

# PORTER NAMED TO SUCCEED FLY

On Thursday the President sent the name of Paul A. Porter, former Publicity Director of the Democratic National Committee, to the Senate to succeed James Lawrence Fly as Chairman of the Federal Communications Commission. The term for which Mr. Porter was named extends for seven years from July 1, 1942.

Mr. Porter was born at Joplin, Missouri, in October 1904, the son of John J. and Dolly P. Porter. He attended Kentucky Wesleyan College from 1923 through 1926 and in June 1930 married Miss Bessie Edgar Benton. He has two children, Betsy Goodloe and Ann Covington.

He began newspaper work as a reporter, later becoming City Editor of the Lexington, Kentucky, *Herald*, and began law practice in Central, Kentucky, in 1928. He was Editor of the Mangum, Oklahoma, *Daily News*, and LaGrange, Georgia, *News*, 1929 through 1932. He became a special counsel of the Department of Agriculture in 1932 and from 1937 through 1942 he was Washington counsel of the Columbia Broadcasting System.

He has been a lecturer on administrative law at Catholic University of this city since 1941. He was Deputy Administrator in charge of the OPA Rent Division and in 1942 was Associate Administrator of the War Food Administration. He later became Associate Director of the Office of Economic Stabilization. He is a member of the National Press Association, the Federal Communications Commission Bar Association, the New York Bar Association, Sigma Alpha Epsilon, and Phi Alpha Delta.

## Jett Appointed Temporary FCC Chairman

President Roosevelt on Thursday asked Commissioner E. K. Jett to act as temporary Chairman of the FCC. In his letter to Commissioner Jett the President said:

"It will necessarily be some weeks before a new Chairman will be named for the Commission. I can well understand that, with your other extensive duties, you would not care to undertake the burdens of the Chairman's office permanently. However, I do hope you will carry this work during the interim period.

"With that thought in mind and pursuant to the provisions of the Federal Communications Act of 1934, as amended, I hereby designate you as Chairman of the Fed-

eral Communications Commission, effective the 16th day of November, 1944."

## FLY TAKES CIVILIAN POST

On the day James Lawrence Fly signed off as chairman of the Federal Communications Commission, his appointment as chairman of the board of Associated Music Publishers Corp., of which Muzak Corp. is a subsidiary, was announced by William Benton who owns the common stock of Associated.

At the final FCC meeting, over which Mr. Fly presided on November 14, the following statement was presented by Commissioner Paul A. Walker and unanimously adopted by the Commission:

"I do not think that the record of this meeting should close without an expression of appreciation on behalf of the Commission to the retiring Chairman, James Lawrence Fly.

"Chairman Fly first joined us a little more than five years ago. From the beginning, he has shown a patriotic zeal and devotion to the work of the Commission and has exhibited unusual ability in grasping the complicated subject matter with which we deal daily.

"As Commissioners, closely associated with him during the past five years, we have learned to appreciate also his courage and steadfastness of purpose. The general recognition of these qualities by others, as evidenced in recent tributes in the press and elsewhere, confirms our more intimate judgment.

"I move that these remarks be incorporated into the minutes of this meeting, together with our expression of appreciation for his services to the Commission, and our best wishes for the future."

## Resignation Letter

Mr. Fly's letter of resignation as transmitted to the President follows:

(Continued on page 424)

J. H. Ryan, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of Government Relations*; Lewis H. Avery, *Director of Broadcast Advertising*; Willard D. Egolf, *Director of Public Relations*; Howard S. Frazier, *Director of Engineering*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*; John Morgan Davis, *General Counsel for Labor Relations*.

## FLY TAKES CIVILIAN POST

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"I hereby submit my resignation as a member of the Federal Communications Commission, effective at the end of the fifteenth day of November, 1944.

"Despite the personal reasons calling for this step—and these you have recognized—I make the move only with great reluctance. The forward movement of electrical communications is freighted with problems of broad and deep significance. In some real measure the landmarks of principle have been established and the path rough hewn. Yet, much work remains to be done. The most urgent task is in the field of international communications. In this regard I shall stand ready from time to time and in a private capacity to assist in any manner possible.

"I need hardly remind you of the deep gratitude I feel for the faith you have held midst all the ill winds of doctrine. My deep personal regard and great confidence go with you in the most significant work which lies ahead."

## Resignation Acceptance Letter

The President's reply to Mr. Fly reads:

"With great personal reluctance, I accept your resignation as a member of the Federal Communications Commission.

"We have had long discussions of the personal reasons for which you feel you have to return to private practice. And because you have had only a few years of private life since you left the Navy after the last war, I feel I cannot deny you the 'furlough.'

