

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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NEW COMMISSIONER CONFIRMED

The Senate on March 30 confirmed the nomination of James H. Hanley of Nebraska as member of the Federal Radio Commission from the Fourth Zone succeeding General Charles McK. Saltzman, who resigned last July. The new Commissioner's term runs until February 24, 1936. For the first time since last July there is a full membership of the Commission.

Mr. Hanley appearing before the Senate Committee on Interstate Commerce on March 29 stated that he recognizes the right of the government to safeguard its property rights in the ether. He testified that he is opposed to monopolies of all kinds.

Mr. Hanley appeared before the committee of which Senator Dill of Washington is the new chairman, in connection with his nomination as a member of the Commission.

Senator Dill stated that he had called the hearing because a protest had been filed with the Committee against the nomination by Stanley Hubbard of Station KSTP, St. Paul, Minn., but that Mr. Hubbard later withdrew his opposition.

Mr. Hanley told the Committee that he is a practicing attorney in Omaha, Nebr., and that his name had been presented to President Roosevelt during the Inauguration by Arthur Mullen, Democratic committeeman from Nebraska. Mr. Hanley is vice chairman of the Democratic Committee of Nebraska, he stated.

Asked by various members of the Committee Mr. Hanley stated that he had never been counsel for any public utilities and that he had had no radio experience of any kind, nor is he a stockholder in any radio or affiliated corporation.

Mr. Hanley testified that he has an open mind regarding the Radio Law. He stated that he believed that the educational institutions of the country should have their fair share of radio facilities.

PETTEY NAMED SECRETARY

Herbert L. Pettey, of Kansas City, Missouri, was today appointed Secretary of the Federal Radio Commission, succeeding James W. Baldwin who resigned February 28 to join the executive staff of the National Association of Broadcasters.

Mr. Pettey received his academic training at the University of Kansas. For several years he has been actively engaged in the radio industry in various capacities. At one time he was associated with Metro-Goldwyn-Mayer in the film business. He is 28 years old.

Mr. Pettey was radio director of the last Democratic National Campaign Committee and chairman of the committee in charge of radio broadcasting at the inauguration of President Roosevelt, working in close harmony with Rear Admiral Cary T. Grayson, inaugural chairman.

He was prominently mentioned for Commissioner to represent the Fourth Zone.

COMMISSION FILES FURTHER BRIEF

The Radio Commission on March 30 filed a consolidated brief in the Court of Appeals of the District of Columbia in the following cases: No. 5783, Station WOW vs. Radio Commission with Station KICK as intervener; No. 5784, Station KOIL vs. Radio Commission with Station KICK as intervener; and No. 5785, Station WAAW vs. Radio Commission with Station KICK as intervener.

NO HEARINGS

No broadcast cases will be heard by the Radio Commission during the week beginning April 3rd.

WATT APPLICATION GRANTED

On March 31 the Radio Commission granted Station WAAT, Jersey City, N. J., permission to install and operate equipment of 500 watts instead of 300 watts which it has used heretofore, sustaining Examiner R. H. Hyde in his Report No. 455.

The Commission found that the station is rendering a meritorious service and that the service would be improved by the use of the additional power. It was further found that "no substantial amount of interference would be likely to result from the use of the additional power request."

The State of New Jersey was already over quota.

KARK LICENSE RENEWED

The Radio Commission has denied the application of the Arkansas Radio & Recording Company for the erection of a new station at Little Rock, Ark., on a frequency of 890 kilocycles and granted Station KARK, Little Rock, a renewal of license on that frequency thereby sustaining Examiner Elmer W. Pratt in his Report No. 457.

In its decision the Commission found that the Arkansas Radio & Recording Company did not make sufficient showing of financial responsibility or technical resources to warrant a finding that it should be granted a station license. It found that the continuance of Station KARK would be in the public interest.

SIMULTANEOUS OPERATION DENIED

Stations WFBM, Indianapolis, and WSBT, South Bend, Ind., have been denied simultaneous daytime operation by the Radio Commission in an opinion sustaining Examiner R. H. Hyde in his Report No. 437. Had the application been granted Station WFBM would have reduced its power from 1,000 to 500 watts.

The Commission found that if the application of these stations for simultaneous daytime operation had been granted it would have resulted "in mutual interference within the service area of both stations" and the Commission calls attention to the fact that the Fourth Zone is over quota in broadcast facilities. It was found further that "the granting of these applications would violate the provisions of Commission regulations providing that no application involving the allocation of additional facilities in an over-quota zone may be granted if the grant would result in additional interference with any station or stations now licensed."

WCGU GETS TEMPORARY LICENSE RENEWAL

Broadcasting station WCGU, Brooklyn, N. Y., has been granted a renewal of license on a temporary basis by the Radio Commission pending action on its pending allocation for additional facilities on 1400 kilocycles, sustaining Chief Examiner Ellis A. Yost in his decision in Report No. 445.

The Commission found that the applicant's delay in filing written notice of appearance is not of sufficient consequence to justify a denial of its renewal application.

WNJ MUST CEASE OPERATION

The Radio Commission on March 31 granted Station WHOM, Jersey City, N. J., authority to operate with three-quarters time on 1450 kilocycles with 250 watts power.

At the same time the Commission notified Station WNJ, Newark, N. J., that its temporary authorization for its operation is of no further force and effect and that it must cease operating at once following the refusal of the United States Supreme Court to grant an appeal and in keeping with the Court's decision of November 21, 1932, sustaining the decision of the Commission in refusing to renew its license.

REVIEW OF RADIO CASES ALLOWED

The United States Supreme Court has granted petitions for review of the cases brought by the Federal Radio Commission vs. Nelson Brothers Bond & Mortgage Company, and the Federal Radio Commission vs. North Shore Church, and it is expected that these cases will be argued in the Court during the week of April 10.

PETITIONS REHEARING IN WOQ CASE

The Federal Radio Commission on March 28 petitioned the Court of Appeals of the District of Columbia for a rehearing in the WOQ case, Kansas City, Missouri (Docket No. 5582). The Commission in its petition alleges that the decision was based upon a mistake of fact.

BRIEF FILED IN WLOE CASE

The Federal Radio Commission on March 27 filed its brief in the Court of Appeals of the District of Columbia in the case of William S. Pote against the Commission (Docket No. 5605). The case arises out of an appeal from a decision of the Commission, in which the Commission denied an application for involuntary assignment of license of Station WLOE, Boston Broadcasting Company, Boston, Massachusetts, to William S. Pote.

N. A. C. R. E. ASSEMBLY MAY 19

The annual assembly of the National Advisory Council on Radio in Education will be held at the Waldorf-Astoria in New York on Friday, May 19, 1933. The subject of this year's assembly is "The Future of Educational Broadcasting in the United States." Sessions will be held all day long beginning 9:30 A. M. Details of the program will be announced within a week or two.

All persons interested in this subject have been invited to attend.

RECOMMENDS DENIAL OF LICENSE RENEWAL

Application of Station KGIX, Las Vegas, Nev., for renewal of license and for changing equipment and moving station. Report No. 467 (Hyde, E.). Report recommends applications be denied.

The Examiner found that the applicant's showing does not afford reasonable assurance that he will be able to comply with the Commission's regulations regarding equipment and operating standards if the station is relicensed. "In this situation," the Examiner says, "the only logical recommendation is that both applications be denied."

RADIO EMPLOYMENT UP

The February radio employment index number was 61.9 compared with 57.9 for January and 72 for February of last year taking 1926 at 100, according to the Bureau of Labor Statistics, Department of Labor.

February pay roll index for the same industry was 45.5 compared with 41.9 for January and 61.4 for February of last year.

N. Y. GROSS RECEIPTS TAX

The Buckley Bill (S.1199) imposing a five per cent tax on gross receipts of broadcasting stations was reported favorably by Senate Taxation Committee on March 29th and is now before the New York Senate. The New York State Committee of Broadcasters is actively engaged in opposing this legislation.

HORSE RACING BROADCASTS

The law authorizing and regulating horse racing in the State of Washington was approved by the Governor on March 3, 1933. Section 11 of this law provides as follows: "All radio broadcasting rights, and motion picture rights in connection with meets licensed hereunder, are reserved to the state and the commission shall lease or license same only to the highest bidder. The exercise of such rights shall at all times be under the supervision of the commission. All income therefrom shall be paid into the state treasury and credited to the old-age pension fund."

FOREIGN BROADCAST STATIONS LISTED

According to a recent release by the Federal Radio Commission (No. 8140) the following Broadcasting stations are authorized to operate in Canada, Cuba and Mexico:

CANADIAN BROADCASTING STATIONS*

540	CKOK	Windsor, Ontario	1000
580	CHMA	Edmonton, Alberta	250
580	CFCY	Charlottetown, Prince Edward Island	
580	CKUA	Edmonton, Alberta	500
580	CKCL	Toronto, Ontario	500
600	CNRO	Ottawa, Ontario	500
630	CKTB	Near Fruitland, Ontario	1000 Day, 500 Night
630	CKOC	Near Fruitland, Ontario	1000 Day, 500 Night
630	CHCS	Near Fruitland, Ontario	1000 Day, 500 Night
630	CJGX	Yorkton, Saskatchewan	500
630	CFCT	Victoria, British Columbia	50
630	CNRA	Moncton, New Brunswick	500
645	CKCR	Waterloo, Ontario	100
645	CHRC	Quebec	100
645	CKCI	Quebec	100
665	CHWK	Chilliwack, British Columbia	100
665	CJRM	Old City, Moose Jaw, Saskatchewan	500
665	CJRW	Fleming, Saskatchewan	500
685	VAS	Clace Bay, Nova Scotia	4000 Day, 2000 Night
690	CFAC	Calgary, Alberta	500
690	CJCJ	Calgary, Alberta	500
690	CFRB	Township of King, Ontario	10000
730	CKAC-CHYC	St. Hyacinthe, Quebec	5000
730	CKCD-CHLS	Vancouver, British Columbia	100
730	CKFC	Vancouver, British Columbia	50
730	CKMO	Vancouver, British Columbia	100
730	CKWX	Vancouver, British Columbia	100
745	CJCA	Oliver, Alberta	500
780	CKY	Winnipeg, Manitoba	5000
815	CHNS	Halifax, Nova Scotia	500
815	CNRH	Halifax, Nova Scotia	500
840	CKGW-CJBC-CPRV	Bowmanville, Ontario	5000
840	CKLC	Red Deer, Alberta	1000
840	CHNC	Brownsville, Ontario	5000
880	CHML	Mt. Hamilton	50
880	CKPC	Preston, Ontario	100
880	CKCV	Quebec	50
880	CJCB	Sydney, Nova Scotia	50
890	CKPR	Port Arthur, Ontario	100
890	CKCO	Ottawa, Ontario	100
890	CFBO	St. John, New Brunswick	500
910	CJGC	Strathburn, Ontario	5000
910	CFQC	Saskatoon, Saskatchewan	500
915	CFLC	Prescott, Ontario	100
930	CKX	Brandon, Manitoba	500
930	CFCH	North Bay, Ontario	100
930	CFRC	Kingston, Ontario	250 Day, 50 Night
960	CHCK	Charlottetown, Prince Edward Island	100
960	CKNC	Toronto, Ontario	500
960	CKCK	Regina, Saskatchewan	500
960	CHWC	Pilot Butte, Saskatchewan	500
985	CFCN	Strathmore	10000
1010	CKIC	Wolfville, Nova Scotia	50
1030	CNRV	Lulu Island, British Columbia	500
1030	CFCF	Montreal, Quebec	500
1120	CFC	Toronto, Ontario	500
1120	CHGS	Summerside, Prince Edward Island	500
1120	CJOC	Lethbridge, Alberta	100
1120	CFJC	Kamloops, British Columbia	100
1155	VE10AT	Trail, British Columbia	25
1200	VE10AB	Moose Jaw, Saskatchewan	25
1200	VE10BQ	Brantford, Ontario	5
1200	VE10AK	Stratford, Ontario	10
1200	VE10BU	Canora, Saskatchewan	15
1200	CHCH	Montreal, Quebec	100
1200	VE10BP	Wingham, Ontario	15
1200	CKOV	Kelowna, British Columbia	100
1200	VE10BI	Prince Albert, Saskatchewan	25
1200	CHLP	Montreal, Quebec	100
1210	CFNB	Fredericton, New Brunswick	50
1210	CFCO	Chatham, Ontario	250
1210	CJOR	Sea Island, British Columbia	500
1210	CKMC	Cobalt, Ontario	100

*Notated as follows: Frequency (kc), Call Letters, Location, Power (watts)

In accordance with the new plan for national broadcasting established by the Canadian Government, under which a new Canadian Radio Commission was created, it is proposed to use the following broadcasting frequencies in Canada for a chain of high-power stations:

Saskatchewan	540 kc
Montreal area (1 kw)	600 kc
Prince Edward Island	630 kc
Toronto area (50 kw)	690 kc
Montreal area (50 kw)	730 kc
Port Arthur-Fort William area	780 kc
Western Ontario	840 kc
Ottawa	880 kc
Manitoba	910 kc
Quebec	930 kc
Northern Ontario	960 kc
New Brunswick	1030 kc
Alberta	1030 kc
Nova Scotia	1050 kc
British Columbia	1100 kc
Toronto area (500 watts)	1120 kc

The Canadian Government has also reserved the right to use twenty additional channels for low-power stations limited to a maximum power of 100 watts for local broadcasting service throughout Canada. In establishing such stations it is proposed to maintain the same geographical separation between Canadian and United States stations as is maintained between United States stations of the same power.

