

Movie-Radio Hearings

Movie-Radio hearings were held only one day this week (Monday) with Jimmie Fidler, radio columnist, and George Fisher, commentator, the only two witnesses to appear before the Senate sub-committee investigating alleged pro-war propaganda.

Fidler repeated before the Committee his often-made public charges that his copy had been subject to censorship by radio networks due to pressure from the movie industry to which Senator McFarland (D. Ariz.), remarked that "it is a great thing to know that despite this pressure from the movie people you are still on the air."

Hearings will be resumed on Tuesday of next week, and it is expected that only movie witnesses will be called.

Radio Tax Defeated

Thanks to the wholehearted cooperation which we received from all concerned, the NAB's efforts to remove the radio time sales tax from the new Federal revenue bill have met with success, and the bill has finally gone to the President without this discriminatory tax provision.

The NAB wants to express its appreciation to both the entire industry and to representatives of advertising, labor and others who helped to present the industry's position and to convince Congress that the proposed tax should not be imposed upon radio.

The result achieved is an excellent demonstration of what can be accomplished with a united industry front.

While Congress has eliminated the radio time sales tax from the current revenue bill, our fight against a discriminatory tax of this kind is not yet won. It will be proposed again, unless its sponsors, certain printing trades unions, are convinced that it would hurt them as well as radio broadcasters.

To that end, the NAB has sent a questionnaire to every broadcaster in the industry, inquiring as to each station's expenditure in union printing establishments during the first half of 1941. The need for this information is urgent; send it in promptly to NAB headquarters.

Early District Meetings Planned

Preparations are under way for a series of district meetings, to be held in all 17 NAB districts beginning at an early date. President Miller will attend all of these regional conventions, each of which will be a two-day session, held in conjunction with the Sales Managers' meetings. These gatherings take on a par-

ticular significance in view of the many problems confronting the industry, and in the light of important developments in radio during the past six months. Agenda are being prepared, and further announcements will be made as soon as possible regarding dates and other information.

ASCAP Contracts

Copies of the proposed ASCAP contracts in final form are not yet available as we go to press. It is expected that they will be received within a few days, at which time copies, together with an analysis of their provisions, will be sent to all members.

Press-Radio Hearings

FCC hearings on the question of newspaper ownership of radio broadcasting stations were resumed Wednesday of this week, when representatives of Hearst Radio, Inc., were called to testify before the Commission. Among the witnesses who appeared during the two-day session were Emile J. Gough, former general manager, E. M. Stoer, present general manager, and Charles B. McCabe, president, of Hearst Radio, Inc., and Harold C. Burke, manager of radio station WBAL, Baltimore.

James G. Stahlman, publisher of the *Nashville Banner*, 'subpoenaed by the Commission, has not yet appeared, having been granted a stay pending decision of the court on his appeal from a show cause order.

Roy A. Roberts, managing editor of the *Kansas City Star*, and H. Dean Fitzer, manager of radio station WDAF, the *Star's* station, appeared as witnesses today (Thursday) as did D. D. Davis, president of WHB, Kansas City, Mo.

The questioning of Commission Counsel has been devoted for the most part to the practice of newspaper owned radio stations during the early stages of development of radio.

Hearings were adjourned today until Wednesday of next week.

New Priority Procedure

Under this same heading station managers needing Emergency Repair and Emergency Inventory material were advised in last week's bulletin (page 735) to communicate with Colonel J. F. Coneybear until further notice.

Colonel Coneybear has advised NAB that he is no longer handling these emergency matters.

Instead, telephone to Mr. Jim Peters, Miscellaneous Supplies Section, Office of Production Management, 462 Indiana Avenue, N. W. Telephone number: REpublic 7500; Ext. 2331.

So far as we know there are no other changes.



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National Defense

ASK HIGHER PRIORITY

A letter-brief pointing out the need, in the interest of national defense, for priority ratings higher than A-10 for material being used in commercial broadcasting, was delivered, September 16, by the National Association of Broadcasters, to Donald M. Nelson, director of priorities, Office of Production Management.

Supporting this brief was a factual study of total commercial broadcasting requirements on a 1940 basis. The six pages contained basic information covering all components.

The figures showed that 561 tons of material were required to manufacture broadcast transmitter apparatus, exclusive of vacuum tubes and installation, used by broadcasters during 1940. Twenty-five principal materials entered into this production.

Vacuum tubes required 25 tons of material covering 28 principal items, ranging all the way from .4 of a pound of gold to 13 tons of copper.

These amounts added to the requirements for towers, transmission lines, ground systems and installation material amounted to a total of 4,787,572 tons. Approximately 300 tons were required for repairs and 4,500 tons for new construction.

RADIO TECHNICIAN COURSES

A. J. Fletcher, member NAB National Defense Committee and president of WRAL, Raleigh, has made a sound suggestion for the teaching job of the radio technician courses.

He suggests that it would be helpful if stations located in cities offering these courses would contribute the services of their chief engineer. In a letter to Dean Van Leer, North Carolina State College, he said: "I think we can furnish a practical, graduate, licensed engineer to assist you locally."

It is recognized that the men who do the teaching in these courses exert a powerful influence on the graduates and that a practical graduate engineer would be especially helpful, along with the other instructors.

George D. Coleman, general manager, WGBI, Scranton, District 3 liaison for NAB National Defense Committee, wrote for twelve more copies of the original radio training course mailing. These copies on top of the fifteen already sent would seem to indicate that Mr. Coleman is really doing a job of promotion throughout Pennsylvania.

Major Edney Ridge, manager, WBIG, apparently anticipates an off-campus radio course in Greensboro. This is in accordance with a front page story in a recent copy of "The Democrat."

George M. Burbach, general manager, KSD, St. Louis, National Defense Committee liaison for Iowa, Missouri and Nebraska, has

almost completed a survey of colleges and universities regarding radio courses.

Note from Elmer S. Pierce, principal, Seneca Vocational High School, Buffalo, reads as follows:

"Station WSVS is undergoing a reorganization of personnel and programs and it is preparing to give all the time possible to you in connection with our National Defense work. This is one way in which we feel we can help our government.

"This school, where Station WSVS is located, is training some 1500 men in National Defense classes, and has been engaged in this work since July, 1940. We run National Defense classes 20 hours a day."

DEFENSE PROMOTION

Down in Cincinnati Robert Bentley, patriotic director, WCPO, has evolved a sound promotional idea to stimulate recruiting for the defense forces. Each day, Navy and Marine recruiting officers send him a list of new recruits. After the regular spot announcements which NAB sends, congratulations are given the men themselves. At another time Mr. Bentley congratulates the parents of the men who have signed up that day.

Congratulating the fathers and mothers whose sons have passed the examination for enlistment in the United States Navy and the United States Marine Corps is well received both by the new recruits, the parents and on recruiting material. This treatment is accorded in three regular programs, "Songs of America," "Patriotic Parade" and "Land of Liberty." They are scheduled at peak listening periods.

WROK, Rockford, close to Camp Grant, is producing two shows well received by military and non-military listeners. "Camp Grant Comments" is at 7:00 p. m., Mondays, Wednesdays and Fridays. "Camp Grant in Review" goes Mutual network, 4:30 p. m. each Tuesday.

ATTENTION STATION MANAGERS

Attention station managers in Des Moines, Iowa; Willmar, Minn.; Providence, R. I.; Cheyenne, Wyo., and Salt Lake City, Utah.

Mrs. John L. Whitehurst, president, General Federation of Women's Clubs, leaves Washington Sunday, September 21, to attend meetings of club women.

In expanded fashion she will discuss "The 6th Column in America." This is an outstanding talk and we heard it over WRC and WMAL locally.

