D-IND.) ADMINISTRATIVE PROCEDURE—To prescribe fair standards of duty and procedure of administrative officers and agencies, to establish an administrative code, and for other purposes. Referred to Committee on Judiciary.

S. 675 (HATCH, D-N. M., and VAN NUYS, D-IND.) ADMINISTRATIVE PROCEDURE—To revise the administrative procedure of Federal agencies; to establish the Office of Federal Administrative Procedure; to provide for hearing commissioners; to authorize declaratory rulings by administrative agencies, and for other purposes. Referred to Committee on Judiciary.

## STATE LEGISLATION

### ARIZONA:

H. 108 (VIDRINE) CAMPAIGN EXPENDITURES—RADIO TIME—To include advertising or speaking on the Radio in limitation of political campaign expenditures. Referred to Committees on Judiciary, Suffrage and Elections, Efficient Government, County and County Affairs.

### CALIFORNIA:

S. 1118 (SWAN) LIBEL & SLANDER—Amending secs. 45 & 46, adding sec. 3349 to Civil Code, relating to libel & slander. Referred to Committee on Judiciary.

### CONNECTICUT:

H. 178 (FAULKNER) PRIVATE EMPLOYMENT AGENCIES—Concerning private employment agencies. Referred to Committee on Judiciary.

H. 1141 (TEDESCO) LIBEL—RETRACTION—Concerning Actions of Slander and Libel, providing for no action of slander or libel until the defendant has refused to retract the alleged slanderous or libelous charges in writing after a reasonable time and providing for the filing of a bond by the plaintiff. Referred to Committee on Judiciary.

H. 1301 (MURPHY) COPYRIGHTED MUSIC—TAX—Concerns the licensing of and a franchise tax on music brokers and regulations concerning copyrighted music. Referred to Committee on Judiciary.

S. 201 (MURPHY) COPYRIGHTED MUSIC—TAX—Concerns the licensing of and a franchise tax on music brokers and regulations concerning copyrighted music. Referred to Committee on Judiciary.

### MARYLAND:

S. 172 (JOHNSON) CHIROPRACTIC ADVERTISING—To add Sec. 455A to Art. 43 of the Annotated Code (1939 Ed.), relating to advertising by practitioners of Chiropractic. Referred to Committee on Judicial Proceedings.

### MINNESOTA:

S. 262 (MULLIN, WOLFE) AGENCIES—THEATRICAL—Regulations for licensing, bonding and code for theatrical or booking agencies. Referred to Committee on Labor.

### MONTANA:

CCH H. 1304 (STEVENS) TAXATION—SEVERAL SUBJECTS—Refers to a tax on tickets and fees for amusements; also includes in its scope gas, electricity, water, communications and transportation.

### NEBRASKA:

Bill No. 2 H. (NORMAN et al.) NEWS—CENSORSHIP—Prohibits newspapers and broadcasting companies from procuring election returns until the polls close.

### NEW YORK:

S. 403 (WILLIAMSON) INTEREST RATE ADVERTISING—Provides that no industrial bank shall advertise, print or broadcast any statement with regard to rates, terms or conditions for loans unless interest rate or charge is stated in terms of simple interest on amounts due. Referred to Committee on Banks.

S. 406 (WILLIAMSON) CREDIT ADVERTISING—Prohibits advertising by printing, broadcasting or otherwise, in connection with extension of consumer credit, for the purpose of encouraging needless borrowing. Referred to Committee on Banks.

## GEORGIA CONTACT

Leonard Reinsch, WSB, Atlanta, has accepted an appointment as legislative contact man at the Georgia capital and Harold Fellows, WEEI, Boston, has accepted an appointment as legislative contact man at the Massachusetts capital. (NAB REPORTS, p. 32.)

## FEDERAL COMMUNICATIONS COMMISSION

### FLY PRESS CONFERENCE

Chairman James Lawrence Fly of the FCC said at a press conference on Monday that in a previous statement which he had made that the monopoly report would be taken up within a few weeks that he had no intention of misleading the press. Mr. Fly said that he still thinks that the report may be made in February.

Chairman Fly was asked about the possibility of taxing broadcasters. He said that such a study has been going on, but he doesn't know specific extension or details. It came up in connection with testimony which was given before the House Appropriations Committee dealing with FCC appropriations.

The Chairman told the newsmen that there is nothing new in connection with the Defense Communications Board "although routine problems are grinding off and committees are busy." He said that the Board meets every week.

## PROPOSED DECISION IN BROOKLYN CASES

Long-Standing controversy involving the use of the 1500 kilocycle frequency by three Brooklyn broadcast stations, was moved a step nearer adjustment by reason of proposed action by the FCC as follows:

**PROPOSED DISMISSAL WITH PREJUDICE** of the application of the Metropolitan Broadcasting Corp., (WMBQ), Brooklyn, N. Y., for renewal of license and construction permit.

**PROPOSED DISMISSAL WITH PREJUDICE** of the application of Lillian E. Kiefer of Brooklyn, N. Y., for construction permit.

**PROPOSED DENIAL** of the application of Paul J. Gollhofer, Brooklyn, N. Y., for construction permit.

**PROPOSED DENIAL** of application of Arthur Faske, (WCNW), Brooklyn, N. Y., for renewal of license.

**PROPOSED DISMISSAL WITH PREJUDICE** of applications of Arthur Faske, (WCNW), Brooklyn, N. Y., for modification of license, construction permit, and modification of construction permit.

**PROPOSED GRANT** of the applications of the Long Island Broadcasting Corp., (WWRL), Woodside, Long Island, N. Y., for renewal of license and modification of same to include the hours of WMBQ, and the hours presently allocated to WCNW.

These cases in part figured in a hearing as far back as February, 1937, and were consolidated in a further hearing in October, 1939. In today's Proposed Findings of Facts and Conclusions (No. B-131), the Commission holds:

1. The Metropolitan Broadcasting Corporation failed to offer any evidence at the original or instant hearings in support of its application for renewal of license of Station WMBQ. Therefore, said application and its application for construction permit should be dismissed with prejudice.

2. Lillian E. Kiefer failed to offer any evidence at the instant hearing in support of her application for construction permit requesting the facilities of Station WMBQ. Therefore, said application should be dismissed with prejudice.

3. Paul J. Gollhofer, in support of his application for a construction permit requesting the facilities of WMBQ has failed to sustain the burden of proof that he is qualified to construct and operate a broadcast station, and in view of the manner in which he, as President of the Metropolitan Broadcasting Corporation, operated Station WMBQ, the Commission is unable to find that a grant of this application will serve the public interest. Consequently, this application should be denied.

4. Arthur Faske, licensee of Station WCNW, has operated, and permitted said station to be operated, in violation of the terms of the license theretofore issued to him by this Commission for the operation thereof, and the Commission's Rules and Regulations, and has failed to sustain the burden of proof that the granting of his application for renewal of license of said station and the continued operation thereof, will serve public interest, convenience and necessity. Therefore, said application should be denied. In view of this finding, the applications filed by him for modification of license of Station WCNW requesting the hours of operation formerly allocated to Station WMBQ, and all hours regularly allocated to Station WWRL, modification of construction permit and construction permit should be dismissed.

5. The Long Island Broadcasting Corporation, licensee of Station WWRL, is legally, financially, technically and otherwise qualified to continue the operation of said station as requested in its application for renewal of license and to utilize the hours of operation formerly allocated to Station WMBQ and the hours

now allocated to Station WCNW as requested in its application for modification of license. Therefore, each of said applications should be granted.