"You have given five years to the prosecution of monopolies in the Anti-Trust Division of the Department of Justice, five years to your brilliant defense of the Tennessee Valley Authority as its General Counsel, and five years to the reorganization of the Federal Communications Commission as its Chairman. These were all extraordinarily difficult tasks—calling for technical competence and strength of heart of the highest order—against powerful opponents who did not always take your victories lightly. Few men have so proud and effective a record in public service.

"Indeed, it is a tribute to the call of public service upon young men that you were willing to persist for fifteen years in such apparently thankless tasks. But you should take great satisfaction from the knowledge that in all your public endeavors you have not only advanced the public interest, but in the end gained the respect of most of your opponents for requiring them to face, for the public good, the need of adjustments necessary to protect their own long-range interests.

"The importance of the work of the Federal Communications Commission is better appreciated today both by the public and by the industries under its jurisdiction than it has ever been before. The Commission working as a team under your chairmanship has made notable advances in safeguarding freedom of speech and information and in protecting competitive enterprise in the field of communications.

"But much work remains to be done and in the doing of it I shall want your advice and counsel. You are only on 'furlough.' I shall have to have your help from time to

time, particularly in the field of international communications, and I know I can expect you to respond."

## NAB BOARD MEETS

### Underwrites Broadcast Measurement Bureau, Admits Sixteen More Members, Approves Budget

The National Association of Broadcasters Board of Directors met in Chicago at the Stevens Hotel on Tuesday and Wednesday (14-15). All members of the Board excepting Nate Lord and Hoyt Wooten, who were compelled to be absent by reason of illness, were present.

The Board admitted to active membership 10 radio stations including 2 FM stations and 1 television station. Three firms were also admitted to associate membership.

A large part of the meeting was devoted to a discussion of the plans incident to the organization of the Broadcast Measurement Bureau. This project is one which NAB is undertaking in cooperation with the American Association of Advertising Agencies (AAAA) and the Association of National Advertisers (ANA). The plan submitted to the board contemplates the organization of a Bureau which will immediately give attention to the matter of surveying various counties and cities to determine the circulation of the various stations. These data will be the basis upon which the stations will prepare their coverage maps. With these authenticated data advertisers and agencies will have a sound basis upon which to place their advertising.

The Board elected Hugh Feltis, Roger Clipp, Frank Stanton, F. M. Russell, and J. Harold Ryan to represent NAB upon the Bureau Board until the 1945 membership meeting.

The Board gave consideration to the matter of the time for the 1945 membership meeting and instructed the Secretary-Treasurer to arrange to hold the meeting at some date between the 15th of April and the 15th of May.

The place was not determined but was left to the decision of the Convention Site Committee.

The Board also instructed the Secretary-Treasurer to prepare a schedule for the holding of District Meetings prior to the first of April in all of the 17 NAB districts.

The recommendation of the Finance Committee with reference to the 1945 budget was approved. This budget calls for an expenditure which is approximately similar to that incurred in 1944.

The report involves the appropriation of a considerable sum of money for special projects, the most important of which was the underwriting of the Broadcast Measurement Bureau plan.

## BROADCAST MEASUREMENT BUREAU ORGANIZATION MEETING

On August 11 committees of the Association of National Advertisers, the American Association of Advertising Agencies and the National Association of Broadcasters met in New York to discuss the organization of a bureau to operate the method proposed by NAB for measuring station circulation.

The representatives of the ANA were Paul West, president of ANA; Don B. Stetler, advertising manager, Standard Brands, Inc., chairman of the ANA Radio Committee; Joseph M. Allen, advertising manager, Bristol-Myers Company, and E. T. Batchelder, executive secretary of ANA. The AAAA was represented by Fred Gamble, president; Robert Jackson, AAAA staff; Carlos Franco, Young and Rubicam, chairman of the AAAA Time Buyers Committee; and L. D. H. Weld, McCann-Erickson, chairman of the AAAA Research Committee. NAB was represented by Harold Ryan, president; Hugh M. Feltis, KFAB, chairman of the Board of Directors' Sub-committee; Roger W. Clipp,



WFIL, chairman of the NAB Research Committee; Paul F. Peter, NAB research director.

The meeting was devoted to organization subjects. A draft of articles of incorporation and by-laws were reviewed and suggestions for changes were discussed. Announcement was made at the meeting that a budget for the first year's operation of the Bureau would be submitted to the NAB Board of Directors November 14-15 with the request that funds be loaned to the Bureau to finance its first year of operation or until the Bureau becomes self-supporting.

It was also essentially agreed that the name of the organization will be the Broadcast Measurement Bureau. It will be a non-profit corporation.

Another meeting of the group is planned as soon as the revisions are made in the by-laws and articles of incorporation.