When, as and if she reaches your city we suggest that you make an effort to book Mrs. Whitehurst for 13-minutes on this subject. You won't go wrong.

Following is her itinerary:

Willmar, Minn., September 23.

Des Moines, Iowa, September 25-26.

Providence, R. I., September 30.

State meeting Mitchell, S. D., October 5-7.

State meeting Cheyenne, Wyo., October 8-10.

Salt Lake City, Utah, October 11.

State meeting McCook, Nebr., October 13-14.

Club Institute, Colorado Federation, at University of Colorado, Boulder, October 16-17.

In McCook, Neb., October 13 and 14, and at the Club Institute, Boulder, Colo., October 16 and 17, Mrs. Whitehurst's itinerary crosses that of Mrs. Dorothy Lewis, vice president of the Radio Council on Children's Programs. Mrs. Lewis begins her trip on September 22 with first stop in Albany, N. Y. The purpose of her trip is to follow up the survey on children's programs made last year under RCCP and NAB auspices. (See NAB Reports pp. 137-738)

Network Rules

At a one-day hearing before the FCC, Mutual renewed its plea that the Commission put into effect immediately the network rules, modified in accordance with its petition. NBC and CBS filed briefs urging that the rules be suspended for the period of the national emergency and that the Commission and the industry should cooperate with Congress in framing legislation to modernize radio law. The only other appearance was made on behalf of the Yankee and Colonial networks, which urged relaxation of the time option regulation.

The Commission subsequently announced that decision on the briefs and argument would be handed down in the near future and that a reasonable time would be given before the rules finally became effective.

Radio Council News

Emphasis on the necessity for maintaining a sense of security and a wholesome atmosphere for the American child during these chaotic times was the keynote of the fall meeting of the Radio Council on Children's Programs, held at the Council's offices on September 15th. At this meeting, the following officers were elected for a three-year term: Mrs. Nathaniel Singer, president; Mrs. Dorothy Lewis, vice-president; Miss Rita Hochheimer, secretary, and Mr. Wilson Parkhill, treasurer.

The work of the Council, which has collaborated actively with the NAB in the study of children's radio programs, continues to attract increasing attention. Among the items of interest which have appeared recently is an article by Mrs. Lewis in the September issue of "The Family Dollar," a periodical of nationwide circulation published by the Consumer Credit Institute of America, describing the survey undertaken by the Council in cooperation with NAB and set forth in the report, "Broadcasting to the Youth of America," published by NAB.

As announced in last week's REPORTS, Mrs. Lewis will leave shortly on a nationwide tour in which she plans to visit many of the country's leading broadcasters. Details of her plans will be communicated to station managers from time to time during her tour, in order that they may take advantage of the opportunity for further cooperation in this useful industry effort.

FEDERAL COMMUNICATIONS COMMISSION

PRESS CONFERENCE NEWS

Chairman James Lawrence Fly of the FCC said at a press conference early this week that the FCC staff report on a proposed radio franchise tax is now before the Commission but that the Commission has not had time to make a study of the report. Mr. Fly said that he assumed that the Commission will take some action shortly, but said he had no specific plans for taking it up.

* * *

Questioned as to when the Commission would take action as the result of the oral argument of last Friday on the Mutual Broadcasting petition in the chain situation, he said that he thought the Commission would do something on that "pretty soon." He was asked if any action could be expected by next

week. Mr. Fly explained that the case is not one to be handled at a regular meeting, hence he was reluctant to make any guess on a date for action.

* * *

Mr. Fly told the newspapermen that the press radio inquiry of the Commission might go along for weeks. He said that the Commission would probably hold hearings two or three days each week and that they might run along for a long period of time.

In an off-the-record talk, Chairman Fly said that the FCC experts knew all about and were in on the recent FBI radio station case in and near New York.

TERRELL EXEMPTED

President Roosevelt this week issued an Executive Order exempting from retirement William D. Terrell, chief of the Field Division of FCC. Mr. Terrell has been with the Commission since it came into existence; prior to which he was chief of the Radio Division of the Department of Commerce which preceded the Commission. Terrell used to be referred to as the "Czar of Radio." The order is as follows:

WHEREAS, in my judgment, the public interest requires that William D. Terrell, Chief, Field Division, Engineering Department, Federal Communications Commission, who, during the month of August, 1941, will reach the retirement age prescribed for automatic separation from the service, applicable to him, be exempted from compulsory retirement for age for a period of one year:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 382, 404 (U. S. C., title 5, sec. 715a), I hereby exempt the said William D. Terrell from compulsory retirement for age for a period of one year ending August 31, 1942.

FM AUTHORIZED FOR OTHER SERVICES

FM (Frequency Modulation) has received a new impetus when the FCC authorized its use on a regular service basis in certain services other than broadcast effective October 1. Last spring FM was made available for commercial broadcasting.

In amending its rules and regulations today so as to permit use of FM by ship, coastal and emergency services on the ultra-high frequencies, the Commission declared that the successful operation of approximately 1600 frequency modulated transmitters in various radio services since January 25, 1940, has demonstrated the practicability of this new type of modulation for these services.

On the basis of the data obtained through this experimental use, it is anticipated that no material difficulties will arise from the concurrent operation of frequency and amplitude modulated stations on the frequencies now allocated to these services. Operation reports indicate that FM offers a number of advantages over the conventional amplitude modulation among these being a reduction in interference resulting from static and a material reduction in the required geographical separation between stations operating on the same frequency.

It was also pointed out by the Commission that frequency modulated equipment can now be obtained from a number of manufacturers at prices comparable to those of the conventional amplitude modulated equipment.

FM RULE REGULATION

FCC took the following action on rules and regulations to provide for the use of frequency modulation on a regular service basis in services other than broadcast and amateur to be effective October 1, 1941:

Designated existing Section 7.30 as subsection (a) of Section 7.30 and added subsections (b) and (c), modified the "Tolerance Table" of Section 7.60 with respect to frequencies above 30,000 kilocycles (Rules Governing Coastal Radio Service); designated existing Section 8.68 as subsection (a) of Section 8.68 and added subsections (b) and (c), and modified the "Tolerance Table" of Section 8.96 with respect to frequencies above 30,000 kilocycles (Rules Governing Ship Service); deleted Sections 10.61 and 10.62 and

substituted new sections in lieu thereof (Emergency Radio Services); deleted Section 11.51 and substituted new section in lieu thereof and added Section 11.52 (Miscellaneous Radio Services—Part 11).

Sales

Newspaper Special Editions

Occasionally NAB member stations have complained of the newspaper practice, prevalent in some markets, of issuing frequent "special editions" or special sections for the sole purpose of selling additional advertising, regardless of its value to the advertiser. Such sections or editions are issued to commemorate anniversaries, special events, the opening of a new business establishment, etc.

The Association of National Advertisers has issued three statements deploring this practice, pointing out that such advertising is generally valueless and wasteful to the advertiser. It has also reprinted an editorial on the same subject by William Allen White, editor of the Emporia, Kans., *Gazette*.

Copies of these statements and editorial are available, by writing to the NAB Department of Broadcast Advertising.

Radio Films Available

Ten-minute sound films, either 16 or 35 mm, on "Television" and "Airwaves" are available through William J. Ganz Co., 19 E. 47th St., New York. There is no charge except for the shipping costs. Both films are suitable for club meetings, etc.