## FCC ACTIVITIES

The FCC announces that the work, business and functions of the Commission for the month of February have been assigned as follows:

**Commissioner Payne:** Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

**Commissioner Walker:** Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## ASSISTANT SECRETARY REYNOLDS RESIGNS

John B. Reynolds has resigned as Assistant Secretary of the FCC to become part owner and general manager of WKWK, a new broadcast station under construction at Wheeling, W. Va.

Mr. Reynolds joined the Federal Radio Commission in 1930 and was subsequently appointed Assistant Secretary of that body, being continued in the same capacity when the Federal Communications Commission was created in 1934. At various times he has served as Acting Secretary.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled to be heard before the Commission during the week beginning Monday, February 10. They are subject to change.

Monday, February 10

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary); 890 kc., 1 KW night, 5 KW LS, unlimited.



### Wednesday, February 12

- NEW—Herbert L. Wilson, Middletown, N. Y.—C. P., 1310 kc., 250 watts, unlimited.  
NEW—Community Broadcasting Corp., Middletown, N. Y.—C. P., 1310 kc., 250 watts, unlimited.

### Thursday, February 13

#### Consolidated Hearing

- NEW—Edward J. Doyle, Rochester, N. Y.—C. P., 1340 kc., 1 KW, unlimited, DA day and night.  
WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., 1340 kc., 1 KW, unlimited, DA day and night.

### Thursday, February 13

#### Oral Argument Before the Commission

- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

### FUTURE HEARINGS

During the past week the Commission has announced the following dates for broadcast hearings and oral arguments. They are subject to change.

#### February 20

##### Oral Argument Before the Commission

- WHDH—Matheson Radio Company, Inc., Boston, Mass.—C. P., 830 kc., 5 KW, unlimited, DA night. Present assignment: 830 kc., 1 KW day.

#### March 27

- NEW—Worcester Broadcasting, Inc., Worcester, Mass.—C. P., 1200 kc., 250 watts, unlimited (using two 100-watt amplifier stations).

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- Richard Field Lewis, Jr., Winchester, Va.—Granted construction permit for a new station at Winchester to operate on 1370 kc., 250 watts, unlimited time (B2-P-3005).  
WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted amended construction permit authorizing increase in nighttime power from 1 to 5 KW, subject to approval of site and antenna at Lawrence; 1220 kc., 5 KW day, shares KFKU (B4-P-2272).  
KWWJ—KWWJ Broadcast Co., Inc., Portland, Ore.—Granted construction permit to change frequency from 1050 to 1040 kc., increase power from 500 watts to 1 KW, and increase hours of operation from limited to unlimited, install directional antenna for night use, subject to approval of site and antenna (B5-P-2881).  
WSGN—The Birmingham News Company, Birmingham, Ala.—Granted, subject to questions involved in hearing on renewal proceedings, application for construction permit to change frequency from 1310 to 610 kc., increase power from 250 watts to 1 KW, install new transmitting equipment, directional antenna for night use, and move transmitter site locally to State Fair Grounds, Birmingham (B3-P-2993).  
KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of construction permit (B5-P-2437) to increase power from 10 to 50 KW, make changes in directional antenna, install new equipment and extend completion date (B5-MP-1094).  
WFIL Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to

operate on frequency 45300 kc., 9,300 square miles, nearly 4,000,000 population (B2-PH-73).

- South Bend Tribune, South Bend, Ind.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency 47100 kc., 4,300 square miles, 448,000 population (B4-PH-54).  
W3XP—Philco Radio and Television Corp., Philadelphia, Pa.—Granted construction permit to increase power in portable-mobile television station from 15 to 125 watts, and install new equipment (B2-PVB-80).  
Clinton Broadcasting Corp., Clinton, Iowa.—Granted construction permit for a new station to operate on 1340 kc., with 250 watts power, unlimited time, effective March 29.  
Burlington Broadcasting Co., Burlington, Iowa.—Granted construction permit for new station to operate on 1490 kc., 250 watts power, unlimited time, effective March 29.  
Courier-Post Publishing Co., Hannibal, Mo.—Granted construction permit for new station to operate on 1340 kc., 250 watts power, unlimited time, effective March 29.  
WCLS—WCLS, Inc., Joliet, Ill.—Granted construction permit to operate on 1340 kc., with 250 watts power, unlimited time, effective March 29 (station now operates on 1310 kc., with 100 watts).

### DESIGNATED FOR HEARING

- Camden Broadcasting Co., Camden, N. J.—Application for construction permit for new station in Camden to operate on 800 kc., 500 watts, daytime (B1-P-2926).  
WJAX—City of Jacksonville, Jacksonville, Fla.—Application for construction permit to increase nighttime power from 1 to 5 KW, make changes in transmitting equipment, and install directional antenna for nighttime use; 900 kc., 5 KW LS (B3-P-3012).

### MISCELLANEOUS

- WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcast Station WAPI) (Assignors), Voice of Alabama, Inc. (Assignee), Birmingham, Ala.—Granted voluntary assignment of license of standard broadcast station WAPI, and construction permit for relay station WAWT from Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), to Voice of Alabama, Inc. The assignors will discontinue operation of the station but will retain ownership of the physical equipment which will be leased to the assignee. Station WAPI operates on 1140 kc., 5 KW power, simultaneous day, shares KVOO night (S.A. operate 5 KW, unlimited time, employing DA after sunset, Tulsa).  
WRCA-WNBY—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to suspend the effective dates of Commission action of December 10, 1940, in granting the license File No. B1-MLIB-45, and special temporary authority issued after consideration of application File No. B1-MLIB-44, until March 2, 1941, in order to permit the simultaneous utilization of 9670 and 17780 kc. while changes in equipment are being made in accordance with outstanding construction permits.  
W2XBS—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period beginning January 31 to not later than March 1, 1941.  
WBOS—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of International broadcast station WBOS authorized in construction permit B1-PIB-23, with power of 50 KW using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for the period February 3 to not later than March 4, 1941.  
WSUI—State University of Iowa, Iowa City, Iowa.—Denied special temporary authority to use licensed daytime power of 5,000 watts from 7:30 p. m. (or commencement of basketball game) to 9 p. m. (or until end of game), CST, on February 3, 10, 15, 17, 22, 24, and March 1, 3, 1941; and from 7:30 p. m. (or start of game) to 9 p. m. (or until end of game), EST, on February 8, 1941, in order to