CUBAN BROADCASTING STATIONS*

590	CMW	Havana	1400
630	CMQ	Havana	250
630	CMCU	Havana	150
660	CMAF	Miramar	500
730	CMK	Havana	3150
780	CMCQ	Havana	1000
780	CMBS	Havana	150
820	CMGC	Matanzas	30
834	CMGA	Colon	100
840	CMC	Havana	500
890	CMX	Havana	500
890	CMCF	Havana	250
925	CMCN	Marianao	250
925	CMBW	Havana	150
930	CMJF	Camaguey	200
950	CMHD	Caibarien	250
960	CMJL	Camaguey	50
965	CMBD	Havana	150
965	CMCW	Havana	150
987	CMGF	Matanzas	100
1010	CMBZ	Havana	150
1030	CMHI	Santa Clara	30
1034	CMKC	Santiago de Cuba	150
1040	CMGH	Matanzas	15
1050	CMJG	Camaguey	50
1070	CMBG	Havana	225
1070	CMCB	Havana	150
1110	CMJO	Ciego de Avila	50
1125	CMHJ	Cienfuegos	40
1140	CMCD	Havana	250
1140	CMBJ	Havana	150
1150	CMJH	Ciego de Avila	30
1175	CMJE	Camaguey	50
1185	CMCJ	Havana	250
1185	CMBN	Havana	150
1205	CMGB	Matanzas	30
1225	CMHK	Cruces	15
1230	CMBY	Havana	250
1230	CMCA	Havana	150
1240	CMJN	Camaguey	50
1249	CMAB	Pinar del Rio	20
1270	CMBC	Havana	150
1290	CMHL	Cienfuegos	20
1300	CMKJ	Guantanamo	20
1325	CMCY	Havana	1000
1335	CMJI	Ciego de Avila	45
1360	CMJP	Morón	7.5

*Notated as follows: Frequency (kc), Call Letters, Location, Power (watts)

1365	CMCR	Havana	150
1375	CMGE	Cardenas	30
1382	CMJC	Canaguey	150
1405	CMCH	Havana	50
1405	CMCM	Havana	15
1445	CMBL	Havana	20
1485	CMBR	Arroyo Apolo	40
1485	CMBK	Havana	15

MEXICAN BROADCASTING STATIONS*

546.8	XEY	Merida, Yucatan	105
560	XEAO	Mexicali, Baja Calif.	7.5
585	XEPN	Piedras Negras, Coahuila	100,000
610	XETR	Mexico City	1000
638.3	XFG	Mexico City	2000
	XFH	Mexico City	
660	XEM	Matamoros, Tamaulipas	500,000
665-735	XER-XEF	Villa Acuna, Coahuila	500,000
690	XET	Monterrey, Nuevo Leon	500
711	XEM	Mexico City	1000
735-665	XER-XEF	Willa Acuna, Coahuila	500,000
750	XEAN	Juarez, Chihuahua	5000
780	XEP	Mexico City	1000
805	XEC	Aguascalientes	350
818.1	XFI	Mexico City	1000
830	XETW	Mexico City	500
840	XETH	Puebla, Puebla	100
845	XETM	Matamoros, Tamaulipas	150,000
860	AFX	Mexico City	500
875	XEAD	Mexico City	250
890	XETU	Pachuca, Hidalgo	100
910	XEW	Mexico City	5000
940	XEFO	Mexico City	5000
940	XFO	Mexico City	5000
965	XEAW	Reynosa, Tamaulipas	10,000
990	XEK	Mexico City	100
1000	XEA	Guadalajara, Jalisco	100
1000	XEC	Toluca, Mexico	50
1000	XEFS	Queretaro, Queretaro	40
1000	XEL	Saltillo, Coahuila	10
1000	XEFE	Nuevo Laredo, Tamaulipas	100
1000	XEFI	Chichahua, Chihuahua	100
1000	XEFJ	Monterrey, Nuevo Leon	100
1010	XEU	Veracruz, Cera Cruz	100
1015	XEJ	Juarez, Chihuahua	500
1020	XEFC	Merida, Yucatan	10
1020	XEFD	Tia Juana, Baja Calif.	300
1030	XEB	Mexico City	10,000
1055	XES	Tampico, Tamaulipas	250
1075	XEG	Mexico City	500
1090	XEAI	Mexico City	100
1115	XENT	Nuevo Laredo, Tamaulipas	150,000
1132	XEH	Monterrey, Neuvo Leon	250
1140	XETA	Mexico City	250
1155	XED	Guadalajara, Jalisco	500
1210	XEX	Mexico City	500
1240	XEFW	Tampico, Tamaulipas	70
1250	XEFA	Mexico City	500
1295	XEAC	San Luis Potosi, San Luis Potosi	100
1310	XEI	Morelia, Michoacan	125
1315	XEFB	Monterrey, Neuvo Leon	100
1370	XEFV	Juarez, Chihuahua	100
1380	XETB	Torreón, Coahuila	125
1450	XEAB	Nuevo Laredo, Tamaulipas	7.5
1500	XEFZ	Mexico City	100

*Notated as follows: Frequency (kc), Call Letters, Location, Power (watts)

APPLICATIONS RECEIVED

First Zone

- WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to increase power from 500 watts to 1 KW., **1330 kc.**
 WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit for new auxiliary.
 WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to increase power from 250 to 500 watts; **600 kc.**

Second Zone

NONE

Third Zone

NONE

Fourth Zone

- WILL—University of Illinois, Urbana, Ill.—Modification of license to increase power to 250 watts night 1 KW LS. Requests facilities of WKBS, 890 kc.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—License to cover CP for new transmitter.
- WGN—WGN, Inc., Chicago, Ill.—CP for equipment changes and increase power from 25 KW to 50 KW.
- NEW—Fette Bros., Herbert H. Fette & Ewald Fette, Meriden, Minn.—CP for new station to use 1210 kc., 75 watts, daytime.

Fifth Zone

- KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license to change frequency from 1370 kc. to 1450 kc. and increase power from 100 watts nights 250 watts LS to 250 watts day and night—Facilities of KVOA.
- KGFL—KGFL, Inc., Roswell, N. M.—License to cover CP to move station from Ration, N. M.
- KPO—National Broadcasting Co., San Francisco, Calif.—License to cover construction permit for 50 KW station.
- KPO—National Broadcasting Co., San Francisco, Calif.—Modification of license for authority to use present 5 KW auxiliary when new 50 KW transmitter is licensed.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—CP to move transmitter locally, to use KFI's auxiliary transmitter with changes, and to increase day power from 1 KW to 2½ KW LS.

RENEWAL LICENSE APPLICATIONS

WCLO, Janesville, Wis.; WEBR, Buffalo, N. Y.; WEBR (auxiliary), Buffalo, N. Y.; WEXL, Royal Oak, Mich.; WFAM, South Bend, Ind.; WHP, Harrisburg, Pa.; WIAS, Ottumwa, Iowa; WLAP, Louisville, Ky.; KFJB, Marshalltown, Iowa; KFJI, Klamath Falls, Ore.; KFVS, Cape Girardeau, Mo.; KGFV, Kearney, Nebr.; KGY, Olympia, Wash.; KIDO, Boise, Idaho; KIT, Yakima, Wash.; KPPC, Pasadena, Calif.; WCAH, Columbus, Ohio; KERN, Bakersfield, Calif.; KFAC, Los Angeles, Calif.; KOY, Phoenix, Ariz.; KSTP, St. Paul, Minn.; KWG, Stockton, Calif.; WHBF, Rock Island, Ill.; WIBU, Poynette, Wis.; WIOD-WMBF, Miami, Fla.; WKJC, Lancaster, Pa.; WORC-WEPS, Worcester, Mass.; WTEL, Philadelphia, Pa.; KGER, Long Beach, Calif.; KLS, Oakland, Calif.; WSAR, Fall River, Mass.; KDLR, Devils Lake, N. D.; KFBK, Sacramento, Calif.; KGCX, Wolf Point, Mont.; KOMA, Oklahoma City, Okla.; WBBZ, Ponca City, Okla.; WEDC, Chicago, Ill.; WHBU, Anderson, Ind.; WIBU, Poynette, Wis.; WJBI, Red Bank, N. J.; WJBU, Lewisburg, Pa.; WJW, Akron, Ohio; WKJC, Lancaster, Pa.; WMBG, Richmond, Va. (and auxiliary); WTEL, Philadelphia, Pa.

APPLICATIONS RETURNED

The following applications were returned to the applicants either because they were not in proper form for Commission consideration or at the applicant's requests: KGNF, North Platte, Nebr.; KSCJ, Sioux City, Iowa; WCAX, Burlington, Vt.; WTAQ, Eau Claire, Wis.; WTRC, Elkhart, Ind.

APPLICATIONS GRANTED

First Zone

- WBAL—Consolidated Gas Electric Light & Power Co., Baltimore, Md.—CP to change location locally and install new antenna system.
- WMIL—Arthur Faske, Brooklyn, N. Y.—CP to change location locally and make equipment changes.
- WCAD—St. Lawrence University, Canton, N. Y.—Special temporary authority to operate from 4 to 5 pm, April 9, and 3 to 5 pm, May 7, 1933.
- WTBO—Associated Broadcasting Corporation, Cumberland, Md.—Granted extension of special authority to reduce hours of operation.

Second Zone

NONE

Third Zone

- WJEM—Britt A. Rogers, Tupelo, Miss.—Granted modification of CP extending commencement and completion dates.
- WSB—Atlanta Journal Co., Atlanta, Ga.—Granted modification of CP extending completion date to June 17, 1933.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special authority to operate from 3 to 5 p. m. CST, April 3 and 10, and from 8 to 10:30 p. m., April 8.
- KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted

regular license for regular period instead of conditional license now outstanding.

- WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted special temporary authority to reduce hours of operation.
- WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, Clearwater, Fla.—CP to make equipment changes.
- WAML—Southland Radio Corp., Laurel, Miss.—License to cover CP for 1310 kc., 100 watts, specified hours.
- WPFB—W. E. Barclift, F. E. Barclift & P. L. Barclift, d/b as Hattiesburg Broadcasting Co., Mattiesburg, Miss.—Special authority to reduce hours of operation.
- WCSC—South Carolina Broadcasting Co., Charleston, S. C.—Special authority to reduce hours of operation.
- KFYO—T. E. Kirksey, trading as Kirksey Bros., Lubbock, Tex.—Special authority to reduce hours of operation.

Fourth Zone

- WSUI—State University of Iowa, Iowa City, Iowa—Granted special authority to operate from 5 to 6 p. m., CST, April 2, 10 to 12 p. m., April 7 and 8, and from 10 p. m., CST, April 21 to 1 a. m., April 22.
- WIBW—Topeka Broadcasting Assn., Inc.—Topeka, Kansas—Granted renewal of license for present period in place of additional license now outstanding since WOBW and WSAZ have withdrawn protests.
- WMBH—W. M. Robertson, Joplin, Mo.—Granted special authority to reduce hours of operation.
- WKBH—WKBH, Inc., La Crosse, Wis.—Granted special authority for remainder of present license period to use 5 to 6 p. m. daily.
- KLPM—John B. Cooley, Minot, N. D.—Granted extension of license on temporary basis.
- WLB-WGMS—University of Minnesota, Minneapolis, Minn.—Granted in part temporary renewal license for term beginning April 1, 1933, and ending according to Rule 27.

Fifth Zone

- KRE—1st Congregational Church of Berkeley, Berkeley, Calif.—Granted special temporary authority to operate from 8:30 to 10 a. m., PST, April 16.
- KRSC—Radio Sales Corporation—Seattle, Wash.—Granted authority to operate from 8:30 to 10:30 p. m., April 6 and 7.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—Granted special temporary to reduce hours of operation.
- KGEK—Elmer G. Beehler, trading as Beehler Electrical Equipment Co., Yuma, Colo.—Granted special authority to change specified hours.
- KFQD—Anchorage Radio Club, Anchorage, Alaska—Granted extension of existing license pending receipt of application for renewal license.

RENEWAL APPLICATIONS GRANTED

- KFUL, Galveston, Tex.; KTSA, San Antonio, Tex.; KTW, Seattle, Wash.; KWSC, Pullman, Wash.

APPLICATIONS SET FOR HEARING

- NEW—Lee Elton Spencer, Greensburg, Pa.—CP, 800 kc., 250 watts daytime.
- WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license to increase specified hours to include facilities of KFMY and 8 to 9:30 p. m. Saturdays (now assigned to WLB-WGMS).
- KFPY—Symons Broadcasting Co., Spokane, Wash.—Application for modification of license to change frequency from 1340 kc. to 890 kc., to be heard at same time and place as applications of KSEI.
- KSEI—Radio Service Corp., Pocatello, Idaho—Suspended modification of license to change frequency from 900 kc. to 890 kc., and designated application for hearing and granted temporary special authorization to operate on 890 kc. until hearing and action by Commission upon the protests filed by the Symons Broadcasting Company.

APPLICATIONS DISMISSED

- WQBC—Delta Broadcasting Co., Vicksburg, Miss.—Modification of license to change frequency, power and hours.
- NEW—F. D. & H. D. Conard, d/b as Conard Studio, Garden City, Kansas—CP, 1370 kc., 100 watts, share with KGDA.
- WFDV—Rome Broadcasting Corporation, Rome, Ga.—CP to change frequency, power and hours.

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PHILIP G. LOUCKS, Managing Director

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COMMISSION FUNDS SLASHED

The Budget Bureau has informed the Radio Commission that there will have to be a further cut in its appropriation for the next fiscal year, beginning July 1, of \$140,000.

During the present fiscal year the Commission has an appropriation of \$1,111,000, which was the amount granted to the Commission and the Radio Division of the Department of Commerce.