## FCC NAMES TWO

The Federal Communications Commission yesterday (16) announced the appointment of Jerome Courtney to head a newly organized division—the Safety and Special Services Division—within the Commission's Law Department. Mr. Courtney, former chief of the Administration Section in the Law Department, will handle all aviation, amateur, ship, emergency, experimental and miscellaneous radio services in addition to any new services such as highway, truck, bus or railroad radio, which may be authorized by the Commission at some future time.

He has been with FCC since November 1942. Before coming to Washington Mr. Courtney spent six years in private practice with the New York firm of Cadwalader, Wickersham & Taft.

At the same time, the Commission announced a new International Services Section within the Common Carrier Division of the Law Department to be headed by Arthur Gladstone. Mr. Gladstone, formerly attorney in the Safety Service Section of the Common Carrier Division, has been with FCC since September 1941 and from 1939 to 1941 was employed at the Federal Power Commission. From 1935 to 1939 he was in private law practice in New York City.

Both Mr. Courtney and Mr. Gladstone are graduates of Columbia University Law School.

## PULSE TIME MODULATION DISCUSSED AT ROCHESTER FALL MEETING

A pioneer development of a system of Pulse Time Modulation, applicable to radio and wire transmission, including broadcasting and television sound channels, was presented November 14 at the Rochester Fall Meeting of IRE and RMA by the Federal Telephone and Radio Laboratories, an associate of the International Telephone and Telegraph Corporation.

Main advantages include simplification derived from use of more rugged repeaters, capable of operating on trigger action, thereby materially reducing the usual requirements for stability, distortion and noise. Further, distortions introduced in the different repeaters are not cumulative. Thus, a longstanding ambition of radio engineers to complement long distance cable and radio circuits by systems utilizing relays and repeater stations at Super-High frequencies is brought nearer to practical reality.

Pulse Time Modulation consists essentially in transmitting intelligence by pulses of constant amplitude and duration. The instantaneous amplitude of the voice is translated into a variation of time intervals of successive pulses, the rate of this variation corresponding to the instantaneous frequency of the signal. The bandwidth is determined by the steepness of the pulses which can be adjusted according to the type of operation desired.

Research and development work in the Paris Laboratories of I. T. & T. was started in 1937 on the basis that modern transmission technique at high frequencies was confronted with the fact that much wider bandwidths per channel are available than strictly required by the elements of most signals to be transmitted. Compared with amplitude modulation (AM) and frequency modulation (FM), Pulse Time Modulation appears particularly promising for application to multi-channel, coaxial cable, telephone, telegraph and facsimile transmission systems, also to point-to-point radio and ultra-high frequency broadcasting and to television sound channels.

The I.R.E. paper, which was presented by E. Labin, the co-author with E. M. Deloraine, director of the Federal Telephone and Radio Laboratories, is confined to disclosure of the broadest aspects relating to the conception and development of Pulse Time Modulation, primarily to complete the historical record. Full disclosure of this achievement under war conditions is impossible. It is, however, clear from the paper that this type of modulation opens up the most far-reaching possibilities in the field of transmission using very high frequencies.

## Federal Communications Commission Docket

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 20. They are subject to change.

#### Monday, November 20

##### Further Hearing

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Renewal of license (main and auxiliary), 950 kc., 1 KW (main), 500 watts (auxiliary), daytime (main), auxiliary purposes only (auxiliary).

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Renewal of license, 1020 kc., 1 KW, limited time.

KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Renewal of license, 1110 kc., 10 KW, unlimited, DA-night and day.

WMC—Memphis Publishing Company, Memphis, Tenn.—Renewal of license (main and auxiliary), 790 kc., 5 KW (main), 500 watts (auxiliary), unlimited (main), (DA-night), auxiliary purposes only (auxiliary).

#### Friday, November 24

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P. to change frequency; transmitter and site; increase power; install DA-night; 1440 kc., 1 KW, unlimited, DA-night.

## Federal Communications Commission Action

### APPLICATIONS GRANTED

Ewing C. Kelly, David R. McKinley and Vernon Hansen, d/b as Central Valleys Broadcasting Co., Sacramento, Calif.—Granted construction permit (B5-P-3662) for new station to operate on 1340 kc., 250 watts, unlimited time, subject to January 26 policy.

Lincoln Dellar, Sacramento, Calif.—Granted construction permit (B5-P-3663) for new station to operate on 1490 kc., 250 watts, unlimited time, subject to January 26 policy.

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Herbert Kendrick and G. L. Hash, a partnership, d/b as Harrisburg Broadcasting Co., Harrisburg, Pa.—Granted construction permit (B2-P-3677) for a new station to operate on **1400 kc.**, 250 watts, unlimited time, antenna site to be determined, subject to January 26 policy.