- broadcast University of Iowa basketball games to a greater listening area.
- WINS**—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign-off (February, 7:45 p. m., EST) to 12 midnight, EST, on February 1 and 22, 1941, in order to broadcast sustaining music and descriptions of programs and to broadcast the Melrose Games from Madison Square Garden on February 1 and to broadcast the National Track and Field Championships from Madison Square Garden on February 22, only.
- WMRO**—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7:30 p. m. to 11 p. m., CST, February 1, 7, 8, 14, 15, 21, 22, 26, 27, and 28, 1941, in order to broadcast basketball games and preliminary games in connection with the State basketball tournament only.
- WNYE**—Board of Education, City of New York.—Granted extension of special temporary authority to continue to operate non-commercial educational broadcast station WNYE on **4100 kc.**, for a period not to exceed 30 days commencing January 31, 1941, pending resubmission and action on application to change frequency to **42100 kc.**
- WOI**—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, February 17, March 1 and 3, 1941, instead of February 15, March 1 and 3, 1941 (as granted January 25), in order to broadcast basketball games only.
- WORL**—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, on Sundays, February 2, 9, 16 and 23, 1940, in order to broadcast the Rosary Hour only.
- WSAJ**—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 p. m. to 10:30 p. m., EST, February 11, 14, 21, 25 and March 4, 7, 10, 1941, to broadcast basketball games only.
- WTAL**—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted special temporary authority to operate from 2 to 3 a. m., EST, February 20, 1941, to broadcast a special test program in cooperation with and for the members of the Newark News Radio Club on power of 250 watts (B3-S-869).
- WLWO**—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with power input to the final stage of 100 KW for a period not to exceed 30 days from January 31, 1941, in order to obtain data requested in connection with application (MLIB-40).
- KGGF**—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m., CST, February 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, from 2 to 3:15 p. m., CST, February 3, 10, 17, 24, from 9:15 to 9:45 p. m., CST, February 11, 1941, in order to permit WNAD to broadcast educational programs only; to operate from 8:15 to 9:15 p. m., February 12, 1941, to broadcast a Lincoln Day address by Congressman Dewey Short (provided WNAD remains silent).
- WNAD**—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., CST, February 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 1941, and from 2 to 3:15 p. m., CST, February 3, 10, 17, 24, and from 9:15 p. m. to 9:45 p. m., CST, February 11, 1941, in order to broadcast educational programs only (provided KGGF remains silent); to remain silent from 8:15 to 9:15 p. m., February 12, 1941, to enable KGGF to broadcast a Lincoln Day address by Congressman Dewey Short.
- WKEU**—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 5:15 to 5:45 p. m., CST, February 2, 9, 16 and 23, 1941, in order to broadcast radio revival program only.
- WCOP**—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:15 p. m. to 5:45 p. m., EST, February 2, 9, 16, 23, 1941, in order to broadcast a program by the Massachusetts State Federation of Women's Clubs only; to operate from 5:15 p. m. to 5:30 p. m., EST, February 1, 8, 15, 22, 1941, to broadcast a program by the Professional Women's Clubs of Boston only.
- WBBM**—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously with Station KFAB from 6 a. m., CST, to local sunrise (at Lincoln, Nebr., January, 7:45 a. m.; February, 7:30 a. m., CST), for the period January 29, 1941 to not later than February 28, 1941, pending action on formal application for such authority.
- WGRC**—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to rebroadcast over Station WGRC and stations affiliated with the Mutual Broadcasting System special conversations between units of the First Armored Division at Fort Knox, Ky., on February 1, 1941, from 2:30 to 3:15 p. m., CST.
- WTAR**—WTAR Radio Corp., Norfolk, Va.—Granted license to cover construction permit (B2-P-2737) which authorized increase in power to 5 KW day and night, **780 kc.**, and changes in directional antenna system (B2-L-1319); also granted authority to determine operating power by direct measurement of antenna power (B2-Z-648).
- WBOS**—Westinghouse E. and M. Co., Hull, Mass.—Granted modification of construction permit for international broadcast station (B1-PIB-23), which authorized move of station from Pittsburgh to Hull, Mass., increase in power to 50 KW, and make changes in equipment, to extend completion date to June 7 (B1-MPIB-19).
- KFBD**—Amarillo Broadcasting Corp., Portable-Mobile, area of Amarillo, Tex.—Granted license to cover construction permit (B3-PRY-229) for new relay station; **1622, 2158, 2150, 2790 kc.**, 21 watts power (B3-LRY-216).
- KEHS**—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—Granted license to cover construction permit (B4-PRE-372) which authorized change in frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, increase power from 1 watt to 5 watts, and install new equipment (B4-LRE-340).

The following applications for renewal of relay broadcast station licenses were granted for the period ending December 1, 1941:

KAOU, area of Tucson, Ariz.; KEHO, area of Salt Lake City; KEIM, area of Phoenix; KEIN, area of Walla Walla, Wash.; WEIC, area of Schneectady; WEIZ, area of Memphis; WEKW, area of Hartford; WENK, area of Erie, Pa.; WEOC, area of Charleston, S. C.; WEGZ, area of New Haven; WEOM, area of Aurora, Ill.

The following stations were granted further extension of licenses upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, not longer than March 1, 1941 (relay broadcast):

WEGV, area of Champaign, Ill.; WENW, area of Champaign, Ill.; KEGN, area of San Francisco; KFAS, area of Fairbanks, Alaska.

The following stations were granted further extension of licenses upon a temporary basis only, pending determination upon applications for renewals of licenses, not longer than March 1, 1941 (relay broadcast):

KIJG, area of Brownsville, Tex.; KEMA, area of Shenandoah, Iowa.

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Granted modification of construction permit which authorized construction of new high frequency broadcast station, to change type of transmitter and make antenna changes.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted authority to determine operating power by direct measurement of antenna output (B-Z-606).

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted authority to install automatic frequency control equipment (B3-P-169).

WOKO—WOKO, Inc., Albany, N. Y.—Granted authority to make changes in automatic frequency control apparatus (B1-F-170).

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—Granted modification of construction permit (B4-P-2842) which authorized a new station, for approval of vertical antenna, approval of transmitter site, and installation of new transmitter (B4-MP-1149).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted modification of construction permit (B2-P-2578) for new transmitter and extension of completion date from January 26 to 180 days after grant (B2-MP-1154).

WBEN—WBEN, Inc., Grand Island, N. Y. (Trans.), Buffalo, N. Y. (Studio)—Granted modification of construction per-