The Commission for the next fiscal year asked for \$780,000, which would have been a saving to the government of \$331,000 gained by the consolidation of these two bodies. The \$780,000 was appropriated by the last session of Congress but President Hoover pocket vetoed the bill containing this amount.

The Commission this week asked the Budget Bureau for this \$780,000 but was told that it would have to lop off \$140,000 more or have its appropriation aggregate \$640,000 for the coming year. This will mean that some employees will have to be let out and it is believed that some of the field offices will also have to be closed, although just what will be done is not yet definitely known.

WORKING ON REORGANIZATION

Major General Charles McK. Saltzman and Judge Ewin Davis are working on a subcommittee in connection with a proposal for the reorganization of the Federal Radio Commission, under Secretary of Commerce Roper, it has become known.

General Saltzman, it will be recalled, was chairman of the Radio Commission up to last July when he resigned and Judge Davis is the author of the Davis amendment to the Radio Law and former chairman of the House Committee on Merchant Marine, Radio and Fisheries.

No official confirmation can be obtained as to just what is being done by this subcommittee but in addition to radio they may be considering telephone, telegraph and cable in view of the fact that General Saltzman as chief of the Signal Corps of the Army is familiar with these forms of communication and they have been mentioned in connection with radio in reorganization work.

ARGUE WIBO CASE NEXT WEEK

The Department of Justice this week filed a brief in the United States Supreme Court in the case of the Radio Commission (Nos. 657-658) against Station WIBO and in the case of the Commission against Station WPCC. The case will be heard by the Court during the week of April 10.

NORTH AMERICAN RADIO CONFERENCE

No date has yet been fixed for the North American Radio Conference scheduled to be held in Mexico City. The committees engaged in preparation for the Conference are continuing the collection and study of technical data.

COMMISSIONER HANLEY TAKES OATH

James H. Hanley, new member of the Federal Radio Commission from the Fourth Zone, and Herbert L. Pettey, new secretary of the Commission, were sworn in on April 1. Mr. Hanley is away until about April 15.

RECOMMENDS NEW STATION DENIAL

W. W. Dobbins and Maurice C. Coleman ask for construction permit for new station at Atlanta, Ga. WGST, Atlanta, applied for license renewal. Report No. 469 (Pratt, e.). Recommends denial of new construction permit and that license renewal be granted WGST.

The Examiner states that Messrs. Dobbins and Coleman asked for a continuance of the case "not supported by substantial grounds, was denied." The applicants were given an opportunity to present evidence but did not and "a motion was made by Commission counsel, and joined in by counsel for WGST, that said application be denied as in cases of default." The Examiner recommended the renewal of the application of WGST as it was "designated for hear-

ing only because of the pendency of the application of Dobbins and Coleman for the facilities assigned to WGST."

ENGINEERING COMMITTEE MEETS

J. A. Chambers, Chairman of the NAB Engineering Committee, has called a meeting at New York, April 8, 1933. The NAB meeting is to be followed by a joint meeting with the I. R. E. Broadcast Committee and the R. M. A. Engineering Committee. The general subject of discussion is hum modulation of broadcasting transmitter carrier waves. The meetings have been called with a view toward arriving at generally accepted performance standards.

WNYC DECISION AFFIRMED BY COURT

The Court of Appeals of the District of Columbia on April 3 handed down a decision in Docket No. 5695, which is the case of Station WNYC, New York City, against the Radio Commission and the Knickerbocker Broadcasting Company and the Eastern Broadcasters, Inc., also of New York City. The Court upheld the decision of the Commission in which it allocated certain time to Station WNYC.

This is the second time that the New York municipal station has been in Court against the Commission in connection with time allocation with Station WMCA, New York City. A couple of years ago WNYC appealed from a somewhat similar decision of the Commission, the Court of Appeals upheld the Commission, and WNYC asked the United States Supreme Court to review the case, which it refused to do.

WNYC and WMCA shared time on 570 kilocycles, while WPCH, New York, operated on 810 kilocycles. Stations WPCH and WMCA are owned by the same parties and when WNYC asked for additional time the Commission transferred WNYC to 810 kilocycles, giving it more time, and put WPCH and WMCA on 570 kilocycles. This did not satisfy WNYC and it appealed to the Court. The Court has upheld the Commission.

"There is nothing in the present case," says the Court, "which indicates that appellant is placed at any disadvantage. Indeed, from an examination of the record it would seem that the present license granted is materially to its advantage. The decision of the Commission is affirmed." The decision was written by Associate Justice Josiah A. Van Orsdel.

RMA CONVENTION AT CHICAGO JUNE 6

The ninth annual convention of the Radio Manufacturers Association, including meetings of its divisions, committees and board of directors, will be held at Chicago, June 6, according to arrangements made by the Association's board at its meeting in New York March 21. Headquarters will be at Stevens Hotel.

FEDERAL SECURITIES BILL

The Federal Securities Bill (H. R. 4314), introduced on March 29, 1933, would give the Federal Trade Commission supervision over the sale and distribution of certain securities in interstate commerce. An identical bill (S. 875) was introduced in the Senate under the same date. Of particular interest to broadcasters are the following provisions:

[Offering, Selling, Advertising, etc., of Securities Unlawful Prior to Registration]

Sec. 3. That, until there shall have been registered with the Commission the statement hereinafter referred to in accordance with the terms and conditions provided by this Act and by the rules and regulations promulgated pursuant thereto, it shall be unlawful for—

(a) Any person to make use of the United States mails or of any means or instruments of transportation or communication to offer in interstate commerce securities, other than those issued by a foreign government or subdivision thereof, for sale or to solicit or accept offers to buy such securities in such commerce;

(b) or for any person to make such offer to sell or to solicit or accept an offer to buy in interstate commerce through the use or medium of any book, magazine, newspaper, or similar publication, or by any circular, advertisement, or printed, written, or other graphic communication or document, or by any spoken communication carried or transmitted through or by such mails or means or instruments of transportation or communication, or any of them;

(c) or to carry or cause to be carried in interstate commerce, by any means or instruments of transportation, for the purpose of sale or for delivery after sale, either directly or through the medium of another, any security not issued by a foreign government or political subdivision thereof;

(d) or for any person to sell or offer for sale or to accept an offer to buy or to announce or advertise in the United States any security of a foreign government or a political subdivision thereof;

Provided, That the provisions of this section do not apply to the securities and transactions exempted by sections 11 and 12 of this Act.

[Certain Information to Accompany Advertising or Circularization of Securities]

Sec. 8. That it shall be unlawful to carry, transmit, or cause to be carried or transmitted, in interstate commerce, by use of the United States mails or by any means or instruments of transportation or communication, any written, printed, or other graphic communication or document, or by any spoken communication, announcing, offering, or advertising for sale any securities subject to the provisions of this Act, unless such communication or document contains the following information concerning the security so offered:

[Exempt Securities]

Sec. 11. That, except as hereinafter otherwise expressly provided, the provisions of this Act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any Territory or insular possession thereof, or by the District of Columbia or by any State of the United States or political subdivision or agency thereof.

(b) Any security issued by and representing an interest in or a direct obligation of any common carrier or other public utility subject to regulation or supervision as to the issue of its securities by a commission, board, or officers of the Government of the United States; or any such security issued by any national bank; or by any corporation created and controlled by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States: *Provided*, That nothing in this Act shall relieve any of the organizations mentioned in this subsection from submitting to the respective supervisory units of the Government of the United States, in such manner and form as may be required by the respective units, all information, reports, or other documents that are required under the provisions of section 5 of this Act, and such additional information, reports, and documents as are now or may hereafter be required by other Acts of Congress or by rules and regulations pursuant thereto of the respective units: *And provided further*, That all such organizations mentioned in this subsection shall nevertheless be required to comply with the provisions of section 8 of this Act.

(c) Any security issued by a corporation organized exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder, or individual.

(d) Bonds or notes secured by mortgage upon real estate, improved or about to be improved by a residential structure, when the total encumbrances against any single property so mortgaged, including the mortgage securing the bonds and notes exempted by this paragraph, do not exceed \$25,000.

(e) Any security, other than common stock, providing for a fixed return, which has been outstanding and in the hands of the public for a period of not less than five years, upon which no default in payment of principal, or failure to pay the return fixed, has occurred for a continuous immediately preceding period of five years, when issued by a person, corporation, or other entity having a total capital stock issued and outstanding not in excess of \$100,000.

[Exempt Transactions]

Sec. 12. That, except as hereinafter otherwise expressly provided, the provisions of this Act shall not apply to any of the following transactions:

(a) Judicial, executor's, administrator's guardian's, or conservator's sale, or any sale by a receiver or trustee in insolvency or bankruptcy.

(b) Sales by or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this Act, to liquidate a bona fide debt, a security pledged in good faith as collateral for such debt.

[Unlawful Advertising Through Use of Mail or Otherwise]

Sec. 14. That it shall be unlawful for any person, firm, corporation, association, or any other entity to carry or cause to be carried or transmitted in interstate commerce, by or with any means or instruments or agency of transportation or communication, any offer to sell or deliver, directly or indirectly, or to accept an offer to buy, through the use or medium of any book, magazine, newspaper, publication, circular, advertisement, or other printed, written, or spoken communication, when such book, magazine, newspaper, publication, circular, advertisement, or any printed, written, or other graphic or any spoken communication is addressed or otherwise transmitted to any person at any place in any State or Territory of the United States or the District of Columbia, where at that time it is unlawful to sell, offer for sale, tender for sale or delivery, or to solicit subscriptions or orders for such security or securities. The exemptions contained in sections 11 and 12 of this Act shall not apply to the provisions of this section (14).

[Penalty for Violation of Act]

Sec. 17. That whoever shall willfully violate any of the provisions of this Act, or the rules and regulations promulgated by the Commission pursuant thereto, shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both; and any officer, director, or agent or any corporation who knowingly participates in such violations shall be punished by a like fine or imprisonment, or both.

QUOTA FIGURES AS OF MARCH 25

According to a recent release of the Federal Radio Commission (No. 8266) radio broadcasting facilities, in terms of quota units, as of March 25, were distributed between zones and states within the zones as follows:

ZONE 1				
State	Due	Assign.	± Quota due ± Units	± %
N. Y.	35.07	37.95	+2.88	+ 8
Mass.	11.84	10.46	-1.38	- 12
N. J.	11.26	11.53	+0.27	+ 2
Md.	4.55	4.20	-0.35	- 8
Conn.	4.48	3.60	-0.88	- 20
P. R.	4.30	0.50	-3.80	- 88
Me.	2.22	2.24	+0.02	+ 1
R. I.	1.91	1.40	-0.51	- 27
D. C.	1.35	1.30	-0.05	- 4
N. H.	1.29	0.92	-0.37	- 29
Vt.	1.00	0.64	-0.36	- 36
Del.	0.67	0.62	-0.05	- 7
V. I.	0.06	...	-0.06	-100
Total	80.00	75.36	-4.64	- 6

ZONE 2				
State	Due	Assign.	± Quota due ± Units	± %
Pa.	27.63	20.32	-7.31	-26
Ohio	19.07	19.29	+0.22	+ 1
Mich.	13.89	10.63	-3.26	-23
Ky.	7.50	8.50	+1.00	+13
Va.	6.95	9.50	+2.55	+37
W. Va.	4.96	5.20	+0.24	+ 5
Total	80.00	73.44	-6.56	- 8

ZONE 3				
State	Due	Assign.	± Quota due ± Units	± %
Tex.	16.22	22.67	+ 6.45	+ 40
N. Car.	8.82	8.15	- 0.67	- 8
Ga.	8.10	8.15	+ 0.05	+ 1
Ala.	7.37	6.32	- 1.05	- 14
Tenn.	7.29	12.80	+ 5.51	+ 76
Okla.	6.67	8.44	+ 1.77	+ 27
La.	5.85	8.39	+ 2.54	+ 43
Miss.	5.60	3.25	- 2.35	- 42
Ark.	5.16	4.70	- 0.46	- 9
S. Car.	4.83	2.00	- 2.83	- 59
Fla.	4.09	8.45	+ 4.36	+107
Total	80.00	93.32	+13.32	+ 17

ZONE 4

State	Due	Assign.	± Quota due	
			± Units	± %
Ill.	22.52	34.19	+11.67	+52
Mo.	10.71	11.79	+ 1.08	+10
Ind.	9.56	7.44	- 2.12	-22
Wisc.	8.67	7.74	- 0.93	-11
Minn.	7.57	9.08	+ 1.51	+20
Iowa	7.30	11.60	+ 4.30	+59
Kans.	5.55	5.85	+ 0.30	+ 5
Nebr.	4.06	7.30	+ 3.24	+80
S. Dak.	2.05	3.17	+ 1.12	+55
N. Dak.	2.01	2.99	+ 0.98	+49
Total	80.00	101.15	+21.15	+26

ZONE 5

Calif.	36.86	38.06	+ 1.20	+ 3
Wash.	10.15	15.59	+ 5.44	+ 54
Colo.	6.72	9.24	+ 2.52	+ 38
Ore.	6.19	9.22	+ 3.03	+ 49
Mont.	3.49	3.65	+ 0.16	+ 5
Utah	3.30	6.60	+ 3.30	+100
Idaho	2.89	3.00	+ 0.11	+ 4
Ariz.	2.83	2.56	- 0.27	- 10
N. Mex.	2.75	4.03	+ 1.28	+ 47
Hawaii	2.39	1.84	- 0.55	- 23
Wyo.	1.46	0.60	- 0.86	- 59
Nev.	0.59	0.70	+ 0.11	+ 19
Alaska	0.38	0.68	+ 0.30	+ 79
Total	80.00	95.77	+15.77	+ 20

A FEW BINDERS LEFT AT \$2.00

Those who ordered binders should receive them within a few days, according to our advice from the factory. There are about twenty-five binders left from our order to the factory. The first twenty-five stations sending orders in will receive these binders at the price of \$2.00 each—one binder being large enough to hold two years' issues of NAB REPORTS. Future single orders will have to be filled at the price prevailing when the order is placed at the factory. A representative estimates this price at present about \$3.00 each. There is a substantial saving by virtue of the present order—moreover we would like to dispose of the remaining binders.