American Colonial Broadcasting Corp., Arecibo, P. R.—Granted construction permit (B-P-3564) for a new station to operate on **1230 kc.**, 250 watts, unlimited time, pursuant to January 26 policy.

Newark Broadcasting Corp., Newark, N. J.—Granted petition in part to reinstate application for construction permit for new station to operate on **620 kc.**, 500 watts daytime only, using non-directional antenna, and designated application (B1-P-3249) for hearing.

WPR—Ralph Perez Perry (transferor), Andres Camara (transferee), Puerto Rico Adv. Co., Inc. (licensee), Mayaguez, P. R.—Granted consent to acquisition of control of Puerto Rico Advertising Co., Inc., licensee of station WPR, through purchase of 77 shares of common stock by Andres Camara and 37 shares by Julio Vidal for a total consideration of \$30,000. (B-TC-366)

WQAN—The Scranton Times (co-partnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett and Edw. J. Lynett, Jr. (assignor); The Scranton Times (co-partnership), Wm. R. Lynett, Elizabeth R. Lynett and Edw. J. Lynett, Jr. (assignee), Scranton, Pa.—Granted consent to involuntary assignment of license of station WQAN (main and auxiliary) from the partnership composed of E. J. Lynett (recently deceased), Wm. R., Elizabeth R. and E. J. Lynett, Jr., d/b as The Scranton Times, to the last three named surviving partners, who will continue to do business under the same name. No monetary consideration included. (B2-AL-445)

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted modification of license to change main studio location from 2745 Bay St., Saginaw Township to 610 Eddy Building, Saginaw City, Mich., a distance of approximately 2 miles. (B2-ML-1207)

Blue Network Company, Inc., New York City.—Granted extension of permit under Sec. 325 (b) of the Communications Act to transmit programs to all broadcast stations in Canada licensed by the Canadian Government, which may be heard consistently in the U. S. (B1-FP-136)

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition requesting grant of application for renewal of station license (main and auxiliary) on a regular basis, and application dismissed from hearing docket.

Hoyt B. Wooten.—Granted request for reconsideration of Commission action of June 27, 1944, in designating application of Hoyt B. Wooten, t/r as WREC Broadcasting Service (WREC). Memphis, Tenn., for hearing, and grant same without hearing, and ordered that a regular renewal license for WREC be issued for the period ending May 1, 1946, and the hearing scheduled was cancelled.

KFI—WSAY—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Granted request for extension of time for a period of 30 days to complete construction under permit to change frequency, increase power, etc. (B1-P-2924), with notice that Commission expects construction to be completed without unnecessary delay.

KEEW—Eagle Broadcasting Co., Inc. (assignor), Radio Station KEEW, Ltd. (assignee), Brownsville, Texas.—Granted consent to voluntary assignment of license of Station KEEW from Eagle Broadcasting Co., Inc., to Radio Station KEEW, Ltd., a newly formed limited partnership composed of E. E. "Jack" Wilson and Ernest E. Wilson (sole owners of stock of licensee corporation) and T. Frank Smith; T. Frank Smith to have 60% interest for a cash consideration of \$8,500. (B3-AL-442)

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted renewal of license for the period ending November 1, 1945. (B3-R-474)

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Granted renewal of license for the period ending November 1, 1945. (B2-R-1011)

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted petition insofar as it requests leave to amend application to specify a different transmitter site; denied insofar as it requests a grant of application. (Docket No. 5994)

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted 60 days extension of time to conduct program tests.

## DOCKET CASES

The Federal Communications Commission announces its Decision and Order (B-206) granting the application for consent to transfer control of North Jersey Broadcasting Co., Inc., licensee of Station WPAT, Paterson, N. J., from Frank Falknor and Rex Schepp, transferors, to Donald Flamm, transferee (Docket No. 6521). Commissioner Walker dissented.

The Commission held that the arrangements under which transferee acquired 49% of licensee's stock and option to purchase an additional 1%, and in which his attorney acquired a proxy to vote the 1% included in the option, constituted a transfer of control which should have been presented to the Commission for approval prior to the date the arrangements were effected. However, the Decision points out that there has not heretofore been a definitive opinion by the Commission construing the provision of Section 310(b) in a situation of this kind, and that the parties had reported all transactions promptly to the Commission and, on request, had submitted an application so that the matter might be examined by the Commission. The Commission stated that in the absence of any other evidence or compelling reasons why consent should not be given, "we are of the opinion that the public interest will be served by granting the instant application for consent to transfer of control of North Jersey Broadcasting Corporation."