- mit (B1-P-2757) authorizing changes in antenna system, and new transmitter (B1-MP-1104).
- KWIL**—Central Willamette Broadcasting Co., Albany, Ga.—Granted license to cover construction permit (B5-P-2949) which authorized a new station to operate on **1210 kc.**, 250 watts, unlimited time (B5-L-1320); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-655).
- WCHS**—Charleston Broadcasting Corp., Charleston, W. Va.—Granted license to cover construction permit (B2-P-2739) which authorized installation of directional antenna for night use, and increase in power to 5 KW day and night (DA-night) (B2-L-1299); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-619).
- WJHL**—WJHL, Inc., Johnson City, Tenn.—Granted license to cover construction permit (B3-P-2626) for installation of transmitter and directional antenna for night use, increase in power from 250 watts to 1 KW, change in frequency from **1200 to 880 kc.**, and move (B3-L-1317); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-644).
- WTAW**—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of construction permit (B3-MP-1006) authorizing new transmitter, and increase in power from 500 watts to 1 KW, for extension of commencement date to March 29 (B3-MP-1151).
- WNBC**—State Broadcasting Corp., New Britain, Conn.—Granted modification of construction permit (B1-P-2723), which authorized changes in equipment and increase in power, DA-day and night, for authority to install new transmitter and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MP-1142).
- WROL**—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover construction permit (B3-P-2435) for new transmitter, directional antenna for night use, increase in power from 250 to 500 watts night, 1 KW day, change in frequency from **1310 to 620 kc.**, and move transmitter (B3-L-1316); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-643).
- WTCM**—Midwestern Broadcasting Co., Traverse City, Mich.—Granted license to cover construction permit (B2-P-2665) for a new station to operate on **1370 kc.**, 250 watts, unlimited time (B2-L-1318); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-647).
- WKOK**—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-649).
- KOCY**—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-650).
- KTRI**—Sioux City Broadcasting Co., Sioux City, Ia.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-654).
- KNX**—Columbia Broadcasting Co., Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-652).
- KRCN**—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station **KHCNK** on frequency **2790 kc.** in order to relay broadcast proceedings of the St. Paul Sports Carnival on February 1, 1941, to Radio Station **WMIN**.
- W2XOY**—General Electric Co., New Scotland, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43290 kc.**, 2500 watts power, special emission, with the transmitter located at New Scotland, N. Y., and described as: General Electric Type **BF103A**—Exciter **4GF1A1**—Amplifier **4AF2A1**, maximum rated carrier power output 2500 watts, for the period January 29, 1941, to not later than March 1, 1941.
- KAWM**—A. W. Mills, Gallup, N. Mex.—Granted extension of special temporary authority to remain silent from January 30, 1941, to not later than February 28, 1941, during repairs necessitated by fire.
- KSAM**—Sam Houston Broadcasting Association, Huntsville, Tex.—Granted extension of special temporary authority to remain silent from February 2, 1941, to not later than March 1, 1941, pending Commission action on revocation order.
- WILL**—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations **WIBW** and **WCHS**, with power of 1000 watts, from 7:25 to 9:25 p. m., on February 3, 17, and 24 and from 7:55 to 9:55 p. m. on February 8, 10 and 15, and from 6:25 to 8:25 p. m., CST, on February 22, 1941, in order to broadcast University of Illinois basketball games only.
- Radio Corp. of Annapolis**, Annapolis, Md.—Dismissed application for construction permit for new broadcast station to operate on **1310 kc.**, 100 watts power, unlimited time (B1-P-2831).
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (February, 5:15 p. m. and March 6 p. m., PST) to the conclusion of high school basketball games on February 11, 13, 18, 20, 25, and 27, 1941, in order to broadcast said games only and to operate from 7:15 p. m., PST, to the conclusion of college basketball games on February 14, 15, 21, 22, 24, 25, March 1, 4, 5, 7, and 8, 1941, in order to broadcast said games only.
- WOI**—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, February 15, March 1 and 3, 1941, in order to broadcast basketball games only.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 p. m. to 10 p. m., EST, on **1240 kc.**, on January 26, 1941, in order to broadcast the Rosary Hour program only.
- Essex Broadcasters, Inc.**, Detroit, Mich.—Granted special temporary authority to pick up program of the Lutheran Charities in Detroit to be broadcast by Radio Station **CKLW** from 4:30 p. m. to 5 p. m., EST, on February 16, 1941.
- WAOG**—New York State Conservation Dept., Albany, N. Y.—Granted extension of special temporary authority to operate portable radiophone forestry station **WRAI** on frequencies **31620, 35260, 37340, and 39620 kc.**, for the period January 28, 1941, to not later than February 26, 1941, as a relay broadcast station to relay programs from the Olympic Bobsled Run to standard broadcast station **WNBZ**.
- W1XOJ**—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast certain programs of station **W1XPW**, for a period beginning January 27, 1941, to not later than March 1, 1941.
- WMRO**—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., CST) to 5:30 p. m., CST, on January 26, 1941, in order to broadcast a concert by the Aurora Civic Orchestra only.
- The Commission on January 27 took the following action:
- WAPI**—Alabama Polytechnic Institute, Etc., Birmingham, Ala.—Granted in part request for continuance of hearing on application for renewal of license now scheduled for January 27, until February 18, 1941.
- WSPD**—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition to intervene in re hearing on application of the Voice of Longview (KFRO), Longview, Tex., for modification of construction permit to increase power from 1 KW to 5 KW, operating on **1340 kc.**, unlimited time; on Commission's own motion deleted Issue No. 3 which pertained to interference of KFRO with **WSPD** (B3-MP-872).
- WSPD**—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition for leave to intervene and enlargement of issues in re hearing on application of Edward J. Doyle, Rochester, N. Y., for construction permit for new station to operate on **1340 kc.**, 1 KW, unlimited time, using directional antenna day and night (B1-P-2031).
- WSPD**—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition for leave to intervene and enlargement of issues in re hearing on application of Brown Radio Service & Lab. (WSAY), Rochester, N. Y., for construction permit to operate on **1340 kc.**, 1 KW, unlimited, using directional antenna day and night (B1-P-2924).
- WJLS**—Joe L. Smith, Jr., Beckley, W. Va.—Granted petition for leave to amend application for construction permit to operate on **900 kc.**, 1 KW, unlimited, directional antenna night, so as to request another frequency (B2-P-2752).
- Pan American Broadcasting System, Inc.**, Hollywood, Fla.; **Atlantic Broadcasting Corp.**, Miami, Fla.; **Seaboard Broadcasting Corp.**, Tampa, Fla.—Granted petition of applicants insofar as it requests leave to amend applications for construction permits for new stations, to alter corporate structure of applicants by withdrawal of George H. Bowles and substitution of Mrs. Alice M. Sholtz; denied insofar as it re-

quests retention of hearing date and ordered that the hearing scheduled for February 3 on these applications be cancelled (B3-P-2768, 2796, 2813, respectively).

Robert V. Lee, Bradenton, Fla.—The Commission on its own motion continued to an indefinite date the hearing scheduled for February 3 on the application for construction permit for new station to operate on **1500 kc.**, 250 watts night, 250 watts day, unlimited (B3-P-2780).

WOOD—King Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Granted leave to amend application for voluntary assignment of license of station WOOD by substituting new agreements between the parties in interest for the agreements presently attached to application, thus dismissing motion for continuance of hearing.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted motion to take depositions in re hearing on application for renewal of license of station WCAP (B1pR-181).

WAPI—Alabama Polytechnic Institute and University of Alabama, Etc., Birmingham, Ala.—Reconsidered action of January 20, 1930, in designating for hearing the renewal application of WAPI, and adopted order cancelling hearing now scheduled.

WESX—North Shore Broadcasting Co., Inc., Salem, Mass.—Granted motion to dismiss petition for rehearing directed against the action of the Commission December 17, 1940, granting without hearing the application of C. T. Sherer Company, Inc., for a new station in Worcester, Mass.

LeRoy's Jewelers, Los Angeles, Calif.—The Commission upon its own motion modified the conditional authorization for television station to substitute Channel No. 13 (**230000-236000 kc.**) in lieu of Channel No. 10, the conditional construction permit to otherwise remain the same.

Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted extension of time to May 1, 1941, for filing program of research in connection with construction permit for new television station.

## APPLICATIONS FILED AT FCC

### 580 Kilocycles

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—License to cover construction permit (B3-P-2734) for increase in power, installation of directional antenna and changes in equipment.

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power—auxiliary transmitter.

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power—main transmitter.

### 600 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—License to cover construction permit (B3-P-2725) as modified for new equipment, increase in power and change in frequency.

KROD—Dorrance D. Roderick, El Paso, Texas.—Authority to determine operating power by direct measurement.

NEW—The WTBS Radio Company, Inc., Toledo, Ohio.—Construction permit for a new station to be operated on **600 kc.**, Class III-B, 1 KW, unlimited time.

### 680 Kilocycles

KFEQ—KFEQ, Incorporated, St. Joseph, Mo.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 500 watts;  $2\frac{1}{2}$  KW, local sunset to 5 KW, hours of operation from daytime to unlimited time, and move transmitter. Amended: To make changes in directional antenna for day and night use.