DISPLAY NAB CODE OF ETHICS

Every member of the National Association of Broadcasters in good standing should have framed and hanging in a prominent position in the reception room, office or studio of the station a copy of the Code of Ethics of the Association. It is a good thing for the station, the Association and the public, to afford your callers an opportunity to read the Code. Copies are now being mailed to members who have recently joined. It is 11 by 14 inches on good quality stiff cardboard, and an ornament to any office. There is no charge, and any member that does not have a copy should write to the Managing Director requesting one.

FURNITURE AND RADIO ADVERTISING

A recent bulletin on the subject of furniture distribution and published by the Department of Commerce indicates that this should be a fertile field for radio advertising. The report says, in part:

"Only 1 store out of 70 reported that it did not advertise at all. Newspapers were far and away the most-used medium of advertising. The amount spent on newspaper advertising by different individual stores varied from nothing to 99 per cent of the total advertising appropriation, being above 70 per cent in the majority of cases. Direct-mail advertising was next in importance. Out of 56 stores reporting, 42 were engaged in direct-mail advertising, but only in the case of 3 stores did it equal more than 40 per cent of the total advertising appropriation. Billboards ranked next as a medium of advertising, 28 out of 59 reporting stores using them. Only 3 of these 28 stores spent more than 30 per cent of their total advertising appropriation on billboards, the highest being 44 per cent.

"Only a few stores used radio and shopping news. Fifteen out of 59 stores used radio, the highest proportion of the total advertising appropriation spent by any one store being 25 per cent. One store stated that it found radio advertising effective only for outstanding sales events. Nine out of 59 stores, in five cities, used the shopping news. Although these stores were so few in number, it is interesting to note that two of them spent on the shopping news 56 and 64 per cent, respectively, of their total advertising

appropriations. One store which never advertised through the newspapers stated that it made most effective use of the shopping news by joining with the other merchants who advertised in the shopping news to divide the town into different districts, some of which were set aside as having insufficient potential business to warrant receiving the shopping news."

RADIO RATE CASE REVERSED

The Interstate Commerce Commission has found, following reconsideration of a previous decision that the applicable charges on car-load shipments of radio cabinets with built in loud speakers from Two Rivers, Wis., to New York City are not unreasonable and the complaint has been dismissed. In its former finding the Commission decided that the rates were unreasonable. The case is that of the Hamilton Manufacturing Company against the Chicago & North Western Railway Company.

FEDERAL POWER COMMISSION UPHeld

In an opinion handed down this week by Federal Judge Luther B. Way at Norfolk, Virginia, it was held that the Federal Power Commission had jurisdiction over hydroelectric plants on non-navigable streams. The Government's position had been vigorously opposed. The decision is regarded as of far-reaching importance in connection with interpretations of the present powers of the Federal Power Commission and in connection with the proposals for the Federal Government advanced by President Roosevelt and others, for more extensive regulation and supervision of public utilities by the Federal Government.

COMMISSION DELETES CALL LETTERS

The Radio Commission this week deleted the call letters of Station KGMP, Elk City, Okla., on receipt of an order from the Court of Appeals of the District of Columbia dismissing the appeal of the station. The facilities of this station were granted to E. M. Woody, who has been issued a construction permit for a new station.

INDIANAPOLIS APPLICATION DENIED

The Radio Commission affirmed Report No. 442 of Examiner E. H. Hyde by denying the application of the Thirty-first Street Baptist Church for a broadcasting station at Indianapolis, Ind. On June 30, 1932, the Commission made a conditional grant to the church for the erection of a station to use 600 kilocycles with 250 watts power daytime operation, which was later suspended.

The Commission contends that the church is not in a position to adequately finance the proposed new station and that there is no need for an additional broadcast service at Indianapolis.

WJSV DENIED LICENSE AFTER C. P.

The Federal Radio Commission on April 7 denied the application of Station WJSV, Alexandria, Va., for a license following construction permit. However, the Commission granted a new permit to the station to enable it to continue experiments with a view to meeting objections of the Naval Research Laboratory which were interposed against the granting of the license following permit.

POWER INCREASE GRANTED KGNO

With Commissioner Starbuck dissenting, the Radio Commission has granted a power increase to Station KGNO, Dodge City, Kans., from 100 to 250 watts and to change its frequency from 1210 to 1340 kilocycles. By this action the Commission reversed Examiner E. H. Hyde in his Report No. 451.

It was found by the Commission in this case that the station could efficiently make use of the additional facilities and that the past service of the station has been adapted to the interests of its service area. It was found further that the change in operating assignment requested "would permit the applicant to deliver a far better service to the relatively scattered population of what may be referred to as the Dodge City area." The Commission states that no interference is likely because of the changed facilities.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Hearings on the following applications will be held, Tuesday, April 11, 1933:

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Renewal of license (100 watts, 1210 kc., unlimited time), and for CP to move transmitter locally.

WBHS—W. T., M. M., W. C. & V. F. Hutchens, d/b as The Hutchens Co., Huntsville, Ala.—Renewal of license (1200 kc., 100 watts, shares with WFBC), and voluntary assignment of license to Radio Station WBHS, Inc.

NEW—Kathryn Jones, Florence, Ala.—CP, new station, 1420 kc., 100 watts, daytime.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Modification of CP to extend commencement and completion dates for power increase to 25 KW.
WMBH—W. M. Robertson, Joplin, Mo.—Oral argument on Examiners' Report No. 462, submitted by Examiner Pratt on March 3, recommending denial of application for modification of license to change hours of operation and providing for an increase from 35 to 71½ hours per week to be heard before Commission en banc on April 19, 1933, beginning at 10 a. m.

APPLICATIONS GRANTED

First Zone

WGLC—O. T. Griffin & G. F. Bissell, Hudson Falls, N. Y.—Granted modification of CP to change equipment and granted license covering move of studio and transmitter; increase in daytime power to 100 watts, and installation of new equipment.
WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted continuance of special authority to operate with precise frequency control simultaneously with WOKO, WHP, WHEC and WCAH on 1430 kc. for 6 months subject to discontinuance without notice.
WBBC—Brooklyn Broadcasting Corporation, Brooklyn, N. Y.—Granted temporary license, and designated application for renewal for hearing.
WMCA—Knickerbocker Broadcasting Co., Inc., New York—Granted license covering construction of new auxiliary transmitter and moving same from Hoboken to New York.
WDEV—Harry C. Whitehill, Waterbury, Vt.—Granted authority to operate from 2 to 3:30 a. m., April 12 to broadcast special program.

Second Zone

WHBC—Edward P. Graham, Canton, Ohio—Granted license covering installation of new equipment—1200 kc., 10 watts, specified hours.

Third Zone

KOCW—J. T. Griffin, Chickasha, Okla.—Granted modification of CP extending commencement date to 30 days after this date; also authorized change of apparatus.
KWEA—Hello World Broadcasting Corporation, Shreveport, La.—Granted extension to May 1 of special authority to remain silent pending action on CP and renewal application now pending before Commission.

Fourth Zone

KGGF—Powell & Platz, Coffeyville, Kan.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, April 13, provided WNAD remains silent.

Fifth Zone

KPO—National Broadcasting Co., San Francisco, Calif.—Granted license covering local move of transmitter, installation of new equipment and increasing power to 50 KW; also authority to use present equipment as auxiliary.

APPLICATIONS RECEIVED

First Zone

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Involuntary assignment of license from A. V. Tidmore.
WABI—First Universalist Society of Bangor, Bangor, Me.—Modification of license to increase hours of operation to unlimited.

Second Zone

WFDF—Frank D. Fallain, Flint, Mich.—Voluntary assignment of license to Flint Broadcasting Co.
WTAR—WPOR—WTAR Radio Corporation, Norfolk, Va.—Modification of license to increase power from 500 watts to 1 KW.
WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Authority to install automatic frequency control.
WHAT—Independence Broadcasting Co., Philadelphia, Pa.—Modification of license to specify hours of operation (shares with WTEL).
WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Modification of license to specify hours of operation (shares with WHAT).

Third Zone

KGKB—East Texas Broadcasting Co., Tyler, Tex.—CP to change equipment and increase power to 250 watts day, 100 watts night.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—CP to change equipment amended to move transmitter locally.
KFLX—George Roy Clough, Galveston, Tex.—CP to move transmitter and studio locally.
WBBX—Coliseum Place Baptist Church, New Orleans, La.—Involuntary assignment of license from Samuel D. Reeks.
KUAO—Southwestern Hotel Company, Fayetteville, Ark.—Modification of license to change frequency from 1390 kc. to 1260 kc., and to change hours from specified to daytime.
KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of license to change hours from specified to unlimited.
KFUL—The News Publishing Co., Inc., Galveston, Tex.—Consent to voluntary assignment of license to Southwest Broadcasting Co.
KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modification of license to change hours from shares KFUL to unlimited. (Facilities of KFUL.)

Fourth Zone

NEW—L. C. Memmott & E. H. Carter d/b as "The Voice of the Black Hills," Rapid City, S. Dak.—CP for new station to use 1360 kc., 250 watts night, 500 watts to local sunset. (Facilities of WCAT.)
NEW—Raymond M. Brannon, Fremont, Nebr.—CP for new station to use 1500 kc., 10 watts daytime, amended and resubmitted to request 100 watts. (Facilities of KFOR.)

Fifth Zone

NEW—William Ellis Phillips, San Diego, Calif.—CP for new station to use 1420 kc., 100 watts, unlimited time.
NEW—Otis Hill, Hilo, T. H.—CP for new station to use 1210 kc., 100 watts, daytime.

APPLICATIONS RETURNED

NEW—Church of Christ, Post, Tex.—CP for new station to use 950 kc., 5 watts, daytime. (Rules 6a, c, d, 120, equipment unsatisfactory, 140, 141, 146 and insufficient information on proposed transmitter location.)
NEW—Hager and Hunter, Kenneth A. Hunter and Fred M. Hager, Jr., Owatonna, Minn.—CP for new station to use 1310 kc., 25 watts, daytime. (Rules 6a, c, d, 121, 146, insufficient information on proposed transmitter location.)
NEW—The Derrick Publishing Co., Oil City, Pa.—Application for CP for new station to use 1370 kc., 100 watts. (Insufficient information.)

APPLICATIONS SET FOR HEARING

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to increase power from 500 watts to 1,000 watts.
KGIR—KGIR, Inc., Buttem, Mont.—Modification of license to change frequency from 1360 to 1340 kc.
KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license to change frequency from 1370 to 1450 kc., and increase night power from 100 to 250 watts. (Facilities of KVOA.)
WNBW—Home Cut Glass & China Co., Carbondale, Pa.—Involuntary assignment of license from WNBW, Inc., to G. F. Schiessler and M. E. Stephens, d/b as Home Cut Glass & China Co.
WROL—Stuart Broadcasting Co., Knoxville, Tenn.—CP to change frequency from 1310 to 1240 kc., increase power from 100 to 250 watts, and change hours to half time with WKAQ.
WPRO—WPAW—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of CP to change frequency from 1210 kc. to 630 kc. and increase power from 100 watts to 250 watts.

MISCELLANEOUS COMMISSION ACTION

WKBZ—Karl L. Ashbacker, Ludington, Mich.—Granted special authority to reduce hours of operation.
KGCA—Charles W. Greenley, Decorah, Iowa—Granted special authority to operate for five days with reduced power.
KFBK—James McClatchy Co., Sacramento, Calif.—Granted order to take depositions in re hearing on CP application scheduled for May 1.
WBAX—John H. Stenger, Wilkes-Barre, Pa.—Granted special authority to remain silent April 1 to April 8 while moving studio.
WPFB—Hattiesburg Broadcasting Co., Hattiesburg, Miss.—Granted special authority to remain silent from April 1 to June 1, because of economic conditions.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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SUPREME COURT HEARS WIBO CASE

The Supreme Court of the United States on Tuesday heard argument in the appeals of the Federal Radio Commission from the decision of the Court of Appeals of the District of Columbia overruling the Commission's grant to Station WJKS, Gary, Ind., of the facilities of Stations WIBO and WPCC, Chicago, Ill.

The Commission, overruling the examiner, granted to the Gary station the frequency of 560 kc. which had been assigned to the Chicago stations and the Court of Appeals reversed the Commission's decision. Station WJKS now operates on a frequency of 1360 kc. Subsequently the Government appealed to the Supreme Court for a review of the lower court's opinion.

The case for the Commission was argued by Solicitor General Thatcher who stated that the Supreme Court had jurisdiction over the case in the light of the amendment to Section 16 of the Radio Act and that the lower court erred in overruling the Commission. It was urged upon the court that in view of the fact that Illinois was over quota and Indiana over quota that the Commission was correct in granting the Indiana application.

Mrs. Mabel Walker Willebrant argued for Station WJKS, confining her remarks largely to a review of the present radio law and the regulations promulgated thereunder.