Commissioner Walker's dissent reads:

"I concur in the opinion of the majority of the Commission that the arrangements under which Donald Flamm acquired 49% of the capital stock of the licensee corporation and an option to purchase an additional 1% interest, and under which his attorney, in connection with the same transaction, acquired an irrevocable proxy to vote the stock included in the option, constituted a transfer of control within the meaning of Section 310(b) of the Communications Act, as amended. But I disagree with the decision of the Commission which gives approval to a transfer of this nature after the event. Section 310(b) contemplates approval, in writing, by the Commission prior to the transfer of control of a licensee. There are no mitigating circumstances shown herein."

The Commission, at the same time, issued its Proposed Findings of Fact and Conclusions (B-203), looking toward a denial of the application of WOKO, Inc., for renewal of license for Station WOKO, Albany, New York (Docket No. 6486), because of misrepresentations made in applications to the Federal Radio Commission and the Federal Communications Commission. In its Conclusion the Commission states: "From a consideration of all the material facts found in the record of this hearing, the Commission has concluded that the applicant cannot be entrusted with the responsibilities of a licensee. The Commission, therefore, finds that a grant of the application for renewal of license for the operation of WOKO by the applicant corporation would not serve public interest, convenience, or necessity and therefore should be denied."

Commissioner Case did not participate in the above actions.

## DESIGNATED FOR HEARING

WDGY—Dr. George W. Young, Minneapolis, Minn.—Designated for hearing application for modification of license to decrease night power from 500 to 250 watts, and change hours of operation from limited to unlimited time. (B4-ML-1201)

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Designated for hearing application for license to cover construction permit which authorized change in frequency from **1490 to 1230 kc.** (B2-L-1833), and for authority to determine operating power by direct measurement of antenna power. (B2-Z-1631)

City of Sebring, Fla., Seabring, Fla.—Designated for hearing application for construction permit for new station to operate on **1430 kc.**, 1 KW., unlimited time.

Altoona Broadcasting Co., Altoona, Pa., and Roy F. Thompson, tr/as Thompson Broadcasting Co., Altoona, Pa.—Designated for consolidated hearing, applications for construction permits for new stations at Altoona, Pa., to operate on **1240 kc.**, 250 watts, unlimited time. (B2-P-3670; B2-P-3703)

## MISCELLANEOUS

KWBU—Century Broadcasting Co., Corpus Christi, Texas.—On consideration of petition to modify permit to specify **1030 in lieu of 1010 kc.**, the Commission authorized issuance of



- Special Service Authorization for a period of 6 months on conditional basis, for operation of KWBU on frequency 1030 kc., daytime hours. (Comr. Durr dissenting.)
- WCED—Tri-County Broadcasting Co., DuBois, Pa.—Granted petition for rehearing, directed against the Commission's action of Sept. 12, 1944, granting without hearing the application of Presque Isle Broadcasting Co. (WERC), Erie, Pa., for construction permit to change operating assignment from 1490 to 1230 kc., with 250 watts power, unlimited time.
- WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted petition for rehearing and other relief directed against the Commission's action of Sept. 12 in granting without hearing the application of WERC, listed above; set aside this action and designated the application for hearing upon issues to be determined by the Commission, and made WJTN a party in the hearing on this application.
- WLEU—WLEU Broadcasting Corp., Erie, Pa.—Denied petition for rehearing and other relief directed against the Commission's action of September 12 in granting without hearing the application of WERC to change operating assignment. Also denied petition to reinstate and grant application (B3-P-3403) for construction permit to change frequency from 1450 to 1260 kc.; increase power from 250 watts, unlimited, to 1 KW night, 5 KW day, unlimited; install DA for night use and install a new transmitter.

The Commission, upon consideration of a request of the National Association of Broadcasters, granted extension of time for filing requests for oral argument in the matter of Promulgation of Rules and Regulations Under Section 317 of the Communications Act (Docket No. 6672), until November 21, 1944.