### 720 Kilocycles

WGN—WGN, Incorporated, Chicago, Ill.—Extension of S.E.A. for transmission of facsimile signals using 50 KW. 8-1-40 to 2-1-41. Amended: To extend period to 8-1-41.

### 920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2658) for new equipment and increase in power requesting authority to install

new transmitter, and extend completion date to 180 days after grant.

### 940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 1 KW to 1 KW; 5 KW, local sunset, and change hours of operation from daytime to unlimited time.

WFLA—The Tribune Company, Tampa, Florida.—License to cover construction permit (B3-P-2866) for a new station, and approval of studio site at Tarr Bldg., corner Lafayette and Hyde Park, Tampa, Florida.

WFLA—The Tribune Company, Tampa, Florida.—Authority to determine operating power by direct measurement of antenna power.

### 1010 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for night use and move transmitter, change frequency from **1010 kc.** to **690 kc.\*** Amended: To change hours of operation from specified hours to unlimited time.

### 1070 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified for increase in power, change frequency, installation of new transmitter and directional antenna for night use, and move of transmitter, requesting authority to make changes in directional antenna system, night use, and extend commencement date to 30 days after grant and completion date 180 days thereafter. Also make changes in equipment. Amended: RE: to omit request for changes in directional antenna.

### 1130 Kilocycles

WJJD—WJJD, Incorporated, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Penna.—Modification of construction permit (B2-P-3001) for new equipment, requesting changes in antenna system, and move of transmitter from  $1\frac{1}{4}$  miles west by southwest of Newtown Square on Bishops Hollow Road, Penna. to near Church and Pamona Roads, Cinnaminson and Moorestown Township, N. J. Extend commencement date to 30 days after grant and completion date to 180 days thereafter.

### 1200 Kilocycles

KPOW—Albert Joseph Meyer, Powell, Wyo.—Modification of construction permit (B5-P-2593) for a new station, requesting approval of studio and transmitter site at corner East 7th and Hamilton Streets, Block No. 2, original townsite, Powell, Wyoming, changes in antenna system and transmitting equipment.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—License to cover construction permit (B3-P-2647) as modified for a new station.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—Authority to determine operating power by direct measurement.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—Modification of construction permit (B3-P-2647) as modified for a new station, requesting move of studio from East 10th Street, extended, near Roanoke Rapids, North Carolina, to 251 Roanoke Avenue, Roanoke Rapids, North Carolina.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1200** to **620 kc.**, increase power from 250 watts to 1 KW, and move

\* Under NARBA.



transmitter from 203 College St., Burlington, Vt., to one-half mile north of Pine Island, Colchester, Vermont.

### 1210 Kilocycles

KFBC—Frontier Broadcasting Company, Cheyenne, Wyo.—Modification of license to change frequency from **1420** to **1210 kc.**, increase power from 100 watts; 250 watts local sunset, to 250 watts day and night.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

KFXM—J. C. Lee and E. W. Lee, Lee Bros. Broadcasting Co., San Bernardino, Calif.—License to cover construction permit (B5-P-3017) for a new transmitter.

KBIZ—J. D. Falvey, Ottumwa, Iowa.—Modification of construction permit (B4-P-2499) for a new station, for approval of vertical antenna, approval of transmitter site, and install a new transmitter.

### 1240 Kilocycles

WSPR—WSPR, Inc., Springfield, Mass.—License to cover construction permit (B1-P-2509) for change of frequency, hours of operation, installation of directional antenna for day and night use.

WSPR—WSPR, Inc., Springfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

### 1250 Kilocycles

NEW—R. B. Terry, D. A. Rawley, Staley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Construction permit for new station on **1250 kc.**, 250 watts, daytime operation. Amended to request 500 watts power, new transmitter.

### 1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944) for directional antenna for night use, requesting extension of commencement and completion dates from 2-5-41 and 8-5-41 to 4-4-41 and 10-4-41, respectively.

### 1370 Kilocycles

WISE—Radio Station WISE, Inc., Asheville, N. C.—Modification of license to change frequency from **1370** to **1200 kc.** (**1230 kc.** under NARBA).

WMAN—Richland, Inc., Mansfield, Ohio.—Authority to determine operating power by direct method.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to move transmitter.

### 1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of construction permit (B4-P-2625) as modified for new equipment, changes in directional antenna, increase in power, requesting extension of completion date from 2-25-41 to —

### 1410 Kilocycles

KFJM—University of North Dakota, Grand Forks, N. Dak.—Modification of license to change hours of operation from unlimited time to specified hours which are from 3 to 5 p. m. daily; and move studio from 324 DeMers Ave., Grand Forks, N. Dak., to University Campus, Grand Forks, N. Dak.

NEW—Dalton LeMasurier, Grand Forks, N. Dak.—Construction permit for a new station on **1410 kc.**, Class III-B, 500 watts, 1 KW day, specified hours; facilities of KFJM.

### 1420 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Modification of construction permit (B1-P-2679) to make changes in synchronous amplifier equipment and antenna, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore.—Authority to install automatic frequency control equipment.

WRLC—R. G. LeTourneau, Toccoa, Ga.—Modification of construction permit (B3-P-2767) for a new station, requesting authority to install a new transmitter and change type of antenna.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Modification of license to change name from Albert Lea Broadcasting Company to Albert Lea-Austin Broadcasting Company, Inc.

### 1450 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from **1450 kc.** to **1020 kc.** (Class II), change power from 1 KW to 50 KW, move transmitter, and install directional antenna for night use. Amended to install a new transmitter, change directional antenna for night use, and give transmitter site as 1.0 mile east of Curtis, La.; decrease power from 50 KW to 5 KW, 10 KW-LS.

### 1500 Kilocycles

WMRC—Textile Broadcasting Co., Greenville, S. C.—Authority to transfer control of corporation from R. A. Jolley to C. Granville Wyche, 1530 shares common stock.

WIGM—George F. Meyer, Medford, Wis.—Modification of construction permit (B4-P-2501) for a new station, requesting extension of commencement date from 1-19-41 to 4-19-41.

### 1530 Kilocycles

WBRY—American Republic, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) as modified for new transmitter and directional antenna for day and night use and increase in power, requesting extension of commencement date from 1-22-41 to 2-22-41.

## FM APPLICATIONS

NEW—The A. S. Abell Company, Baltimore, Md.—Construction permit for new high frequency broadcast station. Frequency, **44300 kc.**; coverage, 15,489 square miles; population, 3,308,983. Amended re change frequency from **44300** to **46300 kc.**, coverage from 15,489 to 6,040 square miles, population from 3,308,983 to 1,810,159; install new type transmitter; change location of transmitter from Clarks-ville, Md., to Baltimore, Md., and give studio location as Baltimore, Md.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of construction permit (B1-PH-12) for a new high frequency broadcast station, requesting approval of transmitter and antenna system and change population from 4,893,439 to 1,036,400.

NEW—Stromberg-Carlson Telephone Manufacturing Company, Rochester, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45100 kc.**; coverage, 2,240 square miles; population, 543,000. Amended re change coverage from 2,240 to 3,200 square miles and population from 543,000 to 584,800.

NEW—Walker & Downing Radio Corp., Pittsburgh, Penna.—Modification of construction permit (B2-PH-24) for a new high frequency broadcast station, requesting changes in antenna.