The case for Stations WIBO and WPCC was argued by Representative James M. Beck, former solicitor general. He argued first that the court was without jurisdiction to review the lower court's decision inasmuch as the lower court in passing upon radio appeals was acting in an administrative capacity. Congress is without power to confer upon a constitutional court jurisdiction in such cases, he said. The Commission is an agent of the Congress in granting "administrative favors," he argued, and the rights conferred through radio licenses were not "justiciable" rights. Congress might have adopted any policy with respect to the use of broadcasting frequencies but chose to grant the licenses to private individuals and corporations. Having thus declared this to be the policy of the Government, these private individuals and corporations have expended large sums of money to exercise the rights conferred and there was at least a presumptive right that stations, once erected and in operation, should continue in operation subject only to the right of revocation for cause set forth in the law. Even though there might be no rights as between a licensee and the sovereign power of the government, there were definite rights between two rival claimants for a facility. The Davis Amendment allocated facilities to states but that amendment did not confer upon an individual station the right to set up that Amendment as against another licensee.

Mr. Beck also questioned the procedure of the Commission in reversing the examiner. He pointed out that the Commission had not heard oral argument prior to its decision and that this failure constituted a violation of due process guaranteed to his clients under the law.

The court will likely render a decision in the case early next month.

REORGANIZATION PLANS NOT ANNOUNCED

While many rumors are current, no official announcement relative to President Roosevelt's plan to reorganize Government bureaus and commissions has as yet been announced. It is understood that a suggested plan for reorganization prepared by Secretary of Commerce Roper and his unofficial committee is now at the White House but it is not known definitely whether the Radio Commission is involved in the plan.

HEARINGS SCHEDULED ON RADIO BILLS

The House Merchant Marine, Radio and Fisheries Committee held a meeting on Thursday and decided to hold hearings on April 27 on two bills (H. R. 1558 and H. R. 1559) introduced by Repre-

sentative Louis Ludlow of Indiana, relating to the operation of short wave receiving sets. The Committee did not act on any of the other radio measures before it for the reason, perhaps, that the President's reorganization plans and the North American Conference are in the offing. It is doubtful if the House leaders will provide for the consideration of any radio bills during the present special session which is devoting its time entirely to the Roosevelt economy program.

WOULD REGULATE DRUG ADVERTISING

The Department of Agriculture is giving consideration to a revision of the Food and Drugs Act of 1906 which would give to the Government control over advertising of foods and drugs shipped in interstate commerce.

While details of the proposed revision of the law are being closely guarded it has been learned that it is planned to give the Department control over advertising, setting up a licensing system, extending not only to all foods and drugs, but also to corollary articles, such as healing devices, appliances, belts, lamps and similar mechanical apparatus.

Similar provisions have been proposed by the Department in the past but Congress has not seen fit to act upon such proposals. It is doubtful if the proposal to revise the food and drugs act will receive consideration during the present session although there is a possibility that the Department may submit its recommendations before adjournment of the session. The advertising proposal, it is understood, would affect radio, newspapers, magazines and other media alike.

RECOMMENDS DENIAL OF KWKH LICENSE

In a report proposed to the Commission April 8 (Report No. 470), Chief Examiner Yost recommended the refusal to Station KWKH, Hello World Broadcasting Corporation, of a renewal of its license to operate on 850 kc., a cleared channel, and urged the granting of full time to Station WWL, Loyola University, New Orleans, La., on that channel. The stations have been sharing time.

The same report recommends that the application of the International Broadcasting Corporation for a construction permit for a new station at Shreveport be denied; that the National Union Indemnity Association of Shreveport be permitted to withdraw its application for a new station at Shreveport; and that the application of Station WSPA, Virgil V. Evans, Spartanburg, S. C., to change its frequency from 1420 to 850 kc. and increase its power from 100 to 5000 watts be denied.

In his conclusions, the Chief Examiner said that "there is a greater public need at New Orleans for the radio broadcasting facilities now assigned to Station KWKH than there is for the use of these facilities at Shreveport" and that "the granting of the application of Loyola University and the deletion of Station KWKH would not affect the present quota status of the State of Louisiana or of the Third Zone."

The Chief Examiner found also that the Loyola University was "legally, financially, technically and otherwise qualified to operate Station WWL in the public interest, convenience and necessity."

"The financial qualifications, the public service heretofore rendered and the public service proposed to be hereafter rendered by Hello World Broadcasting Corporation on its clear channel assignment at Shreveport do not warrant a finding that the continued operation of Station KWKH would serve public interest, convenience or necessity," the Chief Examiner found.

LOUISIANA STATION DENIED PERMIT

Examiner R. H. Hyde was partially sustained by the Radio Commission in his Report No. 447 by denying to W. H. Allen, Eugene Levv and S. B. Pearce permission to erect a new broadcasting station at Alexandria, La. The Commission denied Station KWEA,

Shreveport, La., license renewal with the use of its old equipment, but granted it permission to reconstruct its present transmitter and also denied is application to move to Baton Rouge.

The Commission found that the applicants for the new station do not have "the necessary technical and financial ability to construct and operate the proposed new station in an acceptable manner."

It is further stated by the Commission that there is no convincing evidence that the removal of Station KWEA to Baton Rouge would suit the interests of the general public in the area of that city. The equipment of the station, the Commission states, is obsolete, but the applicant has taken the only step open to it and that the permit for reconstruction of the station would serve public interest.

KTFI GRANTED POWER INCREASE

License renewal was denied Station KGKX, Sandpoint, Idaho, and Station KTFI, Twin Falls, Idaho, was granted a power increase from 500 to 1000 watts, daytime, by the Radio Commission in sustaining Examiner Elmer W. Pratt in his Report No. 449.

The Commission found that increasing the power of KTFI would result in good daytime reception to several thousand potential listeners in a small area where there is at present no good daytime service. It was found also that "public interest, convenience and necessity would be served by the granting of the proposed increase in daytime power to KTFI." The Commission in its decision also says that "the failure of the licensee of KGKX to support this station's application for renewal of license amounts to an abandonment of its facilities and they are therefore available for assignment to KTFI."

STATION WIL GETS ADDITIONAL TIME

The Radio Commission upheld Examiner Elmer W. Pratt in his Reports Nos. 386 and 443 by denying the application of the American Legion Donald Holden Post No. 106 permission to erect a new broadcasting station at Albany, Mo.; denying a license renewal to Station KFWF, St. Louis, Mo.; and granting Station WIL, St. Louis, full time on a frequency of 1200 kilocycles which it shared with KFWF.

It was found by the Commission that Albany, Mo., and the surrounding territory receives adequate broadcasting service and that there was no showing of a need for the service of the proposed new station. There was not sufficient showing either, the Commission states, of financial responsibility.

It is stated by the Commission that the St. Louis Truth Center (KFWF) is not empowered by its charter to operate a broadcasting station for commercial purposes or otherwise. The Commission also points to the collection of money by the station and the sermons of Emil C. Hartmann and "often including statements of a questionable nature regarding healing powers and derogatory to such institutions as hospitals, etc."

WIL, says the Commission, performs an acceptable local broadcasting service and its programs "fill a need for a popular local program service to the listeners of St. Louis." It is further pointed out that the assignment of WIL to full time would afford it an opportunity to extend its service and improve its programs.

WKBH GETS UNLIMITED TIME

Station WKBH, La Crosse, Wis., has been granted unlimited time on its channel of 1380 kilocycles by the Radio Commission reversing Examiner Elmer W. Pratt in his Report No. 454. The station formerly operated on certain specified hours.

The Commission in its decision found that the station is financially and technically qualified to use the additional time and that the granting of full time "would result in increased efficiency and greater convenience in the operation of this station and would enable the applicant through greater financial success to improve programs and service."

It was further found by the Commission that "as the use of unlimited hours would not result in an increase in interference, this application, coming as it does from an under quota state in an over quota zone, may be granted under Section 6 (f) of the Commission's Rules and Regulations."

EXTEND COURT ORDER IN KGDA CASE

The Court of Appeals of the District of Columbia has extended the temporary restraining order which it granted to Station KGDA, Mitchell, S. Dak., until a further order of the Court. In this case the Commission ordered the station off the air. It appealed to the Court and obtained a temporary restraining order and that order has now been extended. The Commission did not oppose the action.

NORTH AMERICAN RADIO CONFERENCE

No further information is available as to a date for the North American Radio Conference scheduled to be held in Mexico City,

LEGISLATURES IN OTHER STATES

Twenty-two State Legislatures have adjourned.

Kansas adjourned March 24th and the Roth Bill to prohibit slander by radio, which had passed the House, died in the Senate.

Georgia passed a law directing that certain State-supported colleges permit broadcasting of athletic events. The Legislature adjourned March 18th, leaving the bill to prohibit radio (and other) advertising of unauthorized insurance companies to die in a House committee.

Oregon adjourned on March 9th and H. J. R. 17, providing for State operation of telephone, telegraph and radio systems, died in the Senate.

Washington adjourned on March 9th and the proposal to memorialize the U. S. Congress not to pass the ASCAP sponsored bill to make liable for copyright charges those who use receiving sets where charges are made died in the House. The bill to license radio operatives also died in the House, but the bill to sell broadcasting rights to the highest bidder at horse races became law.

The following State Legislatures have adjourned without having had any legislation of particular interest to the broadcasting industry: Arizona, Arkansas, Idaho, Indiana, Iowa, Louisiana, Maine, Maryland, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, Vermont, West Virginia and Wyoming.

SEEKS CALIFORNIA RADIO COMMISSION

Senator Duval has introduced in the California Senate a bill (S. 1187) which would create a California Radio Authority having power "to supervise all material broadcast from broadcasting stations operated for profit"; to impose a license fee on all commercial stations; and to otherwise regulate the operation of broadcasting stations. The bill is the boldest attempt yet made to supersede federal control of broadcasting by a state authority. Among other things, the bill would give the Authority to be created the power "to initiate proceedings for the cancellation of the federal licenses of broadcasting stations not operated, in the judgment of the State Radio Authority, in the public interest, necessity or convenience."

The bill, clearly unconstitutional, undoubtedly will meet the organized opposition of California broadcasting stations.

Senator Duval represents in the California Senate the district in which the Ventura Free Press is published.

NAB ENGINEERING COMMITTEE MEETS

The NAB Engineering Committee held its first meeting of the year at the Engineering Societies Building, New York City, at 10 a. m. April 8. Those attending were Joe Chambers (Chairman), E. K. Cohan, C. W. Horn, John E. Fetzer, William Foss, R. N. Harmon (for W. C. Evans), J. C. McNary, and Raymond Guy (NBC) and William B. Lodge (CBS).

The meeting was called to consider the problem of hum modulation of broadcasting station carrier waves. Tentative values of permissible hum modulation were outlined, representing conditions easily met by existing stations.

Saturday afternoon, at the New Yorker Hotel, a joint meeting of the NAB Engineering Committee, RMA Engineering Committee, and the IRE Broadcast Committee was held to consider the problem of hum modulation as experienced by both radio transmitters and radio receivers. A resolution was adopted to the effect that the majority of radio transmitters and receivers perform satisfactorily from the hum standpoint, and that the few exceptions to the general rule may best be taken care of by NAB and RMA memberships acting independently.

OKLAHOMA PROPOSES RADIO TAX

The Oklahoma Senate is expected to pass H. B. 619 which proposes a tax of two per cent on the gross proceeds of broadcasting stations. Although it is believed the bill will win Senate approval, there is a prevailing opinion that the measure will gain gubernatorial veto.

BUCKLEY BILL FAILS IN N. Y.

The New York Legislature adjourned on April 10, without enacting the Buckley bill which would have placed a tax of five per cent on gross income of broadcasting stations. The bill drew opposition from the newly formed New York State Committee of the NAB.

FLORIDA LIQUOR ADVERTISING BILL

The judiciary committee of the Florida House has under consideration a bill (H. 306), introduced by Robineau on April 12, proposing an amendment to the Florida law against advertising liquors to exclude those defined as non-intoxicating and permissible under the new law.

INSURANCE ADVERTISING RESTRICTED

The Pennsylvania Senate recently passed a bill (S. 538) which specifically prohibits radio broadcasting of advertisements of insurance companies not authorized to do business in the State. It was referred to the House Committee on Insurance and was favorably reported by that Committee on April 12. It is understood that the bill is sponsored by the State Insurance Commission.

MISSOURI ADVERTISING TAX PROPOSED

The Missouri House has passed H. B. 616 imposing a tax of one per cent on "advertising, except newspapers." Originally the bill imposed the tax on a long list of commodities but an amendment adopted in the House eliminated newspaper advertising.

TEXAS PASSES INCORPORATION BILL

The Texas House on April 11 passed a bill (H. 71) which would correct a deficiency in the Texas laws thereby authorizing the creation of corporations for broadcasting purposes. The present law does not permit the incorporation of broadcasting companies.

MINNESOTA TAX BILL KILLED

Reports from Minnesota indicate that the Gravens-Serline measure which would have imposed a tax of eight per cent upon the gross revenue of broadcasting stations was killed in the Minnesota Taxes and Laws Committee.

REHEARING DENIED IN WOQ CASE

The Court of Appeals of the District of Columbia has denied the motion of the Radio Commission for rehearing in the case of Station WOQ, Kansas City, Mo. The Commission took this station off the air. It appealed to the Court and the Court sent the case back to the Commission for bearing. The Commission asked for rehearing of the case by the Court but this has been denied.

DUBILIER WINS PATENT SUIT

The United States Supreme Court has held that government employees who patent something during their employment are entitled to have the patent issued in their names.

The decision was rendered in connection with radio inventions now licensed to the Dubilier Condenser Company. The suits were instituted by the government in the Federal District Court for Delaware against the Dubilier Company to force it to give to the government rights assigned to it by Percival D. Lowell and Francis W. Dunmore on patents obtained by them on radio inventions while employees at the Bureau of Standards. Chief Justice Hughes and Justices Stone and Cardozo dissented.