Sponsors Civic Campaign

Increased revenue through a radio campaign boosting Coffeyville, Kans., was secured by KGGF, as reported by Melvin Drake, general manager. Working through committees appointed under Chamber of Commerce sponsorship, a \$2,000 fund was raised for a six-month campaign, 70% to radio and 30% to newspaper, "to build good will and public relations among our trade territory and neighboring cities, to encourage those people, coming to this section as a result of the several large defense industries, to establish their homes and families here as well as to trade and shop in Coffeyville." Spot announcements and programs are used.

"This idea is particularly adapted to communities which do not have defense projects in their own limits but which are located in areas with several projects in the radius of their radio stations," Mr. Drake said.

Free Time Request

Radio Camera Clubs, 343 State St., Rochester, N. Y., is furnishing radio scripts for gratis broadcasts, promoting the use of cameras and film. The address of this organization is the same as that of the Eastman Kodak Co.

Labor

Wage-Hour Act

New regulations regarding record keeping under the Wage and Hour law, effective September 15, were issued this week by the Wage and Hour Administration.

Records are to be preserved four years. The principal change is in the records required for *exempt* employees. No special form is required.

Again, the NAB suggests it would be well for station managers to require employees to certify the accuracy of records, by special pay-check endorsements or otherwise.

Here are the new regulations:

II. EMPLOYEE INFORMATION AND DATA TO BE CONTAINED IN EMPLOYERS' RECORDS

Section 516.2

Employees Subject to Minimum Wage and 40-Hour Week Overtime Provisions—Sections 6 and 7(a)

(a) *Items Required.* Every employer shall maintain and preserve¹ payroll or other records containing the following information and data on each and every employee to whom both Sections 6 and 7 (a) of the Fair Labor Standards Act apply.²

- (1) Name in full,³
(And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)
- (2) Home address,
- (3) Date of birth if under 19,
- (4) Occupation in which employed,
- (5) Time of day and name of the day on which the employee's workweek begins,⁴
- (6) (i) Regular hourly rate of pay,⁵ and (ii) Basis on which wages are paid,⁶
- (7) Hours worked each workday⁷ and total hours worked each workweek,
- (8) Total daily or weekly straight-time earnings or wages,⁸
- (9) Total weekly overtime excess compensation,⁹
- (10) Total additions to or deductions from wages paid each pay period,¹⁰
- (11) Total wages paid each pay period,
- (12) Date of payment and the pay period covered by payment.

¹ For the period records must be preserved, see sections 516.14 and 516.15, p. 28.

² For additional requirements on certain types of employees covered by more than one minimum hourly wage set by one or more wage orders, see section 516.8, p. 20.

³ For additional requirements on Learners, Apprentices, Messengers, and Handicapped Workers under Special Certificates, see section 516.9, p. 22.

⁴ For additional requirements on Employees dependent upon tips or gratuities as a part of wages, see section 516.10, p. 23.

⁵ For requirements on Industrial Homeworkers, see section 516.11, p. 24.

⁶ This shall be the same name as that used for Social Security record purposes.

⁷ If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

⁸ This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under Section 7 (a). When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, or the *average hourly earnings*, as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

⁹ This may be shown as "50¢ hr."; "\$3.00 a day"; "\$3.20, 8 hr. day"; "\$15.00 wk."; "\$15.00, 40 hr. wk."; "\$150 mo."; "piece rates"; "piece rates and bonus."

¹⁰ A "workday" with respect to any employee shall be any consecutive 24 hours.

¹¹ That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

¹² That is: The *excess* compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under the Fair Labor Standards Act, see Interpretative Bulletin No. 4.

¹³ As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulation Part 531, "Regulations Determining the Reasonable Cost of Board, Lodging, and Other Facilities."

If the additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less in cash than the minimum hourly wage provided in Section 6 or in an applicable wage order, or (2) if the employee works in excess of 40 hours a week and (a) any additions to the wages paid are a part of that employee's wages, or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under Section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of Interpretative Bulletin No. 3 Rev. October 1940.)

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, 1/2 ton	\$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16-6/22—house rent (wk.)	3.50
6/16-6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see section 516.15 (c), p. 29.

Section 516.7

Bona Fide Executive, Administrative, Professional, Local Retail, Outside Sales Employees as Referred to in Section 13(a) (1)¹

(a) *Items Required.* Every employer shall maintain and preserve² payroll or other records containing the following information and data on each and every employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman as defined in Part 541, *Regulations defining and delimiting the terms "Any Employee Employed in a Bona Fide Executive, Administrative, professional, or Local Retailing Capacity or in the Capacity of Outside Salesman;"*

(1) Name in full.³

(And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)

(2) Home address.

(3) Date of birth if under 19.

(4) Occupation in which employed.

(5) Time of day and name of the day on which the employee's workweek begins.⁴

(6) Basis on which wages are paid.⁵

(7) Total wages paid each pay period.

(8) Date of payment and pay period covered by payment.

FREEDOM OF SPEECH

The NAB frequently is asked how far an employer can go in discussing with employees the advisability of joining a labor union. Best advice: Don't do it at all.

One Nathaniel Federbush told an employee, one Napoli, that the union was "just a bunch of racketeers * * * trying to collect dues and it won't get you anywhere in the end."

Learned Hand, Circuit Judge, held that this constituted violation of the Wagner Act. (*NLRB v. The Federbush Co., Inc.*)

Finally, the respondent argues that the Board's order invaded its privileges of "free speech" guaranteed by the First Amendment, by making it wrong under § 8 (1) to present to Napoli the Company's views about unions and unionism. *National Labor Relations Board v. Ford Motor Co.*, 114 Fed. (2) 905 (C. C. A. 6). No doubt an employer is as free as anyone else in general to broadcast any arguments he chooses against trades-unions; but it does not follow that he may do so to all audiences. The privilege of "free speech," like other privileges, is not absolute; it has its seasons; a democratic society has an acute interest in its protection and cannot indeed live without it; but it is an interest measured by its purpose. That purpose is to enable others to make an informed judgment as to what concerns them, and ends so far as the utterances do not contribute to the result. Language may serve to enlighten a hearer, though it also betrays the speaker's feelings and desires; but the light it sheds will be in some degree clouded, if the hearer is in his power. Arguments by an employer directed to his employees have such an ambivalent character; they are legitimate enough as such, and pro tanto the privilege of "free speech" protects them; but, so far as they also disclose his wishes, as they generally do, they have a force independent of persuasion. The Board is vested with power to measure these two factors against each other, a power whose exercise does not trench upon the First Amendment. Words are not pebbles in alien juxtaposition; they have only a communal existence; and not only does the meaning of each interpenetrate the other, but all in their aggregate take their purport from the setting in which they are used, of which the relation between the speaker and the hearer is perhaps the most important part. What to an outsider will be no

¹ This section relates to the record data and information required to be kept by employers on employees to whom Section 13 (a) (1) of the Act applies.

² For the period records must be preserved, see section 516.14, p. 28.

³ This shall be the same name as that used for Social Security record purposes.

⁴ If the employee is a part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole work force or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

⁵ This may be shown as "\$200 mo."; "\$50 wk."; or "on fee."

more than the vigorous presentation of a conviction, to an employee may be the manifestation of a determination which it is not safe to thwart. The Board must decide how far the second aspect obliterates the first.

REMOTE BANDS OFF

Remote dance bands were off NBC Red and Mutual the first part of this week because of local difficulties with the A. F. of M. at WMBS, New Orleans, and WGRC, Louisville. In both cases, the musicians sought additional employment.

BMI

BMI Membership Now Includes 700 Commercial Stations

Commercial radio stations subscribing to Broadcast Music, Inc., reached 701 today with the addition of:

WKNY—Kingston, N. Y. WSRR—Stamford, Conn.
WBBB—Burlington, N. C. KROS—Clinton, Iowa

F — M

W-45-CM — Columbus, Ohio

In addition, there are 31 non-commercial stations.