NEW—Evansville on the Air, Inc., Evansville, Ind.—Modification of construction permit (B4-PH-11) for a new high frequency broadcast station, requesting change in type of transmitter, and change location of transmitter.

NEW—Courier-Journal and Louisville Times Company, Louisville, Ky.—Construction permit for new high frequency broadcast station to be operated on **45700 kc.**; coverage, 13,200 square miles; population, 1,004,320.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **44700 kc.**; coverage, 8,500 square miles; population, 11,212,416. Location: New York.

## MISCELLANEOUS APPLICATIONS

WLOY—Loyola University, New Orleans, La.—License to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts, emission A-3.

WEND—WHP, Incorporated, Harrisburg, Penna.—License to cover construction permit B2-PRY-228.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Beeman's Laboratory, Inc.**—Misrepresentation of a medicinal preparation is alleged in a complaint issued against Beeman's Laboratory, Incorporated, 70 Central Ave., S. W., Atlanta, Ga. Other respondents are E. A. Rush and Mrs. J. F. Rush, officers, and H. C. Allen, director, of the corporation.

The complaint alleges that the respondents advertised that their preparation "BQR Remedy", "fights colds"; that it has value as a cold preventive and that it is a cure or remedy for colds. According to the complaint, the product is not capable of any curative action on the underlying factors that cause colds, and has no therapeutic value in the treatment of such conditions in excess of furnishing temporary relief from some of the symptoms often associated with colds and of furnishing laxative action. (4451)

**S. Buchsbaum & Co.**, 243 East Huron St., Chicago, manufacturer of men's accessories made of "Vinylite", an organic material of glass-like appearance, has been charged with misrepresentation.

"Vinylite", the complaint points out, is a chemically manufactured plasticized resinous material resembling glass which the respondent company buys in the form of pliable, semi-elastic sheets, and converts into products such as suspenders, belts, garters, wrist watch bands, key chains, raincoats, and other accessories.

The complaint alleges that the respondent disseminates advertisements stating that its products are made of "Elasti-Glass" (its trade name for Vinylite), described as "science's latest miracle"; that the advertisements picture the transparency of the material, state it to be elastic in action and further ascribe to it many of the properties commonly associated with glass, such as durability and imperviousness to water or moisture.

By means of such advertisements, and otherwise, the respondent, according to the complaint, represents and implies that its Elasti-Glass accessories are made of glass, when in fact they contain no glass. (4450)

**H. & L. Candy Company**—A complaint has been issued charging J. C. Helms, trading as H. & L. Candy Company, Marshville, N. C., with the use of lottery methods in the sale of candy.

The respondent, according to the complaint, sells to dealers assortments of candy so packed and assembled as to involve the use of a lottery scheme when the merchandise is sold to the consuming public. Push card devices are used, the complaint alleges. (4455)

**Preparatory Training Institute**, 55 N. Clinton Ave., Trenton, N. J., in a complaint is charged with misrepresentation in the sale of correspondence courses intended to prepare students for civil service examinations.

The complaint alleges that by means of representations made by the respondent's agents, designated as "registrars", who call upon prospective pupils, the respondent represents that it has United States Government positions to offer students; that it is connected with the government and authorized by the United States Civil Service Commission to qualify applicants for government jobs; and that it has advance information concerning the holding of civil service examinations, or information concerning such examinations which is not readily available to prospective candidates.

According to the complaint, the respondent has no positions to offer, no connection with the government, and cannot guarantee positions or appointments of persons passing examinations. The complaint further charges that the respondent's representatives are merely salesmen and that their designation as "registrars" further tends to mislead prospective students into the belief that they are Civil Service Commission officials.

The respondent also is charged with misleading prospective students by concealing or failing to reveal pertinent facts regarding a provision in the respondent's enrollment contract which has to do with refund of tuition fees. (4454)

**United Diathermy, Inc.**, 100 West 42nd St., New York, distributor of "United Short Wave Diathermy", an electrical device for treating diseases, is charged, in a complaint, with misrepresentation in the sale of its product.

In newspaper, radio and other advertising, the complaint alleges, the respondent corporation represents that its apparatus is a safe and scientific means for treating and alleviating the pain of rheumatism, arthritis, neuritis, bursitis, lumbago and other ailments, when used by the unskilled layman in treating self-diagnosed diseases by self-application in the home, and that its use will have no ill effects.

According to the complaint, the results claimed will not be accomplished by unskilled, self-application of the respondent's device under conditions prescribed in the advertisements or under usual conditions, and the treatment is not safe but may result in severe electric burns or other serious injury.

The complaint alleges that the respondent's apparatus is not competent for treating acute arthritis, neuritis, and bursitis, as distinguished from chronic cases of such disorders.

The complaint further alleges that the respondent has disseminated false advertisements through failure to conspicuously reveal that the apparatus may be safely used only after a competent medical authority has determined that diathermy is indicated and prescribed the frequency and amount of application, and a trained technician has instructed the user in the device's operation.

In December, 1940, the respondent corporation was restrained by the United States District Court for the Southern District of New York from further dissemination of certain advertisements concerning its device pending issuance of the Commission complaint and its final disposition under Commission procedure. (4453)

### STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**AW-Advertising, Inc.**, 420 Lexington Ave., New York, an advertising agency, entered into a stipulation concerning advertisements of cosmetics which it disseminated in behalf of Rose Helen Kingstone, trading as The R. H. Laird Company and Rose Laird, New York. The respondent agency agrees to cease advertising that "Rose Laird's Greaseless Lubricant", "Protective Face Lotion", "Overnight Cream", and "Liquid Facial Soap", alone or in combination, will correct blemishes or other skin ills, or enable one to acquire or keep a clear skin, or be free from a problem skin, and that by use of the products, alone or in combination, one will not have bumpy skin, excess oil, eruptions, coarse pores or blackheads. (02716)

**Courtland D. Ferguson, Inc.**, National Press Building, Washington, D. C., an advertising agency, has entered into a stipulation in which it agrees that in the advertisement of "Kohler Antidote", in behalf of Kohler Manufacturing Company, Baltimore, it will cease and desist from representing that use of this product affords complete relief from pain; that it will relieve pain double quick, lightning fast, or quicker than other similar preparations, and that it is absolutely safe and has no bad after-effects. (02718)

**E. Fucini & Co., Inc.**, 524 West Broadway, New York, entered into a stipulation in which it agrees to cease representing that "Fernet Vittone" is a tonic, unless the representation is expressly limited to its effect as a gastric tonic; that everyone requires a tonic, stomachic and digestive; that Fernet Vittone is an effective remedy for intestinal disturbances or has any effects beyond those of a laxative, stomachic and gastric tonic, and that "Acqua Fiuggi" is an effective remedy for gallstones, kidney troubles, gout, calculus of the bladder, defective blood circulation or excessive uric acid. (02721)

**Patten Concentrates, Inc.**, in the sale of "Patten's Concentrates," consisting of dehydrated vegetable products some of which are fortified with vitamins and others with drug laxatives, agrees



to cease representing that it manufactures or produces the products; that they are chemically or biologically analyzed and assayed at frequent intervals; that they are "correctives" and have any special health-giving or remedial value; that "Patten's Tablets Enriched with Vitamins A-B-D-G" will maintain a person's physical fitness; that its "Parsley-Garlic Tablets" are an effective remedy for high blood pressure or hardening of the arteries; that the use of "Ultra-Eleven Vegetable Tablets" is effective for treating anemia, loss of weight, arthritis and malnutrititions, and to discontinue similar representations concerning these and other preparations.