RADIO ADVERTISING SHOWS DECLINE

According to the April number of "Survey of Current Business," published by the Department of Commerce, radio advertising for the month of February, 1933, totaled \$2,600,000, as compared with \$3,891,000 for February, 1932, and \$2,795,000 for January, 1933. The greatest reductions appear in the items of tobacco, foods and drugs and toilet goods. Radio advertising by tobacco manufacturers for the month of February, 1933, amounted to \$334,000, as compared with \$801,000 for February, 1932. The Survey further shows that radio advertising of foods in the month of February, 1933, amounted to \$690,000, as compared with \$1,001,000 in February, 1932; and that radio advertising of drugs and toilet goods for February, 1933, amounted to \$651,000, as compared with \$888,000 for February, 1932.

BRITAIN UPHOLDS COPYRIGHT OWNERS

The right of the Performing Right Society of Great Britain to license broadcast receiving sets in hotels, restaurants and public houses was upheld in a test case brought in the Chancery Division in London recently. The court granted a restraining order enjoining the Hammonds-Bradford Brewery Company, London, from permitting the George Hotel to use for reproduction in public any musical work the rights to which were owned by the plaintiff. The case will be appealed to a higher court. The case involves the principle touched upon by the Supreme Court of the United States in the Jewell-LaSalle case.

U. S. OFFERS BROADCAST SCRIPTS

The U. S. Office of Education has sent to broadcasting stations a questionnaire asking if they desire to have weekly scripts suitable for use by local school authorities in presenting educational matter. These scripts will be sent weekly to stations desiring them. They are prepared especially for broadcasting purposes.

NAB COMMERCIAL MEETING IN JUNE

The NAB Commercial Committee is expected to meet shortly to consider a program for the annual meeting of the Commercial Section which will be held in connection with the annual convention of the Advertising Federation of America at Grand Rapids, Mich., next June. The radio meeting will be devoted largely to a discussion of commercial problems of broadcasting.

WRVA COOPERATES WITH SCHOOLS

Station WRVA, Richmond, Va., has a long record of cooperation with Virginia school authorities. Through the courtesy of the station the State Board of Education is sponsoring a series of radio talks on problems of special interest to the prospective graduates of Virginia high schools. The series began a week ago and will continue weekly until May 6. The time is entirely under control of the State Board of Education, the station cooperating in presenting the series.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

WMBH—Wednesday, April 19, 1933, oral argument will be heard by the Commission sitting en banc on the application of WMBH, Joplin, Mo., for a modification of license to increase hours of operation.

A hearing, before an examiner, will be held Friday, April 21, 1933, on the application of Dr. George W. Young, Minneapolis, Minn., for CP for visual broadcasting station (2000-2100 kc., 500 watts).

APPLICATIONS GRANTED

First Zone

WQDM—A. J. St. Antoine & E. J. Regan, St. Albans, Vt.—Granted authority to operate from 2 to 4 p. m. April 16 in addition to regular hours.

WSVS—Seneca Vocational School, Buffalo, N. Y.—Granted authority to remain silent from April 12 to April 24.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted approval of following hours of operation, pending resumption by station WBMS or the assignment of the facilities of WBMS: 8 a. m. to 2 p. m.; 6 p. m. to 12 midnight, daily, EST.

WABI—1st Universalist Society of Bangor, Maine—Granted special temporary authority to operate from 3 to 4 p. m., EST, April 16.

WESG—Cornell University, Elmira, N. Y.—Granted authority to operate until 8 p. m. EST April 16.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate during certain specified hours.

Second Zone

WHIS—Daily Telegraph Printing Co., Inc., Bluefield, W. Va.—Granted renewal of license, 1410 kc., 250 watts, sharing equally with WRBX, and application dismissed from bearing docket.

WJSV—Old Dominion Broadcasting Co., Alexandria, Va.—Granted special experimental license to operate until 3 a. m. May 1, 1460 kc., 10 KW, midnight to 6:30 a. m. daily in addition to regular broadcast hours to determine results of new antenna system.

WSAN—Allentown Call Publishing Co., Allentown, Pa.—Granted consent to voluntary assignment of license to WSAN, Inc.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted authority to install automatic frequency control.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted authority to operate from 6 to 7 p. m. April 16.

Third Zone

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted renewal of license, 880 kc., 500 watts night, 1 KW to local sunset, unlimited time, and application dismissed from hearing docket.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted renewal of license, 1450 kc., 500 watts, unlimited time, and application dismissed from hearing docket.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special experimental authority to operate with 1 KW for period of 60 days from April 14.

WBHS—The Hutchens Co., Huntsville, Ala.—Granted authority to Virgil Evans on behalf of WBHS to remain silent from April 1, pending outcome of hearing and while station is being rebuilt.

WNAD—University of Oklahoma, Norman, Okla.—Granted authority to remain silent from midnight April 29 to Tuesday night, October 3, 1933.

Fourth Zone

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, April 13, provided WNAD remains silent.

KLPM—John B. Cooley, Minot, N. Dak.—Regular license extended until April 30 pending installation of frequency monitor.

KGGF—Powell & Platz, Coffeyville, Kans.—Authorized to use facilities of WNAD from midnight, April 29, to Tuesday night, October 3, 1933.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Granted authority to operate simultaneously with stations KPO and WPTF from 3 to 4 a. m., EST, April 15.

KSOO—Sioux Falls Broadcasting Association, Sioux Falls, S. Dak.—Granted authority to operate from 8 to 10 p. m., CST, April 18, simultaneously with WRVA, Richmond, Va.

Fifth Zone

KGEZ—Donald C. Treloar, Kalispell, Mont.—Granted special temporary authority to reduce hours of operation.

KFAC—Los Angeles Broadcasting Co., Los Angeles, Calif.—Granted authority to take depositions in re applications set for hearing June 1.

APPLICATIONS SET FOR HEARING

WRAM—Wilmington Radio Assn., Inc., Wilmington, N. C.—Renewal of license.

WBBX—Samuel D. Reeks, New Orleans, La.—CP to change location of transmitter locally, and install new transmitter. Also involuntary assignment of license from Samuel D. Reeks to Coliseum Place Baptist Church.

WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license.

NEW—C. C. Crawford, Haynesville, La.—CP for new station, 1370 kc., 50 watts, specified hours (facilities of KWEA in quota units).

WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to increase power from 250 to 500 watts.

WHOM—N. J. Broadcasting Corp., Jersey City, N. J.—Modification of license to change time from sharing with WBMS to unlimited (facilities of WBMS).

WILL—University of Illinois, Urbana, Ill.—Modification of license to increase operating daytime power from 500 watts to 1 KW (facilities of WKBS in quota units. Station operates on 890 kc. night with 250 watts, sharing with KUSD and KFNS).

MISCELLANEOUS COMMISSION ACTION

WBBX—Samuel D. Reeks, New Orleans, La.—Denied authority to use transmitter of WJBO pending action and construction (if authorized) on request to move transmitter locally.

WGN—WGN, Inc., Chicago, Ill.—Denied protest and motion for reconsideration of decision of Commission of March 26, 1933, granting WBBM, Chicago, and KFAB authority experimentally to synchronize during specified night hours.

KFOR—Howard A. Shuman, Assignor, Cornbelt Broadcasting Corp., Assignee, Lincoln, Nebr.—Authority heretofore granted to Howard A. Shuman for voluntary assignment of license of KFOR to Cornbelt Broadcasting Corp. suspended because of protest of Shuman, who charges in effect breach of contract, and case designated for hearing. Protest of Louis B. Maupin, citizen, Lincoln, Nebr., denied.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted authority to present further evidence with reference to application for CP for new television station at Buffalo, heard before Examiner Pratt on March 20.

WNBX—The WNBX Broadcasting Corp., Springfield, Vt.—Granted special temporary authority to reduce hours of operation.

WKFI—J. Pat Scully, Greenville, Miss.—Granted special temporary authority to reduce hours of operation.

KWKC—Wilson Duncan Broadcasting Co., Kansas City, Mo.—Denied request to operate from 12 midnight to 6 a. m. for period of 30 days to broadcast all request commercial programs for benefit of attendance at beer parties.

WERE—Erie Despatch Herald Broadcasting Corp., Erie, Pa.—Court of Appeals of D. C. dismissed appeal of this station on Commission's motion to dismiss for non-payment of fees for printing record.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted permission to intervene in application of KSEI for modification of license.

KTM—Pickwick Broadcasting Corp., Los Angeles, Calif., and KELW, Magnolia Park, Ltd., Burbank, Calif.—Hearing on applications for facilities of these two stations, set for May 1, postponed until June 1, 1933.

NEW—Atlas Broadcasting Corp., Jersey City, N. J.—Application for CP for new station to use 1450 kc., 500 watts dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

WINS—American Radio News Corp., New York, N. Y.—CP to move transmitter from Astoria, L. I., to Carlstadt, N. J.

WHAM—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Modification of license to use 5 KW transmitter, formerly licensed, as auxiliary.

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Modification of license to increase night power to 500 watts experimentally (present assignment 250 watts night, 500 watts day).

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Modification of license to increase power from 25 KW to 50 KW.

WHDH—Matheson Radio Co., Boston, Mass.—Modification of license to change hours of operation from daytime to unlimited time on 830 kc. resubmitted without amendment.

Second Zone

WLIT—Lit Brothers Broadcasting System, Inc., Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW.

NEW—William L. Slade, Hamilton, Ohio—CP for new station on 1370 kc., 100 watts, unlimited time, facilities of WHBD, Mt. Orab, Ohio, amended to change frequency to 1420 kc. and to request all facilities of WHBD except frequency, and to change antenna specifications.

WIBM—WIBM, Inc., Jackson, Mich.—Application for modification of license to change hours of operation amended to request change in specified night hours only.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Application for modification of license to change hours of operation amended to request change in specified night hours only.

NEW—Leo J. Omelian, Erie, Pa.—CP for new station at Erie, Pa., 1420 kc., 100 watts night, 250 watts day, unlimited time, facilities of WERE, Erie, Pa.

WFI—WFI Broadcasting Company, Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW.

Third Zone

KUOA—Southwestern Hotel Co., Fayetteville, Ark.—Voluntary assignment of license to KUOA, Inc.

KUOA—Southwestern Hotel Co., Fayetteville, Ark.—CP to make changes in equipment and move transmitter locally (filed in name of KUOA, Inc.).

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modification of license to change hours of operation from sharing with KFUL to unlimited time (facilities of KFUL), amended to change power from 1 KW night, 2½ KW day to 1 KW day and night.

Fourth Zone

NEW—Hager & Hunter (Kenneth A. Hunter and Fred M. Hager, Jr.), Owatonna, Minn.—CP for new station on 1310 kc., 25 watts, specified hours, amended to request 100 watts daytime hours of operation, change in transmitter location (facilities of KFMX, Northfield, Minn.).

Fifth Zone

KGIR—KGIR, Inc., Butte, Mont.—CP to change equipment and increase day power to 1 KW.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—License covering CP for local move and equipment changes.

KREG—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Change in automatic frequency control equipment.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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REORGANIZATION PLANS INDEFINITE

Although many reports are current with respect to the plan to reorganize government bureaus and commissions, no official announcement from the White House has been forthcoming. It is generally known, however, that the proposal developed under the direction of Secretary of Commerce Roper is now at the White House, but it is doubtful if the President has had an opportunity to give detailed study to the proposal.

In the meantime, however, the Director of the Budget has recommended to the House Appropriations Committee that appropriations for the Commission during the fiscal year commencing June 30, 1933, be reduced from \$780,427 to \$640,000, or \$140,427 less than the amount provided in the bill passed by the Congress last session and which was given a pocket veto by President Hoover. Judge Sykes appeared before the House Committee this week and testified in executive session with respect to the 1934 appropriations for the Commission.

SYKES TO HEAD U. S. DELEGATION

Judge Eugene O. Sykes, chairman of the Federal Radio Commission, will be chairman of the delegation which will represent the United States at the North American Radio Conference now tentatively scheduled to be held at Mexico City, Mexico. No definite date for the conference has been fixed.

Judge Sykes and Senator Wallace H. White of Maine were named by the State Department to represent this country at the conference last February but it was not known until Friday (21) that Judge Sykes would head the delegation.

Judge Sykes, one of the original members of the Commission, was chairman of the United States delegation which attended the International Radio Conference at Madrid last fall. With Senator White he has been active in the formulation of plans preliminary to the Mexico City conference. Meetings of the Committee preparing for the meeting are continuing, with subcommittees giving consideration to details of the work.

WGN APPEALS WBBM-KFAB DECISION

Station WGN this week filed an appeal in the Court of Appeals of the District of Columbia from the decision of the Commission authorizing Stations WBBM, Chicago, and KFAB, Lincoln, Nebr., to synchronize their operation. The appeal alleges that interference will be caused on a nearby frequency and points out that the application was granted in the face of an over-quota condition in the Fourth Zone.

On motion of the Commission, the Court of Appeals dismissed the appeal of Station WERE, Erie, Pa. (Docket No. 5881), which was taken from a decision of the Commission refusing renewal of license to the Erie station.

An application for stay of mandate was filed in the Court of Appeals by Station WNYC, New York, in the Station WMCA, New York, case. The reason assigned for the stay is that Station WNYC is contemplating appeal to the Supreme Court of the United States. Recently the Court of Appeals upheld the decision of the Commission denying the New York city station all of the time which it had requested.

KHQ HELD LIABLE FOR LIBELOUS MATTER

The Supreme Court of Washington has held Station KHQ, Spokane, Wash., jointly liable with the speaker for alleged defamatory statements uttered over the station.