Starting with 246 stations as of March 1, 1940, BMI now holds 86 per cent of all independently owned radio stations and represents 94 per cent of the dollar volume of the broadcasting industry. In addition to the four stations mentioned above, the following stations have recently joined:

WALB—Albany, Ga. WAIT—Chicago, Ill.
WCRS—Greenwood, S. C. WHLD—Niagara Falls, N. Y.
KRJF—Miles City, Mont. WCAR—Pontiac, Mich.
WTAX—Springfield, Ill. KOVO—Provo, Utah
KFMB—San Diego, Calif. WMBH—Joplin, Mo.
WCRW—Chicago, Ill.

Test Case in Performing Rights

Counsel for BMI and ASCAP met before Justice Aaron Steuer of the Supreme Court of the State of New York on Tuesday, September 16, in response to a motion by ASCAP that BMI be stricken out as a plaintiff in the suit brought by BMI and Edward B. Marks against ASCAP to clarify the ownership of the performing rights in musical compositions.

Counsel for BMI contended that the assignment to BMI by Marks of performing rights in the Marks compositions made BMI a proper plaintiff. John Schulman, counsel for the Songwriters Protective Association, appeared in court on behalf of the individual songwriter defendants involved in the suit. This suit viewed as a test case is one of the most important in the history of copyright music. Its final disposition by the court will largely determine the future of ASCAP. Such disposition will also determine whether BMI can license a substantial percentage of the Marks compositions which it has not licensed up to now. This percentage consists of compositions published by Marks and written by ASCAP members subsequent to their joining ASCAP.

Publishers and Composers Share BMI Payments

Broadcast Music, Inc., is sending out checks to composers and publishers in payment for performances on BMI stations during the three months ended June 30th, the second quarter of 1941. Both composers and publishers are receiving twice the amount originally agreed upon. The BMI affiliated publishers, who compensate their own composers, receive 4¢ a performance. The

composers of BMI published songs receive 2¢. Accounting is made in direct ratio to performance and the checks range from as low as \$1 to as high as \$4,000. More than 1,000 composers and nearly 300 publishers are receiving payments.

"My Sister and I" and "Do I Worry"—the first, a product of BMI as a publisher, and the second from Melody Lane, BMI affiliate, led the list in number of performances. One of the surprises of this quarter was the popularity of "Because of You" by Arthur Hammerstein and Dudley Wilkinson. Several songs, notably the "Hut Sut Song", were just gathering momentum in the second quarter and their performances continued at a high rate subsequent to June 30th.

Among the publishers with a high volume of performances were Embassy Music with "Everything Happens To Me", "Let's Get Away From It All" and "Oh, Look At Me Now"; Regent Music with a catalogue of recorded swing tunes which registered heavily on local stations; Melody Lane with "Do I Worry" and "Till Reveille"; New Era with "Whatcha Know, Joe"; Beacon Music with "Nighty Night" and others; Mutual Music Society which did well on individual station performances; Campbell with "Things I Love"; London Music with "Nice Dreamin', Baby" and "Time And Time Again"; Porgie, Debin & Friedman with "Just A Little Bit South Of North Carolina"; Warren Publications with "No, Ten, Lullaby Lane"; Republic Music Corporation with "Daddy", (which was just beginning its phenomenal run) and "Until Tomorrow"; Schumann with the "Hut Sut Song"; Nationwide with "A Romantic Guy, I"; Reis & Taylor with "Afraid To Say Hello" and "Slow Down"; and Stevens with "I Do, Do You".

Those leading the list of BMI composer payments are Joe Ricardel; Hy Zaret, Joan Whitney and Alex Kramer; Una Mae Carlisle and Bob Sour; Arthur Hammerstein and Dudley Wilkinson; Ben Raleigh and Bernie Wayne; George Fragos and Jack Baker; Irvin Graham; Jay Levison and Ray Evans; Norman Weiser and Louis Urban; Lanning and Reed; Manners and Leeds; Marco and Erickson and many others.

MOST POPULAR BMI SONGS FOR THREE MONTHS ENDING JUNE 30TH, 1941

		<i>Publisher</i>	<i>Composer</i>
MY SISTER AND I	49,603	BMI	Kramer, Whitney, Zaret
DO I WORRY	47,405	Melody Lane	Cowan, Worth
WALKIN' BY THE RIVER	46,843	BMI	Sour, Carlisle
WISE OLD OWL	44,782	BMI	Ricardel
THINGS I LOVE	39,704	Campbell	Harris, Barlow
BECAUSE OF YOU	35,869	BMI	Wilkinson, Hammerstein
IT ALL COMES BACK TO ME NOW	33,269	BMI	Kramer, Whitney, Zaret
OH, LOOK AT ME NOW	30,493	Embassy	Bushkin, DeVries
JUST A LITTLE BIT SOUTH OF NORTH CAROLINA	29,547	Porgie, Debin & Friedman	Skyler, Shaftel, Cannon
YOU WALK BY	29,501	BMI	Wayne, Raleigh
NO. TEN, LULLABY LANE	29,457	Warren	Carlton, Warren
HUT SUT SONG	29,259	Schumann	Killion, Mc-Michaels, Owens

100,000,000 Record Year

Sydney M. Kaye, executive vice president of Broadcast Music, Inc., issued the following statement in connection with the flourishing business done by record manufacturers:

"Maybe some broadcasters have been worrying because they had a fear that in giving their patrons BMI music they were giving them a substitute product. Broadcasters can discard that fear if any of them ever had it. Nobody has to buy phonograph records. They do not come free of charge. They take both effort and money to buy. The phonograph record business this year,

based almost entirely on BMI hits, is not only double the business in 1940, when it was based entirely on ASCAP hits, but is the highest business in the record of that industry. If the public likes the music enough to go out and buy it in greater quantity than ever before, it is not annoyed at having to listen to it."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, September 22. It is subject to change.

Wednesday, September 24

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—C. P., 710 kc., 5 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WJR, The Goodwill Station, Detroit, Mich.—Granted construction permit for a new high frequency (FM) broadcast station to operate on **45300 kc.** with a service area of 6,800 square miles; applicant to assume responsibility for adjustment of any reasonable complaints arising from signals (B2-PH-28).
- Hughes Tool Company, San Francisco, Calif.—Granted construction permit (B5-PH-106) for new high frequency (FM) broadcast station to operate on **44500 kc.** with a service area of 10,800 square miles.
- Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit (B5-PH-45) for new high frequency (FM) broadcast station provided applicant file within 60 days for modification of construction permit to specify **43700 kc.** with not less than 38,000 square miles, embracing San Diego and Bakersfield, Calif., within not less than 350 uv/m contour.
- Philco Radio & Television Corp., Philadelphia, Pa.—Granted construction permit (B2-PCT-4) for new commercial television broadcast station to operate on Channel No. 3, **66000-72000 kc.**, subject to certain engineering requirements.
- Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit (B5-PCT-10) for new commercial television broadcast station to operate on Channel No. 6, **96000-102000 kc.**, providing applicant file for modification of construction permit to meet certain engineering requirements, with completion date January 15, 1942.
- The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted construction permit (B4-PCT-8) for new commercial television broadcast station to operate on Channel No. 3, **66000-72000 kc.**, subject to certain engineering requirements, with completion date October 27, 1941.
- World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted construction permit (B1-PIB-33) for new international broadcast station to operate on **6040, 11730, 11790, 15130, 15350, 17750 kc.**, A3 emission, 50 to 100 KW, share time with WRUL and WRUW, subject to certain engineering conditions, and WRUL and WRUW licenses to be modified accordingly.
- The Moody Bible Institute of Chicago, Ill.—Granted construction permit (B4-PST-4) for new studio transmitter (ST) broadcast station to operate on **333400 kc.** with a power not in excess of 25 watts.
- KTRN—Michael J. Mingo, Tacoma, Wash.—Granted modification (B5-MP-1356) of construction permit (B5-P-1979) granted May 6, 1941, for new station conditionally to specify frequency **1430 kc.**, 1 KW night and day, using directional antenna day and night.