- WARC, INC., Rochester Broadcasting Corp., Seneca Broadcasting Corp., all of Rochester, N. Y.; The Finger Lakes Broadcasting System (Gordon P. Brown, Owner), Geneva, New York.—Denied joint petition filed by WARC, Inc., Rochester Broadcasting Corp., and Seneca Broadcasting Corp., for reconsideration and grant without a hearing one of the three applications for a new station at Rochester; denied request of Finger Lakes Broadcasting System for reconsideration and grant of its application for new station at Geneva, N. Y. (Dockets 6605, 6606, 6607, and 6604, respectively.)
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Denied petition for reconsideration and grant without hearing of Commission's action of September 19, 1944, in designating for hearing the application for consent to assignment of license of station WTAD from Illinois Broadcasting Corp. to Lee Broadcasting, Inc. (Comrs. Jett and Wakefield dissenting.)
- Marietta Broadcasting Co. (Virgil V. Evans, Owner), Marietta, Ga.—Denied petition for reconsideration of action of Motions Commissioner on Sept. 19, 1944, denying a request for six months' continuance of consolidated hearing on applicant's application and that of the Chattahoochee Broadcasters for a new station in Marietta, Ga., and affirmed the action of the Motions Commissioner.
- WLIB—WLIB, Inc., Brooklyn, N. Y.—Granted permission to identify station as a "New York" instead of "Brooklyn" station.
- KQV—H. J., H. K., Sara A., Margaret M. Brennan and Thelma B. Bregenser (Transferors), Allegheny Broadcasting Corp. (Transferee), KQV Broadcasting Co. (Licensee), Pittsburgh, Pa.—Granted consent to transfer of control of KQV Broadcasting Co., licensee of station KQV, from H. J. Brennan, H. K. Brennan, Sara A. Brennan, Margaret M. Brennan and Thelma B. Bregenser, to Allegheny Broadcasting Corp., for a total consideration of \$575,000 for 1000 shares, or 100% of the no par issued and outstanding capital stock of licensee. (Comr. Durr voting "No.")
- Durham Broadcasting Co., Inc., Durham, N. C.—Granted petition to amend application to change frequency from 1580 to 1340 kc., and remove from consolidated hearing with application of Harold Thoms, and directed order to WGTM, Wilson, N. C., to show cause why frequency of that station should not be changed from 1340 to 1240 kc., and ordered hearing on such order consolidated with hearing on application of Durham Broadcasting Co., as amended.
- Nashville Radio Corp., Nashville, Tenn.—Granted motion for leave to amend application for construction permit for new station, so as to specify a composite 250-watt transmitter, manufactured by Transmitter Equipment Manufacturing Co. and a used 168-foot self-supporting Truscon vertical transmitting antenna; application as amended was retained on hearing docket. (Docket No. 6108)

Binghamton Press Co., Inc., Binghamton, N. Y.—Granted petition to amend application for construction permit for new station, so as to specify transmitter site "to be determined"; application as amended retained on hearing docket, and issues numbered 7 and 8 in the Notice of Hearing deleted. (Docket 6656)

KFXD—Frank E. Hurt & Son, Boise, Idaho; Queen City Broadcasting Co., Inc., Boise, Idaho.—Granted petitions of KFXD to take the deposition of its consulting engineer, in the matter of the consolidated hearing on its application for construction permit (Docket 6652) and the applications of Queen City Broadcasting Co., Inc. (Docket 6653) and Frank C. Carman et al., d/b as Idaho Broadcasting Co. (Docket 6654) for construction permits for new stations; granted petition of Queen City Broadcasting Co., Inc., to advance hearing date from December 4 to November 27, 1944.

Fred B. Wilson and Channing Cope, d/b as Chattahoochee Broadcasters, Marietta, Ga.—Denied motion for thirty-day continuance of consolidated hearing now scheduled for November 17 in the matters of applications of Chattahoochee Broadcasters (Docket 6647) and Marietta Broadcasting Co., Virgil V. Evans, Owner (Docket 6646), for construction permits for new stations at Marietta, Ga.; ordered that the record remain open until December 28, 1944, to permit introduction of depositions of five witnesses in Docket 6647, scheduled to be taken December 8, 1944.

Richard E. O'Dea.—Granted motion for extension of time for filing of proposed findings and conclusions in the matter of application of Arde Bulova and Harry D. Henshel (transferors) and Murray Mester and Meyer Mester (transferees) for transfer of control of Wodaam Corp., licensee of Station WOV, New York City, on or before November 16, 1944. (Docket 6598)

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted *in part* motion for indefinite postponement of hearing now scheduled for November 20 on application for renewal of license of Station WMC, and postponed hearing to December 20, 1944. (Docket 6610)

WKLA—Karl L. and Grant F. Ashbacker, d/b as Ludington Broadcasting Co., Ludington, Mich.—Granted license (B2-L-1840) to cover construction permit authorizing a new station to operate on 1450 kc., 250 watts, unlimited time. Also authority to determine operating power by direct measurement of antenna power. (B2-Z-1639)

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted license (B4-L-1839) to cover C. P. which authorized change in frequency from 1090 to 780 kc., and authority to determine operating power by direct measurement of antenna power (B4-Z-1638). The license is granted subject to the condition that licensee install proper antenna and ground system as soon as materials for such construction are available.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted authority to determine operating power by direct measurement of antenna power.