The respondent further stipulates that it will cease disseminating advertisements which represent or imply that "Patten's Kelp Tablets" are in all cases safe or harmless; or which advertisements fail to reveal that the preparation should not be used by persons ill of lung diseases, chronic cough, goiter or thyroid diseases, except upon the advice of a physician; and which fail to reveal that if a skin rash appears, use of the preparation should be discontinued. The stipulation further provides that the advertisement need contain only a statement that the preparation should be used only as directed on its label, if and when the label either contains such a warning or specifically directs attention to a similar warning in the accompanying labeling. (02720)

**D. B. Smith & Co., Inc.,** Utica, N. Y., stipulated that it will cease advertising that "Jim Dandy Rat and Mouse Killer" will kill moles, gophers and other rodents, except rats, wharf rats and mice; that it positively stops waste caused by rodents; will rid homes, barns, poultry houses, wharves, fields, warehouses and other buildings of rodents. (02722)

**Southern Greeting Card Company**—A Memphis and a Chicago corporation selling greeting cards, have had modified stipulations accepted in which they agree to cease and desist from certain representations in the sale of their products. The respondents are: Southern Greeting Card Company, McCall Building, Memphis, and John A. Hertel Company, 305 West Adams St., Chicago.

Under the modified stipulations, the respondents agree to cease advertising "free samples" or making any use of the word "free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity. The respondents further agree to desist from inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction.

The original stipulations, executed in May, 1940, have been rescinded. (2822-2825)

**United Service Training Schools**—Trading as United Service Training Schools, Ray W. Davis, 405 Arctic Building, Seattle, Wash., has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of a correspondence course for assisting students to pass civil service examinations.

Among practices which the respondent agrees to discontinue are use of the initials U. S. or any initials, words, emblems or depictions on printed matter to cause the impression that his school is a government agency or has an official connection with the United States Civil Service Commission.

The respondent further agrees to cease representing that the completion of his course is a prerequisite for success in passing civil service examinations, and that students or graduates of the course are assured of civil service appointments or Government employment. He also agrees to discontinue use of statements implying that his course was prepared by persons who have information concerning forthcoming civil service examinations. (3028)

**U. S. Drug & Sales Company**—Edwin L. Leisenring and Gordon Leisenring, trading as U. S. Drug and Sales Company, 1534 Lawrence St., Denver, Colo., have stipulated that they will cease representing that their medicinal product "Hex Tabs" constitutes a competent remedy or treatment for ailments of the kidneys, bladder, prostate or other glands. The stipulation recites that, according to reliable medical authority, the use of the respondents' product is not indicated as a treatment for the conditions named. (3030)

**Vegetrates, Inc.,** in the sale of "Vege-broth", "Vegetrate BF-1", "Vegetrate Formula No. CC-413" and 13 other similar prepara-

tions, agrees to cease representing that modern conditions cannot assure the full measure of life-sustaining organic minerals in the food one buys or cooks today; that the "Vegetrate" formulas are concentrated or contain all the concentrated goodness of nature's own vegetables, or of vegetables grown in a specially mineralized soil; or that they give added protection to persons having low resistance. The respondent also agrees to cease advertising that "Vegetrate 'Caroa' Fortified with Vitamin 'A'" is a protection against infection; that "Wheat Germ Oil Perles, Standard Potency Vitamin 'E'", is essential during pregnancy and is of the highest available potency, and to discontinue various similar representations concerning other of its products. (02719)

**Ar. Winarick, Inc.,** a corporation, trading as The Herpicide Co., 805 East 140th St., New York, stipulated to cease representing that "Newbro's Herpicide" will prevent loss of hair or baldness; assure beautiful or healthy hair; is a cure for or will remedy dandruff or is positive dandruff germicide or competent dandruff treatment (unless the representation is limited to temporary removal of dandruff scales and the mitigation of the symptoms of itching); that Newbro's Herpicide has been tested and approved and is recognized as the world's standard hair tonic; that it will penetrate pores, stir up sluggish scalp circulation, or cause the sebaceous glands to function properly, and that its use aids in overcoming faulty scalp conditions (unless clearly limited to those particular conditions in which it would be an effective treatment). The respondent further agrees to cease using the term "Inc." in referring to The Herpicide Co. or from otherwise representing that that concern is itself a corporation. (02717)

**Wayne Short Wave Company**—Lillian B. Ferentz, trading as Wayne Short-Wave Company, 556 Book Building, Detroit, has entered into a stipulation in which she agrees to cease certain representations in the sale of an electrical device designated "Approved Model Short-Wave Machine".

The respondent agrees to cease advertising that the device constitutes a cure or remedy for sciatica, neuritis, lumbago, arthritis, rheumatism or sinus, and to discontinue representing that it can be used for any purpose, unless it is clearly indicated that it cannot be safely used except under a competent physician's supervision, and that its use is dangerous in cases of acute inflammatory processes such as non-draining cellulitis, acute arthritis, and acute pelvic infection, and under other specified conditions.

Further representations to be discontinued by the respondent, according to the stipulation, are that the machine produces a "friendly fever" or that a fever can be created by use of an electrical short-wave machine; that the device is identical with short-wave machines used by medical practitioners and hospitals, or that the Wayne Short-Wave Company has been in business for a long time or has, because of mature experience, contributed to the development of perfection of diathermy machines. (3029)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**National Distributors**—A. F. Duverger, trading as National Distributors, and as Income Audit Service, 3402 Rhode Island Ave., Mt. Rainier, Md., has been ordered to cease and desist from representing that an "Income Audit Service" sold by him is required under federal law; that persons failing to buy and use this service or record keeping system will be subject to arrest and imprisonment because of such failure, and from other similar representations.

A so-called free advisory service on federal income tax, social security and accounting questions, is included in the respondent's system for recording business transactions.

Representations concerning the service have been made by the respondent's agents to various prospective purchasers, particularly small business men, including immigrants and poorly educated persons, according to Commission findings. During a recent year the service was sold to approximately 3,000 subscribers.

The Commission order further directs the respondent Duverger and his agents to cease and desist from representing, directly or by implication, that his agents, salesmen or canvassers are officers or representatives of, or are connected with the United States

Government or any of its departments; that other income tax record systems or services must be replaced by the respondent's system or service, and that his system or service is produced by or sold under the direction of the Federal Government or any of its departments.

The respondent formerly maintained an office at 927 Fifteenth St., N. W., Washington, D. C. (3616)

**Nu-Way Manufacturing Company**—L. B. Patterson, trading as Nu-Way Manufacturing Company, Des Moines, Iowa, has been ordered to cease and desist from misrepresentation in the sale of the "Speed King Water Heater".

Commission findings are that in advertising for the services of distributors in various States the respondent made such misleading representations as "A big money clean-up for agents", and "Make up to \$20 a day". In advertising the heater itself, the findings continue, the respondent represented that although it afforded "the fastest way known of heating water, Speed King actually saves users up to 50% on gas and fuel bills too".

The Commission order directs the respondent to cease making these representations; to cease advertising that the heater boils water instantly, or in 60 seconds, or in any other specified time, unless the quantity of water that may be boiled in the time specified is conspicuously set forth, and to cease representing that the heater does the work of a \$50 heater or of a heater costing 40 to 50 times as much as the respondent's product.