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license (B3-ML-1038) to increase power from 500 watts unlimited time to 500 watts night, 1 KW day, station operates on 1380 kc.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1942:

KCRC, Enid, Okla.; KELA, between Centralia and Chehalis, Wash.; KFRO, Longview, Texas; KLPM, Minot, N. Dak.; KSRO, Santa Rosa, Cal.; WROK, Rockford, Ill., and WSMB, New Orleans, La.

The following stations were granted renewal of licenses for the period ending October 1, 1942:

KALB, Alexandria, La. KBIZ, Ottumwa, Ia.; KGFJ, Los Angeles, Cal.; KHUB, near Watsonville, Cal.; KMYR, Denver, Colo.; KODL, The Dalles, Oregon; KPHO, Phoenix, Ariz.; KPPC, Pasadena, Cal.; KWAT, Watertown, S. Dak.; WFHR, Wisconsin Rapids, Wis.; WGTM, Wilson, N. C.; WJBC, Bloomington, Ill.; WLBC, Muncie, Ind.; WMPC, Lapeer, Mich.; WSKB, McComb, Miss.; WSOY, Decatur, Ill.; WAJR, Morgantown, W. Va.; WFAS and auxiliary, White Plains, N. Y.; WHBU, Anderson, Ind.; WJPR, Greenville, Miss.; WLAG, La Grange, Ga.; and WTAX, Springfield, Ill.; KBND, Bend, Ore.

DESIGNATED FOR HEARING

Mid-American Broadcasting Corp., Louisville, Ky.—Application for construction permit for new station amended so as to request 1080 kc., 5 KW day, 1 KW night, unlimited time, DA-day and night (B2-P-2760).

MISCELLANEOUS

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio; WPAY, Vee Bee Corp., Portsmouth, Ohio.—Granted petition for extension of time, a period of 30 days, for the filing of Proposed Findings of Fact and Conclusions in re application for transfer of control of Vee Bee Corp., and for application for renewal of license of WPAY.

WICA—WICA, Inc., Ashtabula, Ohio; WWSW, Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted motion for continuance of hearing now set for September 25 to October 28, on application of WICA for construction permit to operate on 970 kc., 1 KW night, 5 KW day, unlimited time, DA-night, and for WWSW for the same facilities.

WNEW—Wodaam Corp., New York City.—Granted petition for leave to intervene, denied as to enlargement of issues, in re applications of WTNJ, WCAM and WCAP for renewal of licenses; WTNJ for modification of license, and WDAS for construction permit.

KPAC—Port Arthur College, Port Arthur, Tex.—Motion to postpone hearing date on application for modification of license, withdrawn. Hearing continued indefinitely by Commission on September 9.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Granted petition for continuance of hearing now set for September 16 to October 16, on application for renewal of license of KGLU.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted petition to intervene in the hearing on applications of KVOA, Tucson, KGGM, Albuquerque and KVSE, Sante Fe, for construction permits to change facilities.

KGO & Aux.—National Broadcasting Co., Inc., San Francisco, Cal.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

Dorman Schaeffer, Klamath Falls, Ore.—Granted motion for continuance from September 15 to September 17 of hearing on application for construction permits for new station in Klamath Falls, by applicant Schaeffer and the Herald Publishing Co.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority (B5-S-73) to broadcast on sustaining basis local High School and Gonzaga Univ. football games from 7:15 PST to close of games on September 11, 19 and 26, only.

KYOS—Merced Broadcasting Co., Merced, Cal.—Granted special authority (B5-S-396) to operate from local sunset (September, 6:15 p. m., PST), until completion of boxing matches to be broadcast over MBS on September 12 only, provided such broadcast is on a sustaining basis only.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1118).

WKAR—Mich. State College, East Lansing, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1096).

WNEL—Juan Piza, San Juan, P. R.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1187).

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1205).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1203).

WHBB—Selma Broadcasting Co., Inc., Selma, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1190).

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1156).

WFDF (aux.)—Flint Broadcasting Co., Flint, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1201).

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1198).

WJIM—WJIM, Inc., Lansing, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1125).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1199).

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted authority to install automatic frequency control equipment for auxiliary transmitter (B3-F-234).

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted authority to install automatic frequency control equipment (B3-F-235).

WCAL—St. Olaf College, Northfield, Minn.—Granted authority to install automatic frequency control equipment (B4-F-231).

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted construction permit for changes in equipment (B5-P-3250).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted construction permit to make changes in equipment (change tubes in last radio stage) (B3-P-3283).

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted construction permit (B3-P-3248) to make changes in equipment (changes in tubes only).

WJZ—National Broadcasting Co., Inc., New York City.—Granted construction permit for changes in equipment (B1-P-3253).

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Granted construction permit for changes in equipment (B2-P-3252).

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted construction permit for changes in equipment (B4-P-3256).

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Granted construction permit for changes in equipment (B5-P-3251).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted construction permit (B3-P-3275) to install new transmitter.

The following relay broadcast stations were granted renewal of licenses for the period Oct. 1, 1941, to Oct. 1, 1942:

WOEB, Agricultural Broadcasting Co.; KFDB, Amarillo Broadcasting Corp.; KAIH, KAXA, Earle C. Anthony, Inc.; WATA, Ashland Broadcasting Co.; KEHV, The Associated Broadcasters, Inc.; KSFQ, The Associated Broadcasters, Inc.; WBAM, WBAN, Bamberger Broadcasting Service, Inc.; WBAO, WBAQ, Bamberger Broadcasting Service, Inc.; KNED, Carter Publications, Inc.; WABE, WFYA, Central New York Broadcasting Corp.; KABJ, KAQV, KAQX, KAQW, Central States Broadcasting Co.; WAHJ, WBGH, the Champaign News-Gazette, Inc.; WNYK, WNYL,