The Supreme Court upheld a decision of the Spokane County Court awarding Sheriff G. G. Miles of Spokane County \$1,000 in damages for defamatory words spoken over Station KHQ. Louis Wasner, owner of the station, Charles G. Lantry, announcer, and

William H. Castner, advertiser, were held to be jointly liable. The statements in issue were contained in a broadcast prepared by Castner, newspaper publisher, relating to prohibition repeal. The statements, it is reported, attacked the sheriff for alleged resale of confiscated stills, while as a matter of fact he destroyed them, the decision said.

The decision of the Washington court follows in principle the decision of the Nebraska Supreme Court which is now on its way to the Supreme Court of the United States.

NEWS BROADCASTS BEFORE A. P. GROUP

The annual meeting of the Associated Press, which will be held in New York on April 24, will have before it the question of prohibiting broadcasts of its news. Announcement was made last week of the results of a poll of A. P. members conducted last month which revealed a feeling that broadcasting of A. P. bulletins should not be permitted.

WBAX DENIED ADDITIONAL FACILITIES

The Radio Commission has sustained Examiner E. W. Pratt in his Report No. 466 by denying the application of Station WBAX, Wilkes-Barre, Pa., to change its frequency from 1210 to 930 kilocycles, and to increase its power from 100 to 250 watts and to change its hours of operation from specified hours to unlimited time.

The Commission found that the present service of the station would not warrant the granting of the increased facilities asked for by the station and that although the proposed change in frequency and increase in power would enable the station to render a more extensive service, "there would result objectionable interference between WBAX and other stations operating on the same and adjacent frequencies both in the United States and Canada."

FLORIDA WOULD LEASE STATION WRUF

A bill introduced in the Florida Legislature, House No. 353, by Brown, provides that the State Board of Education be empowered to lease the radio station at the University of Florida, on such terms and conditions as may seem to be in the best interest of the State, reserving certain hours to be used for broadcasting purposes of the State, the money received from the lease to be paid monthly into the State treasury.

OKLAHOMA RADIOCASTING TAX

The Oklahoma General Sales Tax, which was passed by both houses and approved by the Governor, levies a sweeping two per cent tax excepting only a few items specifically set out. The tax is specifically levied upon "all sales of electricity . . . to domestic or industrial consumers thereof," and "upon all sales of service in radiocasting, whether in the transmission of messages or otherwise, or in the leasing, hiring, or renting of radiocasting equipment or facilities"; . . . "provided that when . . . electricity is sold for industrial purposes, the tax shall be one per centum . . ." The law is effective upon approval, and was approved on April 18, 1933.

REFUSING ADVERTISING

The Iowa Supreme Court this month in the case of Shuck vs. Carroll Daily Herald explicitly affirmed the doctrine that newspaper publishers have a right to publish whatever advertisements they desire and to refuse to publish whatever advertisements they do not desire to publish. The plaintiff asked the equity court to compel the newspaper to accept and publish his advertisement after it had been refused without reason even though he had tendered the usual charge for like advertising. His petition was dismissed.

INVESTIGATING UNLICENSED TEXAS STATIONS

The Radio Commission and the Department of Justice are looking into current reports that some thirty low-powered radio broadcasting stations are operating in the State of Texas without licenses. The stations, which are said to be causing interference, are using 10 and 15 watts, it is reported here.

RADIO EMPLOYMENT FIGURES

The March employment index number for the radio industry was 61, compared with 61.9 for February and 64.1 for March of last year, taking 1926 at 100, according to the Bureau of Labor statistics, Department of Labor. March payroll index number for the industry was 42 compared with 45.5 for February and 51.1 for March of last year.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

An application for CP for new television station, filed by WBEN, Inc., Buffalo, N. Y., will be heard on Tuesday, April 25, 1933, at 10 a. m.

The application of James P. Hart, James P. Hart, Jr., and Donald W. Parsons, d/b as Gateway Broadcasting Co., Roanoke, Va., for CP for new station to use 1410 kc., 250 watts, sharing with WHIS (facilities now assigned to WRBX), and the application of WRBX, Richmond Development Corporation, Roanoke, Va., for renewal of license, will be heard Wednesday, April 26, 1933, at 10 a. m.

Oral arguments in re KTAR Broadcasting Company's application (Examiner's Report 456) will be heard May 31, 1933, by the whole Commission.

Oral argument in re application of Robert M. Riculfi, Tucson, Ariz., KVOA (Examiner's Report 464), will be heard May 31, 1933, by the whole Commission.

APPLICATIONS SET FOR HEARING

KGHI—Lloyd Judd Co., Little Rock, Ark.—CP to make changes in equipment, change frequency from 1200 kc., to 570 kc., and increase power from 100 to 500 watts.

WGN—WGN, Inc., Chicago, Ill.—CP to make changes in equipment and to increase power to 50 KW.

NEW—Philip J. Wiseman, Lewiston, Me.—CP for new station to operate on 640 kc., 500 watts, limited time.

NEW—William L. Slade, Hamilton, Ohio—CP for new station, 1420 kc., 100 watts, unlimited time (facilities of WHBD).

WCAL—St. Olaf College, Northfield, Minn.—CP to change equipment and increase day power from 1 KW to 2½ KW.

APPLICATIONS GRANTED

First Zone

WINS—American Radio News Corp., New York, N. Y.—CP to move transmitter from Astoria, L. I., to Carlstadt, N. J.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted authority to use auxiliary transmitter for period of one week while overhauling main transmitter.

WMSG—Madison Square Garden Broadcast Corp., New York, N. Y.—Granted special temporary authority to use and operate temporarily the radio transmitting apparatus of Station WCDA for period May 1 to Nov. 1, 1933.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Granted special temporary authority to use and operate temporarily the radio transmitting apparatus of Station WCDA for period May 1 to Nov. 1, 1933.

Second Zone

WNBW—WNBW, Inc., Scranton, Pa.—Granted extension of authority to remain silent from April 16 to June 1, pending action on pending application.

WFDF—Frank D. Fallain, Flint, Mich.—Granted consent to voluntary assignment of license to Flint Broadcasting Company.

Third Zone

WQBG—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate unlimited time on frequency of 1360 kc., with 500 watts, on experimental basis from May 1 to Nov. 1, 1933.

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted special temporary authority to reduce hours of operation.

WENC—Americus Broadcast Co., Americus, Ga.—Granted 60-day authority to operate unlimited time during silence period of Station WAMC.

WAMC—Raymond C. Hammett, Anniston, Ala.—Granted special temporary authority to remain silent for period of 60 days.

Fourth Zone

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to midnight, CST, April 28, 1933.

WOQ—Unity School of Christianity, St. Louis, Mo.—Granted oral argument before the Commission en banc for May 3, 1933. Station given until April 26, 1933, within which to reply to the exception filed by Station KFH.

Fifth Zone

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Granted CP to move station locally in Clovis; also granted authority to cease broadcasting until new transmitter can be built at new location.

KFQD—Anchorage Radio Club, Anchorage, Alaska—Granted renewal of license for regular period, 1230 kc., 250 watts, hours daily from 6 p. m. to midnight, LST.

APPLICATIONS RECEIVED

First Zone

WGNV—Peter Goelet, Chester Township, N. Y.—Modification of license to increase power from 50 watts to 100 watts.

WMAL—National Broadcasting Co., Washington, D. C.—License to cover CP for auxiliary transmitter.

Second Zone

WSEN—Columbus Broadcasting Corporation, Columbus, Ohio—CP to move transmitter locally.

Third Zone

WAMC—Raymond C. Hammett, Anniston, Ala.—CP to install new equipment at new location, and to move studio locally.

Fourth Zone

WJKS—Johnson Kennedy Radio Corp., Gary, Ind.—CP to move transmitter from Gary to Hammond, Ind.

WCAL—St. Olaf College, Northfield, Minn.—Modification of license to increase specified hours of operation (facilities of KFMX, Northfield, Minn.).

WKBB—Sanders Bros. Radio Station, East Dubuque, Ill.—Modification of CP to move station from Joliet to East Dubuque, Ill., change frequency from 1310 kc. to 1500 kc., and change from sharing with WCLS to specified hours, to extend commencement and completion dates to 6-21-33 and 11-21-33 respectively.

Fifth Zone

KOA—National Broadcasting Co., Denver, Colo.—Modification of CP for 50 KW station to extend date of completion to 11-17-33.

APPLICATIONS RETURNED

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—CP to change transmitter location locally, using KFI's auxiliary transmitter with changes, and increase day power from 1 KW to 2½ KW (Rule 6a, c, and d, and Rule 49).

NEW—Herbert H. Fette and Ewald Fette, d/b as Fette Bros., Meriden, Minn.—CP for new station, 1210 kc., 75 watts, specified hours (Rule 6a, c, and d, frequency monitor, antenna system, and transmitter location).

MISCELLANEOUS COMMISSION ACTION

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted continuance of hearing to May 16 on applications from Maine and Vermont for use of 1340 kc. channel.

—Don Lee Broadcasting System, Los Angeles, Calif.—Denied "Motion to Vacate and Rescind Order to Take Depositions." in re application of James McClatchy Co., Station KFBK, set for hearing.

NEW—C. C. Crawford, Haynesville, La.—Application for facilities of KWEA, heretofore set for hearing, withdrawn from docket and returned to applicant.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted special temporary authority to continue test period from 12 midnight, April 19, to 6 a. m., April 26.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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NAB AWAITING ASCAP BOARD MOVE

Plans for litigation looking toward a dissolution of the American Society of Composers, Authors and Publishers have been momentarily suspended by a request from E. C. Mills, general manager of the American Society of Composers, Authors and Publishers, for a conference with Hon. Newton D. Baker, general counsel for the National Association of Broadcasters in copyright matters. The Board of Directors of the Society met Thursday to pass on the questions raised by Mr. Mills' request and on the NAB proposal for the adoption of a "per piece" plan for the payment of royalties, coupled with an immediate revision of the existing contracts by eliminating the sustaining fee and the percentage on gross revenue and the substitution therefor of a percentage of the receipts on programs using ASCAP music.

NEWS BROADCASTS ARE RESTRICTED

Rigid policies governing the broadcasting of news bulletins and the publication of radio programs were adopted during the week at the annual meetings of the Associated Press and the American Newspaper Publishers Association held at New York.

A resolution adopted by the Associated Press membership and regulations promulgated by the Board of Directors thereunder virtually prohibit the broadcasting of news bulletins collected by that organization. It is believed that both the United Press and the International News Service will follow the policies laid down by the Associated Press.

The action governing the publication of radio programs in daily newspapers was taken by the membership of the ANPA at its April 25th meeting.

The resolution, sponsored by James G. Stahlman, publisher of the Nashville, Tenn., *Banner* and president of the Southern Newspaper Publishers Association, and adopted by the Associated Press, is as follows:

"Be it resolved, That it is the sense of this meeting that the Board of Directors shall not allow any news distributed by The Associated Press, regardless of source, to be given to any radio chain or chains; and be it further

"Resolved, That no member newspaper of The Associated Press shall be allowed to broadcast its local news or news furnished by The Associated Press, other than brief bulletins covering events of major local, national or international importance with credit to The Associated Press and the member newspaper, and then only over an individual radio station located at or near the place of publication of the member paper broadcasting; and be it further

"Resolved, That it is the sense of the meeting that the Board of Directors shall promulgate at once rules and regulations covering the hours of such news bulletin broadcasts so as to distinguish between morning and evening members, fix a schedule of additional assessments to be applicable solely to those member papers which broadcast Associated Press news, the revenue from which shall be applied to a pro rata reduction of assessments paid by non-broadcasting members; take all steps necessary to protect the news report of The Associated Press from pilfering or such other illegal use by radio news commentators or others; and define the meaning of 'brief bulletins' in conformity with the text and spirit of this resolution; and be it further

"Resolved, That all resolutions, heretofore adopted by the membership in conflict with this resolution, be and the same are hereby rescinded and declared null and void."

The following day the Board of Directors of the Associated Press announced the following regulations to carry out the resolution:

"Recognizing that any action at this time must be tentative, the Board prescribes the following regulations:

"Resolved that Associated Press news of major local, national and international importance may be broadcast only by a member over a broadcasting station located at the place of publication in a brief

bulletin form of not more than 30 words each, and one bulletin only on any one subject. Sports events need not be subjected to the 30-word or one-subject limitations. Such bulletins shall be broadcast only within the hours of publication of the member, with full credit to the Associated Press and the member newspaper broadcasting.

"Such broadcast of bulletins shall in no way be connected with commercial programs; that extraordinary service material, which is not subject to limited hours of publication, is excepted, but such matters shall be subject to the 30-word limitation. And be it further resolved that all resolutions heretofore adopted by the Board concerning broadcasting inconsistent with this resolution, be rescinded.

"That concerning the recommendation of the membership that added assessments be imposed upon members broadcasting, this question involving many complications, is deferred for future study.

"In pursuance of its policy to protect the news reports of the Associated Press, the suit now pending in the Federal court to prevent the unauthorized use by radio of such news reports will be vigorously prosecuted."

The resolution governing the publication of radio programs was contained in the report of the Association's radio committee and submitted by E. H. Harris, publisher of the *Palladium-Item*, Richmond, Ind., and chairman of the committee. The resolution is as follows:

"Therefore be it resolved that it is the sense of this association that in the future newspapers should not publish such programs free of charge and should publish them, when offered, only as advertising matter, to be paid for as other advertising is paid for."

While it was said by an official of the association that the resolution is not binding upon members of the association, it was pointed out that since the passage of a similar resolution last year numerous papers have banned free radio programs.

FOOD AND DRUGS ACT REVISION

Representatives of broadcasters, publishers, and other advertising media attended the conference called by Assistant Secretary of Agriculture Tugwell Saturday (April 29) to discuss proposed revision of the Federal Food and Drugs Act. The Department is seeking the help of manufacturers, agencies and media in the draft of a revision of the food and drugs act which will prevent false and misleading advertising of food and drug products. Following the series of conferences now in progress it is expected the Department will send to Congress a bill amending the present law wherein the Department feels the law is deficient. The National Association of Broadcasters, the National Broadcasting Company and the Columbia Broadcasting System were represented at the conference.