Pictorial or other representations indicating that the respondent's heater has been approved or tested by "Underwriters Laboratories", or a similar organization, are prohibited, when contrary to the facts, and the order further provides that when only part of the product has been so approved or tested, that circumstances must be clearly indicated.

The Commission order also prohibits misrepresentation of the possible earnings of salesmen selling the respondent's heater; misuse of the word "free" to refer to products delivered for a consideration either in money or services, and misrepresentation as to prices. (3852)

**Robinson Clay Products Company**—An order has been issued directing The Robinson Clay Products Company of New York, New York City, and Russell L. Pinkley and Urban G. Weckesser, trading as Empire Clay Products Company, Rochester, N. Y., distributors, and 27 dealers selling in the Rochester area, to cease and desist from a combination and conspiracy to restrain competition by fixing and maintaining uniform prices for building materials, including vitrified pipe.

The respondent dealers, handling the bulk of the trade in vitrified pipe and other building materials in the Rochester area, are: American Clay & Cement Corporation; Nazareth L. Montalbene and George E. Hartman, trading as Barnard Service & Supply Co.; Comac Builders' Supply Corp.; Domine Builders Supply Co., Inc.; John G. Bianchi, trading as Flower City Builders' Supply Company; Goodstone Manufacturing Co., Inc.; H. D. Grey Corporation; Hutchison-Rathbun, Inc.; Keystone Builders Supply Company, Inc.; Mann Builders Supply Co., Inc.; Leslie E. Fields and Lena Matthews, trading as Matthews & Fields; Ardean R. Miller, Inc.; Monroe Block Co., Inc.; William Heydweiller, trading as Peoples Coal & Lumber Co.; George Rappl and George Hoenig, trading as Rappl & Hoenig Co.; Rochester Lime & Cement Corporation; Rochester Lumber Company; Schaeffer Brothers Builders Supply Co., Inc.; Stonewood Builders Supply, Inc.; Theodore H. Swan Brick & Tile Co., Inc.; Van de Visse & Kildea Lumber Co., Inc.; Joseph L. Weckesser, and Whitmore-Rauber & Vicinus, all of Rochester, and R. B. Mason, trading as Russell B. Mason Company, Webster, N. Y.; Sinamus & Beck, Inc., Fairport, N. Y.; Pittsford Lumber Co., Inc., and Schreib & Watson, Inc., both of Pittsford, N. Y.

The Commission order directs The Robinson Clay Product Company of New York, Russell L. Pinkley and Urban G. Weckesser, trading as Empire Clay Products Co., and the 27 building material dealers to cease and desist from carrying out their agreement or conspiracy, and to discontinue, as a part of that agreement, the maintenance of uniform or minimum delivered prices, terms, discounts and conditions of sale. The respondents are further directed to cease inducing or coercing industry members to raise the prices quoted by them to the uniform or minimum amounts resulting from the respondents' agreement, and to desist from holding meetings among themselves or with any organization or association created by them, to devise methods of exerting influence, pressure or other means of inducing building material dealers to fix, establish, maintain or publish prices for building materials, including

vitrified pipe, or abide by any uniform price list resulting from the respondents' understanding, agreement or conspiracy.

The Commission dismissed the complaint in this proceeding as to Frank A. Seiser, deceased, who formerly traded under the name Acme Builders' Supply Co., Rochester, and as to the Britton Stone & Supply Corporation, Rochester, which had entered bankruptcy proceedings.

The Commission found no evidence in the record to support the allegations of the complaint with respect to The Robinson Clay Product Company, Akron, Ohio, parent company of the respondent The Robinson Clay Product Company of New York; Universal Sewer Pipe Corporation, Cleveland; Rochester Builders Supply Association and Edwin C. Kaelber, its secretary; Gaetano Della Pietra, and The Irondequoit Coal and Supply Company, Rochester building supply dealers, and closed its case against them without prejudice to its right to resume proceedings as to them, should the facts warrant. (4034)

**Scientific Manufacturing Company, Inc.**, 426 Prescott Ave., Scranton, Pa., and Howard J. Force, its president, have been ordered to cease and desist from making misleading representations in the sale of pamphlets entitled "Poisons Formed by Aluminum Cooking Utensils" and "Are You Heading for 'The Last Round-Up'?"

Devoted to the alleged dangers of using aluminum cooking and storage utensils, the pamphlets, according to Commission findings, have been sold to the public and to manufacturers, distributors and salesmen of utensils made of materials other than aluminum.

Finding that extensive scientific investigations have failed to disclose evidence that food prepared or stored in aluminum utensils is unsafe, deleterious, disease producing, poisonous or otherwise dangerous to health, as represented by the respondents, the Commission ordered the respondents to cease and desist from making representations of that character and from any unfair disparagement of aluminum utensils. (3874)

**Shapiro Felt Rug Company**, also trading as Esta Hat Company, Newark, N. J., and William Shapiro, Morris Shapiro, and Sarah Shapiro, its officers, have been ordered to cease and desist from representing that hats or caps made either wholly or partly from old, used or second-hand materials are new or are composed of new materials.

Commission findings are that the respondents buy old, worn and previously used felt hat bodies which they clean, steam, iron and shape into novelty hats and caps. In some instances they are fitted with new trimmings, sweat bands, and size labels. The hats and caps have the appearance of new ones and are sold to dealers, the findings continue, without labels or stamped markings to indicate to the public that they are made from old, worn and previously used hat bodies.

The order further directs the respondents to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides that if sweat bands are not affixed to such hats or caps, then such stamping must appear on the body of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2647)

**University Press**—J. Herbert Blackhurst, Des Moines, Iowa, a dealer in classroom books and other printed matter, who formerly traded under the name "University Press," has been ordered to cease and desist from using the word "University" in his trade or corporate name and to discontinue representing in any manner that his business is owned, conducted or supervised by a university or other institution of higher learning. Commission findings are that the respondent discontinued use of the name University Press on October 31, 1940, a short time prior to issuance of the Commission's complaint in this proceeding, and that since that time he has operated by means of a corporation designated "Blackhurst Book Sales, Inc." (4375)

**Vonnegut Hardware Company**, 120 East Washington St., Indianapolis, as manufacturer of self-releasing fire exit devices, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act.

Commission findings are that the respondent has sold "Von Duprin Panic Devices" of like grade and quality to some purchasers at lower prices than to others. The discrimination, according to findings, is accomplished by granting to some purchasers a 40



per cent discount from the uniform list price, while at the same time allowing a similar 50 per cent discount to other purchasers competitively engaged with the group receiving the 40 per cent discount.

Commission findings are further that no justification has been affirmatively shown or is claimed by the respondent for the differential in prices charged competing purchasers.

The Commission order prohibits these discriminations. (4344)

**Wallace Brown, Inc.**, 225 Fifth Ave., New York, greeting card distributor, has been ordered to cease and desist from using the words "free" or "free sample" to advertise merchandise which is not delivered without cost and unconditionally.

Commission findings are that the respondent sought agents for marketing its cards by advertising a "free sample" offer in connection with its "Golden Value" 21-card assortment. Persons answering the advertisements and requesting samples, the findings continue, received printed matter illustrating cards and assortments, and a complete and salable card assortment "on approval" which, according to an accompanying notice, was to be paid for in cash or selling services or returned to the respondent. Such an assortment, according to Commission findings, was not "free" or a "free sample," since it was not delivered without cost or unconditionally. (4312)

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