WNYN, WNYO, City of New York, Municipal Broadcasting System; KAAC, KAAZ, KBKC, WAAU, WAEW, WCBF, WCBG, WCBN, WFYB, WIEK, Columbia Broadcasting System, Inc.; WAIC, WAUV, Courier-Journal & Louisville Times Co.; WLWA, WLWB, WLWJ, The Crosley Corp.; KABB, KABD, KAOG, KAPT, KAPU, Don Lee Broadcasting System; WAUT, Evansville On the Air, Inc.; KIEL, Fisher's Blend Station, Inc.; WJEK, Hagerstown Broadcasting Co.; KIIS, Harris County Broadcast Co.; WAXE, Havens & Martin, Inc.; KAGM, Hirsch Battery & Radio Co.; WATB, Indianapolis Broadcasting Inc.; KILB, International Broadcasting Corp.; KDAC, KARM, The George Harm Station; WAHB, WJER, The Journal Co.; KBIB, The KANS Broadcasting Co.; KIIH, KFAB Broadcasting Co.; KAXY, KGKO Broadcasting Co.; KAAO, KAAR, KLZ Broadcasting Co.; KBQB, Edwin A. Kraft; KAOV, KRIC, Inc.; KABE, KAIE, KSTP, Inc.; WCLA, Larus Bros. & Co., Inc.; KABF, KSCR, McClatchy Broadcasting Co.; KABG, Ben S. McGlashan; WAUC, Matheson Radio Co., Inc.; WABG, Memphis Publishing Co.; WIEF, Miami Broadcasting Co.; WMVB, Miami Valley Broadcasting Corp.; WAFY, WAFZ, Minnesota Broadcasting Corp.; KIEF, Missouri Broadcasting Corp.; KDRA, KHCN, KSFM, WIEO, WIEW, WIEK, WMEF, WMFL, WMFS, WNBE, WNBK, WNBW, WNBZ, WNBV, National Broadcasting Co.; WRDI, Northwestern Publishing Co.; KBLE, KIFO, Nichols & Warriner, Inc.; WAID, WAUQ, WGBE, WGBH, Onondaga Radio Broadcasting Corp.; WAHL, Paducah Broadcasting Co., Inc.; WAEA, W. A. Patterson; WAIN, WEKH, Peoria Broadcasting Co.; KBIC, KBID, KNEF, Radio Service Corp. of Utah; WAAR, Rockford Broadcasters, Inc.; WAXH, Savannah Broadcasting Co.; WAIE, Joe L. Smith, Jr.; WAEB, Southeastern Broadcasting Co., Inc.; WDAJ, Tampa Times Co.; KGBK, Helen Townsley; WAUI, Univ. of Ill.; WAIQ, WATC, WAVE, Inc.; WBNT, WGBD, WJLF, WBNS, Inc.; WMFZ, WCBS, Inc.; KBRG, WDAY, Inc.; WAAC, WAAE, WAIQ, WELK, WJZ Broadcasting Co.; WAXL, Jonas Weiland; WJGM, Westinghouse Radio Stations, Inc.; WAAH, W. Va. Broadcasting Corp.; WIPL, WIPM, WNEI, WFBM, Inc.; WAAI, WAAQ, The WGAR Broadcasting Co.; KWHB, WHB Broadcasting Co.; WHPA, WHP, Inc.; WBAE, WBAF, L. B. Wilson, Inc.; WAIJ, WAIY, WIBX, Inc.; WJRA, WENH, WJR, The Goodwill Station; KAZA, KAXB, WKY Radiophone Co.; KAID, KAIZ, Woodmen of the World Life Ins. Society; WAHE, WAHF, WTAR Radio Corp.

W8XWI—Guy S. Cornish, Portable-Mobile.—Granted renewal of Class II Experimental (Public Address Relay) station license for the period Oct. 1, 1941, to Oct. 1, 1942.

WHCU—Cornell University, Ithaca, N. Y.—Granted special temporary authority (B1-S-223) to operate from sign-off time (7 p. m. EST, Sept.) to conclusion of President's speech on Sept. 11, only.

KNET—Donner Frizzell, Palestine, Tex.—Granted special temporary authority (B5-S-878) to operate from regular sign-off time (Sept., 6:30 p. m., Oct., 6:45 p. m., CST) until approximately 10:30 p. m., CST, in order to broadcast High School Football games on Sept. 19, 26, and Oct. 3, 10 and 17, only, provided such broadcasts are on sustaining basis only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority (B2-S-269) to remain on the air from regular sign-off time (9 p. m., EST, Sept.) to the conclusion of President's speech on Sept. 11 only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority (B2-S-289) to remain on the air from regular sign-off time (9 p. m., EST, during Sept.) to conclusion of George Abrams, Tony Zale, middle-weight championship boxing bout on Sept. 12, only, provided such broadcast is on sustaining basis only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted license (B1-L-1476) to cover construction permit (B1-P-2233) for changes in equipment, new antenna and move of transmitter.

KOIL—Central States Broadcasting Co., Omaha, Neb.—Granted modification of construction permit (B4-MP-1388), requesting extension of completion date to October 28, 1941, under construction permit (B4-P-2609 as modified) for installation of DA for night use and increase in power.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license (B1-L-1478) to cover construction permit (B1-P-3131) which authorized increase in power and changes in directional antenna. Also granted license (B1-L-1479) to use directional antenna as authorized under

construction permit, with auxiliary transmitter; and granted authority to determine operating power by direct measurement of antenna power (B1-Z-1197), for auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1196).

KSNO—Ernest L. Finlay, Santa Rosa, Calif.—Granted license (B5-L-1473) to cover construction permit (B5-P-2916) for change in frequency, increase in power, installation of DA for day and night use, and installation of new transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1191).

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Granted license (B5-L-1490) to cover construction permit (B5-P-2458) for new station to operate on 1450 kc., 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement (B5-Z-1214).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted license (B4-L-1475) to cover construction permit (B4-P-2462) which authorized installation of new transmitter, directional antenna for night use, increase in power to 5 KW, and move of transmitter. Also granted authority to determine operating power by direct measurement (B4-Z-1194).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted license (B1-L-1486) to cover construction permit (B1-P-2723) which authorized changes in equipment, increase in power and changes in directional antenna for day and night use. Also granted authority to determine operating power by direct measurement (B1-Z-1211).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted license (B2-L-1471) to cover construction permit (B2-P-3001) for new transmitter, changes in antenna and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1188).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license (B2-L-1470) to use old RCA 1-B transmitter as auxiliary transmitter with power of 1 KW, for emergency use only.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted license (B4-L-1481) to cover construction permit (B4-P-2576) for increase in power to 5 KW day and night, installation of DA for night use. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1206).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted license (B4-L-1466) to cover construction permit (B4-P-3155) which authorized increase in power to 250 watts, unlimited time, and changes in transmitting equipment.

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Granted modification of license (B4-ML-1086) to move studio from U. S. Highway No. 10, 1 mile from center of Jamestown to Midland Bldg., Third Ave. SE and 1st St., E. Jamestown, N. Dak.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted license (B3-L-1487) to cover construction permit (B3-P-3123) which authorized change in tubes in last radio stage.

Wichita Broadcasting Co., Portable-Mobile, area of Wichita Falls, Tex.—Granted construction permit (B3-PRE-407) for new relay broadcast station to be used with standard b/c station KWFT: 39820, 33740, 35820, 37980 kc., 2 watts.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted license (B1-L-1480) to cover construction permit (B1-ML-868) for increase in power and changes in DA. Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1202).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of construction permit (B3-MP-1387) authorizing extension of completion date from 9/21/41 to 1/21/42.

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted modification of construction permit (B3-MP-1383) for extension of completion date under (B3-P-2571) from 9/14/41 to 3/14/42.

WDSU—WDSU, Inc., New Orleans, La.—Granted modification of construction permit (B3-MP-1379) for extension of completion date under (B3-P-2923) which authorized move of transmitter, increase in power and installation of DA for day and night use, from 9/1/41 to 12/1/41.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted license (B4-L-1472) to cover construction permit (B4-P-2908) which authorized a new station, giving studio site as 215 Board of Trade Bldg., Indianapolis. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1189).

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Granted license (B4-L-1468) to cover construction permit (B4-P-1799) which authorized a new station to operate on **1490 kc.**, 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1185).

KBND—Brown County Broadcasting Co., Brownwood, Texas.—Granted license (B3-L-1485) to cover construction permit (B3-P-2672) for new station to operate on **1380 kc.**, 500 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1210).

KEIY—Oregonian Publishing Co., Portland-Mobile, Area of Portland, Ore.—Granted license (B5-LRE-358) to cover construction permit (B5-PRE-398) which authorized change in equipment and decrease in power of relay station to 3.5 watts.