The following applications for new high frequency FM broadcast stations, were placed in the pending files in accordance with Commission policy of Feb. 23, 1944:

Westchester Broadcasting Corp., White Plains, N. Y.; The Fort Industry Co., Toledo, Ohio; Greensboro News Co., Greensboro, N. C.; Hutchinson Publishing Co., Hutchinson, Kans.; Palladium-Times, Inc., Oswego, N. Y.

The following applications for new commercial television broadcast stations were placed in the pending files in accordance with Commission policy adopted February 23, 1944:

Filene's Television, Inc., Boston; Eleanor Patterson, tr/as The Times-Herald, Washington, D. C.

WAXH—Savannah Broadcasting Co., Area of Savannah, Ga.—Granted renewal of relay station license.

KAZA-KAXB—WKY Radiophone Co., Area of Oklahoma City.—Granted renewal of relay station license.

KABH—Radio Station KTBS, Shreveport, La.—Granted renewal of relay station license.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Ordered that the hearing on the application of WORL for renewal of license for main and auxiliary, scheduled to be held in Washington on November 20, be transferred to New York City, the exact place and hour to be specified.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Construction permit to change hours of operation from daytime to unlimited, install a directional antenna for night use and move transmitter.

### 620 Kilocycles

NEW—Chas. H. Russell, W. B. McCarty, T. E. Wright and C. A. Lacy, a limited partnership, d/b as Rebel Broadcasting Company, Jackson, Miss.—Construction permit for a new standard broadcast station to be operated on 620 ke., power of 1 KW night, 5 KW daytime, unlimited hours of operation, employing directional antenna at night.

### 630 Kilocycles

WTMA—Atlantic Coast Broadcasting Company, Charleston, S. C.—Construction permit to change frequency from 1250 ke. to 630 ke. and make changes in directional antenna for night use.

### 680 Kilocycles

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Construction permit to install a new vertical antenna.

### 710 Kilocycles

WFTL—The Fort Industry Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of construction permit (B3-P-3507 which authorized move of auxiliary transmitter, increase in power of auxiliary transmitter and use of directional antenna) for extension of completion date from 11-22-44 to 5-22-45.

### 960 Kilocycles

NEW—The Eastern Shore Broadcasting Company, Preston, Md.—Construction permit for a new standard broadcast station to be operated on 960 ke., 250 watts power and daytime hours of operation.

### 1050 Kilocycles

WPAG—Washtenaw Broadcasting Company, Inc., Ann Arbor, Mich.—Modification of construction permit (B2-P-3595 which authorized a new standard broadcast station) for approval of antenna and transmitter and studio sites.

### 1060 Kilocycles

KFRE—J. E. Rodman, Fresno, Calif.—Construction permit to change frequency from 1340 ke. to 1060 ke., increase power from 250 watts to 1 KW and install new transmitter.

### 1240 Kilocycles

NEW—Seneca Broadcasting Corp., Rochester, N. Y.—Construction permit for a new standard broadcast station to be operated on 1240 ke., power of 250 watts and unlimited hours of operation. Amended: for antenna changes and change location of transmitter and studio.

WIBU—Wm. C. Forrest, Poynette, Wisc.—Construction permit to install new antenna and make changes in ground system.

NEW—Eastern Radio Corporation, Reading, Pa.—Construction permit for a new standard broadcast station to be operated on 1240 ke., power of 250 watts and unlimited hours of operation.

NEW—J. W. Birdwell, Nashville, Tenn.—Construction permit for a new standard broadcast station to be operated on 1240 ke., power of 250 watts and unlimited hours of operation. Amended: re change in type of transmitter.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—Acquisition of control of licensee corporation by J. S. and Mittie Agnes McBeath by purchase of 75 shares of common stock (50%) from Wendall Mayes.

### 1250 Kilocycles

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

WNHC—The Elm City Broadcasting Corp., New Haven, Conn.—Modification of construction permit (B1-P-3655 which authorized a new station) for changes in vertical antenna and changes in transmitting equipment.

NEW—J. E. Rodman, Bakersfield, Calif.—Construction permit for a new standard broadcast station to be operated on 1340 ke., power of 250 watts and unlimited hours of operation.

### 1400 Kilocycles

NEW—C. H. Fisher and B. N. Phillips, a co-partnership, d/b as Valley Broadcasting Company, Eugene, Oregon—Construction permit for a new standard broadcast station to be operated on 1400 ke., 250 watts power and unlimited hours of operation.

WNAK—Granite District Radio Broadcasting Company, Salt Lake City, Utah—Modification of construction permit (B5-P-2750 which authorized a new station) for changes in transmitting equipment, approval of antenna, change in studio location and approval of transmitter location.

WGRC—North Side Broadcasting Corp., Louisville, Ky.—Authority to determine operating power by direct measurement of antenna power.