KEIZ—Oregonian Publishing Co., Portland-Mobile, Area of Portland, Ore.—Granted license (B5-LRE-359) to cover construction permit (B5-PRE-399) which authorized change in equipment and decrease in power of relay station to 3.5 watts.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate on **930 kc.** with power of 1000 watts day and 100 watts night, unlimited time, using the transmitting equipment authorized in application File No. B2-MP-1290, for a period not to exceed thirty days.

KGY—KGY, Inc., Olympia, Wash.—Granted license (B5-L-1477) to cover construction permit (B5-P-3071) for new antenna and change in operating hours to unlimited and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1193).

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted license (B-L-1469) to cover construction permit (B-P-2385) for new transmitter, changes in antenna system, increase in power to 5 KW, and change in frequency. Also granted authority to determine operating power by direct measurement (B-Z-1186).

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate on a sustaining basis from regular sign-off time (September, 6:15 p. m., EST) until 11 p. m., EST, on September 16, 1941, only, in order to broadcast election returns and incidental transcribed and live talent music.

WTNJ—WOAX, Inc., Trenton, N. J.—Denied request for special temporary authority to operate simultaneously with WCAP during the hours from two to four o'clock p. m., EST, on October 4, 11, 18 and 25, and November 1 and 8, 1941, only, in order to broadcast play by play descriptions of the football games of Princeton University.

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted modification of construction permit (B3-P-3161) which authorized a new broadcast station, for approval of antenna and approval of transmitter and studio location (B3-MP-1369).

KQBO—Cascade Broadcasting Co., Everett, Wash. (KEVE).—Granted special temporary authority to operate relay station KQCB on **1646 kc.**, 40 watts power, in order to relay description of Fish Derby on September 13 (test) and 14, 1941, only, to Radio Station KEVE.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted modification of construction permit for new transmitter, installation of directional antenna for day and night use, increase in power, and move, for changes in frequency from **1480 to 1520 kc.** and changes in directional antenna accordingly; make changes in equipment (tubes in last radio stage only) (B1-MP-1351).

Head of Lakes Broadcasting Co., Superior, Wisc.—Denied petition to remove from pending files, consider and grant application for construction permit (B4-PH-74) for a new high frequency (FM) broadcast station.

WHEC, Inc., Rochester, N. Y.—Placed in pending files pursuant to Order No. 79, application for construction permit (B1-PH-96) for a new high frequency (FM) broadcast station.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Extended date for filing proposed findings of fact and conclusions to September 25, 1941, and for filing briefs to October 10, in re revocation of license (Docket 6001).

WTMC—Ocala Broadcasting Co., Ocala, Fla.—Extended date for filing proposed findings of fact and conclusions to September 25, 1941, and for filing briefs to October 10, in re revocation of license (Docket 6000).

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of special temporary authorization to operate a high frequency experimental broadcast station on **45300 kc.**, 1000 watts, for the period September 15 to October 31, 1941, with transmitter located at Avon, Conn.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate FM station commercially on **45.1 mc.**, with 5000 watts power, for the period September 15 to November 13, 1941, with transmitter located at 135 So. LaSalle St., Chicago.

APPLICATIONS FILED AT FCC

610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new station, requesting changes in directional antenna system.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—License to cover construction permit (B1-P-2897) as modified for a new station.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Authority to determine operating power by direct method.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new station, requesting extension of completion date from 9-15-41 to 10-15-41.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of construction permit (B1-P-2868) for increase in power, installation of new equipment and directional antenna for day and night use, requesting extension of completion date from 11-11-41 to 1-11-42.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of license to make changes in directional antenna system for night use.

790 Kilocycles

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Construction permit to change frequency from **1400 kc.** to **790 kc.**, increase power from 250 watts to 1 KW, install new equipment, and directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—License to cover construction permit (B5-P-2701) as modified for increase in night power and install directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Authority to determine operating power by direct method.

880 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit to make changes in directional antenna system for day and night use, changes in transmitting equipment, change frequency from **1320 kc.** to **880 kc.**, and increase power from 5 to 10 KW.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified, for changes in equipment and increase in power, requesting extension of completion date from 10-3-41 to 12-2-41.

1050 Kilocycles

NEW—Washtenaw Broadcasting Co., Inc., Ann Arbor, Mich.—Construction permit for a new broadcast station to be operated on **1050 kc.**, 1 KW, and unlimited hours.

1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Construction permit to move old RCA 1 KW transmitter to site of new main transmitter and use for auxiliary purposes.

1090 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Construction permit to move old WE Type 104-A, 10 KW transmitter and use as auxiliary transmitter, employing directional antenna night with power 10 KW.

1200 Kilocycles

WOAI—Southland Industries, Inc., San Antonio, Texas.—Construction permit to move transmitter, increase power from 50 KW to 500 KW, install new transmitter and antenna changes. Amended: To omit request to move, requesting 750 KW, and changes in transmitting equipment.

1230 Kilocycles

NEW—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., Alice, Texas.—Construction permit for a new broadcast station to be operated on 1230 ke., 250 watts and unlimited hours.

1240 Kilocycles

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit to install new transmitter, directional antenna for night use, change frequency from 1240 to 620 ke., power from 250 watts to 1 KW night, 5 KW day and move transmitter. Amended: To make changes in directional antenna and to use day and night.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to determine operating power by direct method.

KOVO—Clifton A. Tolboe, tr. as Citizens Voice of Air Show, Provo, Utah.—Voluntary assignment of license to KOVO Broadcasting Company. Amended: re corporate structure.

1260 Kilocycles

WFBM, Inc., Indianapolis, Ind.—License to cover construction permit (B4-ML-354) as modified, for increase in power, using directional antenna night.

1310 Kilocycles

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—License to cover construction permit (B5-P-2920) as modified for increase in power, installation of directional antenna for night use.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Authority to determine operating power by direct method.

1340 Kilocycles

KRJF—Star Printing Co., Miles City, Mont.—License to cover construction permit (B5-P-2533) as modified for a new station.

KRJF—Star Printing Co., Miles City, Mont.—Authority to determine operating power by direct method.

NEW—Chambersburg Broadcasting Co., Chambersburg, Pa.—Construction permit for a new broadcast station to be operated on 1340 ke., 250 watts power and unlimited hours.

1350 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2726) as modified for move of transmitter, install directional antenna for night use, install new transmitter and increase in power, requesting extension of completion date from 10-3-41 to 12-9-41.

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. C.—Construction permit for a new broadcast station to be operated on 1350 ke., 250 watts and daytime hours. Amended: To specify studio and transmitter sites.

1360 Kilocycles

NEW—McKeesport Radio Co., McKeesport, Pa.—Construction permit for a new broadcast station to be operated on

1360 ke., 250 watts power and daytime hours. Amended: Antenna, studio and transmitter sites to be determined.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified, for increase in power, installation of directional antenna for night use, move of transmitter, requesting 1360 ke. under NARBA, changes in directional antenna for day and night use and extension of completion date from 7-15-41 to 180 days after grant. Amended: To request 250 watt booster station.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Long Beach, Calif.—Construction permit to make changes in equipment, increase power from 1 to 5 KW, install directional antenna for night use. Amended: To move transmitter from Long Beach to Compton, Calif., and make changes in proposed directional antenna.

1400 Kilocycles

WRRN—Frank T. Nied and Perry H. Stevens, d/b as Nied and Stevens, Warren, Ohio.—Modification of construction permit (B2-P-3181) for a new station, requesting new transmitter and changes in antenna system, extension of commencement and completion dates from 10-5-41 and 4-5-42 to 30 days after grant and 180 days thereafter, respectively.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to transfer control of corporation from R. R. West to Marjorie Lannen McCracken, 9996 shares common stock.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct method for special service authorization on 1090 ke., 250 watts and unlimited hours.