NEW—Arkansas Democrat Company, Little Rock, Ark.—Construction permit for a new standard broadcast station to be operated on 1400 ke., power of 250 watts and unlimited hours of operation.

### 1450 Kilocycles

KORE—Violet G. Hill and Violet G. Hill, administratrix of the estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station, Eugene, Oregon—Involuntary assignment of license from Frank L. Hill and Violet G. Hill, co-partners, d/b as Eugene Broadcast Station. Amended: to change name of Violet G. Hill to Violet G. Hill Motter.

### 1490 Kilocycles

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Construction permit to install new vertical antenna and make changes in ground system.

NEW—Southside Virginia Broadcasting Corporation, Petersburg, Va.—Construction permit for a new standard broadcast station to be operated on 1490 ke., power of 100 watts and unlimited hours of operation.

NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Construction permit for a new standard broadcast station to be operated on 1490 ke., 100 watts power and unlimited hours of operation. Amended: re change in type of transmitter.

## FM APPLICATIONS

NEW—The Times Picayune Publishing Company, New Orleans, La.—Construction permit for a new high frequency (FM) broadcast station to be operated on 45700 ke. with coverage of 14,000 square miles. Amended: to change coverage to 13,188 square miles.

NEW—Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley, d/b as WAPO Broadcasting Service, Chattanooga, Tenn.—Construction permit for a new experimental high frequency broadcast station to be operated on 43700 ke., power of 1 KW and A3-FM emission.

NEW—Scripps-Howard Radio, Inc., Cincinnati, Ohio—Construction permit for a new high frequency (FM) broadcast station to be operated on 47900 ke. with coverage of 13,700 square miles.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43700 ke. with coverage of 15,400 square miles.

NEW—Frank T. Nied and Perry H. Stevens, d/b as Nied and Stevens, Warren, Ohio—Construction permit for a new high frequency (FM) broadcast station to be operated on 49100 ke. with coverage of 262 square miles.



NEW—Wyandotte News Company, Wyandotte, Mich.—Construction permit for a new high frequency (FM) broadcast station to be operated on **46100 kc.** with coverage of 775 square miles.

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for a new high frequency (FM) broadcast station to be operated on **44500 kc.**, with coverage of 11,130 square miles.

NEW—Radio Station WMFR, Inc., High Point, N. C.—Construction permit for a new high frequency (FM) broadcast station to be operated on **45100 kc.**, with coverage of 5,030 square miles.

### TELEVISION APPLICATIONS

NEW—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit for a new commercial television broadcast station to be operated on Channel #6 (**96000-102000 kc.**). AMENDED to change frequency to Channel #4 (**78000-84000 kc.**).

NEW—Johnson Kennedy Radio Corp., Chicago, Ill.—Construction permit for a new commercial television broadcast station to be operated on Channel #7 (**102000-108000 kc.**), ESR 2,150.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Penna.—Construction permit for a new commercial television broadcast station to be operated on Channel #4 (**78000-84000 kc.**), ESR 1,760.

NEW—Scripps-Howard Radio, Inc., Washington, D. C.—Construction permit for a new commercial television broadcast station to be operated on Channel #1 (**50000-56000 kc.**), ESR 1,650.

NEW—Interstate Circuit, Inc., Dallas, Texas.—Construction permit for a new commercial television broadcast station to be operated on Channel #2 (**60000-66000 kc.**), ESR 2,160.

NEW—Radio Sales Corporation, Seattle, Wash.—Construction permit for a new commercial television broadcast station to be operated on Channel #1 (**50000-56000 kc.**), ESR, 4,160.

## Federal Trade Commission Docket

### COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why cease and desist order should not be issued against it.

**Ideal Mail Order Co.**, and Smith & Strickland Trading Co., 207 Thatford Ave., Brooklyn, are charged in a complaint with misrepresentation in connection with the sale of new and second-hand wearing apparel and other products to retailers and direct to purchaser-consumers. (5246)

### CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Minnesota Brewers Association**, 641 Hamm Bldg., St. Paul, and its officers and 13 member brewers have entered into stipulations to cease and desist from representing in advertisements, or otherwise, that beer is comparable to or the equivalent of bread in nutritional value. The stipulation entered into by the Association also was signed by its advertising agency, David, Inc., St. Paul, which prepares and disseminates advertisements for the member brewers' products. (3905 to 1918, incl.)

**Sodrin Manufacturing Co.**, 2921 Brooklyn Av., Kansas City, Mo., stipulated that he will cease and desist from certain misrepresentations in connection with the sale of a sealing compound designated "Oxalum" for use in repairing cracks in cylinders, water jackets and valve ports. (3919)