1440 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to move studio from Main and Riverside Ave., Medford, to Ross Lane, Medford, Ore.

1450 Kilocycles

KWBW—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Construction permit to increase power from 100 to 250 watts and changes in transmitting equipment.

KVAK—Carl Latenser, Atchison, Kans.—Voluntary assignment of license to Radio Enterprises, Inc.

KVAK—Radio Enterprises, Inc., Atchison, Kans.—Construction permit to make changes in equipment and increase power from 100 to 250 watts. (Subject to grant of B4-AL-320.)

WNAB—Harold Thomas, Bridgeport, Conn.—License to cover construction permit (B1-P-2410) as modified for a new station.

WNAB—Harold Thomas, Bridgeport, Conn.—Authority to determine operating power by direct method.

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of construction permit (B4-P-2288) for increase in power, change in frequency, move transmitter and install new transmitter and directional antenna for night use, requesting increase in power from 1 to 5 KW, changes in directional antenna for day and night use, change type of transmitter and move transmitter.

1460 Kilocycles

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—License to cover construction permit (B5-P-2008) for a new station.

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—Authority to determine operating power by direct method.

1490 Kilocycles

NEW—William L. Klein, Oak Park, Ill.—Construction permit for a new broadcast station to be operated on 1490 ke., 250 watts and unlimited hours.

1600 Kilocycles

NEW—Peter Q. Nyce, Washington, D. C.—Construction permit for a new broadcast station to be operated on 1600 ke., 1 KW power, unlimited hours at Alexandria, Va., and 250 watt booster amplifier. Amended: To request new equip-

ment, 5 KW power, install directional antenna for day and night use, specify transmitter and studio sites at Washington, D. C., and omit request for booster station.

FM APPLICATIONS

- W63NY—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) as modified for a new high frequency broadcast station, requesting changes in antenna system and extension of commencement and completion dates from 4-13-41 and 10-13-41 to 3 days after grant and 180 days thereafter respectively.
- W65H—WDRC, Incorporated, Hartford, Conn.—Modification of construction permit (B1-PH-35) for a new high frequency broadcast station, requesting approval of transmitter, antenna system and transmitter site.
- NEW—Oak Park Realty and Amusement Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **47900 ke.** Coverage: 10,800 square miles. Population: 5,030,510. Amended: To change type of antenna system.
- W45V—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-PH-11) as modified for a new high frequency broadcast station.
- W31NY—Edwin Armstrong, Alpine, N. J.—Modification of construction permit (B1-PH-82) for a new high frequency broadcast station, requesting extension of completion date from 11-4-41 to six months after present completion date.
- NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new ST broadcast station (to be used with high frequency broadcast station K53LA) to be operated on **333400 ke.**, 25 watts and special emission for frequency modulation.
- NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **45500 ke.**; coverage: 11,301 square miles; population: 1,797,700. Amended: to change coverage to 13,391 square miles and population to 1,897,700 and make changes in antenna system.
- W45CM—WBNS, Incorporated, Columbus, Ohio.—Modification of construction permit (B2-PH-8) as modified for a new high frequency broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 4-13-41 and 10-13-41 to 60 days after grant and 180 days thereafter, respectively.

MISCELLANEOUS APPLICATIONS

- KTSR—Tri-State Broadcasting, Inc., Portable-Mobile.—License to cover construction permit (B3-PRY-248) for a new relay broadcast station.
- NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new special relay broadcast station to be operated on **156750 ke.**, 50 watts, special emission for frequency modulation. (To be used to transmit programs from studio to transmitter of W41MM in event of failure or unsatisfactory operation of applicant's ST broadcast station.)
- WMWA—WOKO, Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-404) for a new relay broadcast station.
- WODJ—Adirondack Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-405) for a new relay broadcast station.
- WNBT—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power of aural transmitter from 2200 watts to 2800 watts. Amended: to change operating constants of aural transmitter from 3.7 to 5 KW and to omit request for increase in power of aural transmitter.
- WAUR—University of Illinois, S. of Champaign, Ill.—License to cover construction permit (B4-PRY-249) for a new relay broadcast station.
- WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting frequencies **9670 and 17780 ke.** and addition of transmitting equipment now licensed to WRCA.
- WRUW—World Wide Broadcasting Corp., Boston, Mass.—Modification of license requesting additional frequency **9790 ke.** in addition to licensed frequencies **11730, 11790, 15130, 15350, 17750 and 25600 ke.**

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting additional frequencies **6100, 11890, 15150 and 21630 ke.** and addition of transmitting equipment now licensed to WNBI.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Extension of special temporary experimental authorization to operate a 1 KW transmitter on the frequency of **6080 ke.** with 1 KW power and A0 and A1 emission for identification purposes only.

NEW—Ralph A. Horton, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31620, 35260, 37340, 39260 ke.**, power 25 watts and A3 emission.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new ST broadcast station (to be used with W41MM) on **337000 ke.**, power 25 watts, special emission for frequency modulation.

NEW—Ralph A. Horton, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190 and 2830 ke.**, power 100 watts and A3 emission.

WHMK—Hagerstown Broadcasting Co., Hagerstown, Md.—License to cover construction permit (B1-PRY-242) for a new relay broadcast station.

WRGG—Rome Broadcasting Corp., Portable-Mobile.—License to cover construction permit (B3-PRE-390) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Cooperative Purchasing Association, Inc., and Melvin Sherman, 419 Fourth Ave., New York City, engaged in the business of purchasing for resale, offering for sale, and selling and distributing merchandise, are charged in a complaint with misrepresentation. (4584)

D. J. Easterlin & Company—D. J. Easterlin, trading as D. J. Easterline & Company, Charleston, S. C., is charged, in a complaint with violation of the brokerage section of the Robinson-Patman Act. (4587)

Linen Supply Board of Trade of New Jersey, Newark, N. J., its officers, directors, and member companies, all operating in the area embracing Newark, N. J., and New York City and engaged in supplying, leasing and renting linen supplies such as coats, trousers, aprons, frocks, towels, table cloths and other articles in commerce, are charged in a complaint with combinations and conspiracies to fix uniform minimum prices and discounts, and other practices in restraint of trade. (4588)

National School of Electronics—Thomas J. Casey, formerly doing business under the name of National Institute of Technology, and since June, 1939, doing business under the name of National School of Electronics at 529 South Seventh St., Minneapolis, Minn., is charged, in a complaint with misrepresentation. (4586)

Pergande Institute—G. F. Pergande, trading as Pergande Institute, 314 Randolph Place, N. E., Washington, D. C., engaged in the sale and distribution of courses of study and instruction intended for preparing students for examinations for certain Civil Service positions through a correspondence course, is charged, in a complaint with misrepresentation. (4583)

G. B. Shelton Brokerage Company—Gus B. Shelton, trading as G. B. Shelton Brokerage Company, 220 Lynn St., Danville, Va., and The American Agricultural Chemical Company, 50 Church St., New York City, are charged, in a complaint with violation of the brokerage provision of the Robinson-Patman Act. (4585)

STIPULATIONS

No stipulations were made public by the Commission during the past week.

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Jergens-Woodbury Sales Corporation, Cincinnati, engaged in the sale and distribution of cosmetics and a facial soap manufactured by John H. Woodbury, Inc., and the Andrew Jergens Co., has been ordered to cease and desist from misrepresentations in the sale of its products. (3438)

Pond's Extract Company, 60 Hudson St., New York, cosmetics manufacturer, has been ordered to cease and desist from misrepresentations in the sale of creams and lotions. (3427)