COMMISSION ALLOCATES ACTIVITIES

The Radio Commission this week reallocated the activities of the various members of the Commission inasmuch as there is now a full membership of the Commission for the first time since General Saltzman resigned last July.

Under the plan adopted, Judge Sykes, the chairman will have charge of administrative matters. Colonel Brown, Commissioner from the Second Zone, was made vice chairman of the Commission and will continue in charge of field operations.

Commissioner Hanley, the new member, will have charge of the Legal Division, while Commissioner Lafount will have charge of the Examiners' Division and the Press Service. Commissioner Starbuck will continue in charge of the Engineering Division.

The Commission announced also this week that George B. Porter, who has been Assistant General Counsel of the Commission since November 1, 1931, will be the Acting General Counsel in place of Duke M. Patrick, who recently resigned to take up private law practice.

In the organization plan Chief Examiner Yost and Examiners Pratt and Hyde, all Republicans, are to be replaced, although successors have not yet been announced. There is a likelihood that the post of chief examiner will not be filled due to the fact that appropriations for the next fiscal year have been materially reduced and it is possible also that at least three field offices will be closed for the same reason. Reduced appropriations may result in other dismissals from the Commission.

STAY ORDER IN WMMB-KFAB CASE

The Court of Appeals of the District of Columbia on Friday granted the petition of Station WGN, Chicago, Ill., for a stay order against the decision of the Federal Radio Commission authorizing Station WBBM, Chicago, and Station KFAB, Lincoln, Nebr., to synchronize their operation. Station WGN has filed an appeal in the Court alleging that the synchronization of the two stations would cause interference.

MISSOURI TAX BILL KILLED

Adjournment of the Missouri Legislature on April 26, 1933, marked the death of H. 616, which had passed the House but died in the Senate. The bill would have imposed a tax of one per cent on advertising, except newspapers.

BEER ADVERTISING PERMITTED IN N. C.

Several states have started the machinery to permit advertising of beers and wines, which is now prohibited by statutes that were on the books prior to enactment of the Federal 3.2 beer act. In North Carolina the measure (S. 492) became law on April 6, 1933. In addition to states previously reported, Texas with S. 523 and Michigan with S. 101 are the most recent states to take under consideration repeal measures of this kind.

ILLINOIS GROSS RECEIPTS TAX

Two bills have been introduced in the Illinois Legislature to supplement the three per cent sales tax in the matter of revenue raising. H. 789 provides a three per cent tax on the gross receipts of corporations, and H. 725 would impose upon all natural persons engaged in any profession, trade or occupation a tax of one and one-half per cent on gross receipts over three hundred dollars. Included in a list of businesses covered by the tax are "radio announcers, radio engineers and radio repairmen."

RECOMMENDS MORE TIME FOR WHBC

Station WNBO, Silver Haven, Pa., asked to change its time from specified hours to unlimited; WCAE, Pittsburgh, asked to move locally; and WHBC, Canton, Ohio, asked to increase its power from 10 to 100 watts. Report No. 471 (Hyde, e.). Recommended denying application of WNBO for unlimited time, granting WCAE permission to move transmitter locally, and granting of power increase to WHBC.

The Examiner found that the operation of WNBO on full time would be likely to cause serious interference with Stations WHBC and WNBO. He found that the moving of the transmitter of WCAE would be a constructive step and that "the new location offers advantages that should result in a more uniform field intensity over the natural service area of the station."

In the case of Station WHBC, Examiner Hyde found that the service of that station would be materially improved by the use of 100 watts instead of 10 watts as at present. Another important consideration, says the Examiner, "favoring the granting of the application is the fact that this 10-watt station is the only station in an important industrial community having a population over 100,000 and a trade area of still greater population."

HOUSE RADIO SUBCOMMITTEE NAMED

Representative Bland, Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, has announced the appointment of the following subcommittee on radio for the duration of the present Congress: Representative Briggs, Texas, chairman; Ramspeck, Georgia; Crosby, Iowa; Willford, Iowa; Brown, Kentucky; Lehlback, New Jersey; Edmonds, Pennsylvania; and Mr. McCandless, Delegate from Hawaii.

HEARING ON POLICE RADIO BILLS

Hearings were held on Thursday and Friday of this week before the House Committee on Merchant Marine, Radio and Fisheries on two police radio bills introduced by Representative Ludlow of Indiana.

One of these bills prohibits the installation of short wave sets in automobiles, while the other provides for the obtaining of a license for the installation of any set in an automobile. No very vigorous opposition was made to the bills. The Radio Commission

objected to the wording of one of the bills. Those appearing included police officials and representatives of the aviation industry.

RECOMMENDS EXTENDING WAPI PERMIT

Application by Station WAPI, Birmingham, Ala., for the extension of time for the commencement and completion of its construction permit to increase its power from 5,000 to 25,000 watts (Report No. 473, Yost, e.). Recommended that permit be modified to begin construction work by June 17, 1933, and complete it December 17, 1933.

The Examiner found that the station is financially able to make the construction but that it was justified in delaying the work because of economic conditions.

The present owners, the Examiner found, were not entirely to blame for the delay, and he found that "preliminary steps have been taken to comply with the terms of the existing construction permit."

FAVORS RENEWAL WBSH LICENSE

Renewal application by Station WBSH, Huntsville, Ala., and application by Hutchens Company for voluntary assignment of the station license to WBHS, Inc. (Report No. 472, Pratt, e.). Recommends that applications be granted.

The Examiner states that although there have been some irregularities in the past operation of the station, "these appear to have been remedied and said station, now off the air pending decision in this case, is under complete control and management of radio Station WBHS, Inc." He suggests that the license be renewed and the voluntary assignment be allowed.

GRANTS MORE TIME TO WMBH

The Radio Commission on Friday reversed Examiner Pratt in his Report No. 462 in which he recommended that the application for additional time for Station WMBH, Joplin, Mo., be denied. The Commission granted some additional time but not all that the station asked for.

The Commission found that the station is rendering a well-designed local service and "through the use of additional hours would be enabled to extend and improve such service." It was also found that there is substantial need for the additional time and "the public benefit which would result from the operation of Station WMBH until 9:30 p. m. fully warrants a limited extension of the time during which slight interference is experienced."

DUAL TRANSMITTER OPERATION DENIED

The application of Station WEBR, Buffalo, N. Y., for authority to operate two transmitters alternatively was refused by the Radio Commission, sustaining Examiner Hyde in his Report No. 465.

The Commission states in its opinion that the operation of the station's main and auxiliary transmitters as proposed would not comply with Rule 149 of the Commission's regulations and it further found that "the granting of the application would not serve public interest."

AUDITORY PERSPECTIVE DEMONSTRATED

The Bell Telephone Laboratories, in cooperation with Leopold Stokowski and the Philadelphia Symphony Orchestra, demonstrated new developments in program transmission over wire lines before the National Academy of Sciences, Washington, D. C., April 27.

The orchestra played at the Academy of Music in Philadelphia, and the music was reproduced before a large audience in Washington. The illusion of auditory perspective was obtained by using two microphones, each connected to an individual wire line and loud speaker. Special high-quality circuits were used throughout, and 23 wire circuits, including spares for emergency use, were required between Washington and Philadelphia. The system used was said to reproduce faithfully all frequencies between 35 and 16000 cycles, with a volume range of 80 decibels (power range of 100,000,000 to 1). The fidelity of reproduction achieved was far in advance of anything before attempted for sound picture or radio reproduction, and the stereoscopic effect, or auditory perspective, added considerably to the success of the demonstration.

No statement has been forthcoming as to the possible commercial application of the principles and apparatus used in the demonstration. The application to broadcasting is, of course, difficult under present conditions inasmuch as two complete transmitters and receivers would be required for the auditory perspective effect.

SECURITIES ACT IS REPORTED

The Senate Committee on Banking and Currency on April 27 reported favorably to the Senate the Securities Bill (S. 875, Report No. 47), which provides, among other things, certain regulation respecting the advertising by radio of securities.

Section 8 of the bill as reported to the Senate prescribes the rules governing the advertising of securities as follows:

"It shall be unlawful to carry, transmit, or cause to be carried or transmitted, in interstate commerce, by use of the United States mails or by any means or instruments of transportation or communication, any written, printed, or other graphic communication or document, or any radio communication, announcing, offering, or advertising for sale any securities subject to the provisions of this Act, unless such communication or document contains the following information concerning the security so offered:

"(a) The name of the issuer and names of the underwriting syndicate, if any, amount of capitalization authorized and paid up, location of principal place of business, and, if incorporated, place of incorporation.

"(b) A brief description of the security offered, including the amount of the issue, a description of its rights with reference to dividends or fixed returns and voting power and relative position with reference to other outstanding securities having prior rights which must be specified as well as the amount of capital stock and other securities, commissions, discounts, rebates, and bonuses.

"(c) The price at which it is offered to the public and the net amount to be returned to capital investment, as well as the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

"(d) The owner of the property constituting the basis of the issue.

"(e) A statement showing—

(1) The issuer's assets and liabilities.

(2) Profits and losses during year immediately preceding the offering.

"(f) A statement to the effect that additional information may be secured from the Federal Trade Commission at Washington, District of Columbia: Provided, that in any case where, by reason of limited size of such written, printed, or other graphic or radio communications, it is impracticable to set forth all the foregoing information, there shall be set forth such parts thereof or such other information as the Commission may by rules or regulations prescribe in the interest of the protection of the public and for the prevention of false or deceptive representations in the offer for sale of such securities in interstate commerce or by use of the mails: Provided further, that any written, printed, or other graphic communication or document, or any radio communication, announcing, offering, or advertising for sale any securities offered by a foreign government or political subdivision thereof shall contain such information of the character referred to in the registration statement, or such additional information, as the Commission may prescribe by rules or regulations in the interest of the protection of the public and for the prevention of false or deceptive representations in the offer for sale of such securities in interstate commerce or by use of the mails.

"The information referred to in this section, when written, printed, or otherwise graphically expressed, shall be placed in a conspicuous part of all communications, documents, or other literature describing or mentioning the securities advertised or offered for sale. Copies of all such written or printed or other graphic communications or documents, as well as transcripts of all radio advertising, referring to the sale of securities subject to the provisions of this section shall, before distribution of such communications to prospective purchasers is begun, be filed with the Commission together with a reference to the original registration of the securities so offered.

"A statement containing the information required by this section shall also be delivered to each purchaser with the delivery of the security or securities to which it relates, whenever the security is sold by the issuer, or by his or its agents or representatives.

"The information required under the provisions of this Act contained in all registration or other statements, copies, prospectuses, advertisements, circular letters, and communications, and other documents shall be made available to the public under such regulations as the Commission may prescribe."

POST OFFICE FAN MAIL RULING

Extending its previous holding, the Post Office Department has ruled that fan mail under certain conditions may be forwarded to the advertiser outside the mails and without the payment of first-class postage.

The following questions were submitted by the attorneys for Station WGN, Chicago, Ill., to the Post Office Department for answer:

"1. Suppose WGN delivered mail to the Chicago office of the advertising agency handling the advertiser's account, could the

agency after opening and tabulating the letters forward them to the advertiser by express? Would it make any difference in this situation if the letters were unopened prior to being forwarded to the advertiser?

"2. In some cases the advertising agency handling the advertiser's account has an employee stationed in the main office of the advertiser. Suppose WGN delivered the mail unopened to the advertising agency in Chicago and the advertising agency expressed such mail to its employee in the advertiser's main office who, upon receipt thereof would turn it over to the advertiser unopened. This is a bona fide arrangement between advertiser and agency now prevailing on numerous accounts. It would seem that under these conditions a package of mail sent by express does not have the character of 'letters' within the purview of the private express statutes.

"3. Suppose that the advertiser had a branch office of its own in Chicago, could such a branch office forward mail delivered to it by WGN to the advertiser's main office by express?

"4. Suppose WGN used the branch offices of the *Chicago Tribune* as forwarding headquarters, could the mail be sent by express to such offices and then turned over to the advertiser or advertising agency? This situation appears to be analogous to that involved in the Department's prior rulings on the subject."

The answers made by the Post Office Department, under date of March 16, were as follows:

"With regard to Mr. Scharfeld's first query, viz., whether the fact that the previous rulings of the Department relating to fan mail were rendered in response to requests of chain stations would have any bearing upon the matter or whether such rulings would apply with equal force in the case of independent or non-chain stations, the answer is that no distinction is made between the two classes of stations. The issue in all such cases is the same: whether the matter proposed to be forwarded outside the mails falls within the category of 'letters' within the meaning of the private express statutes.

"Responding to Mr. Scharfeld's specific inquiries, his first question is whether WGN might deliver mail to the Chicago office of the advertising agency handling advertisers' accounts which would open and tabulate the letters and forward them to the advertiser by express. This plan would be objectionable. The second part of the first inquiry is whether it would alter the situation if the letters were unopened prior to being forwarded to the advertiser. The answer is yes. If the letters are not to be opened prior to the time they reach the advertiser, they may be sent by express or by fourth class or parcel post rates.

"The second, third and fourth inquiries all involve similar methods of procedure. It does not matter whether the fan mail is handled by an advertising agency, a branch office of the advertiser, or a branch office of the broadcasting station or the newspaper which owns same. If the fan mail is to be opened by some person before it reaches the advertiser, it may not be sent outside the mails to such person without payment of postage. If, on the other hand, it is handled one time or several times before it reaches its ultimate destination, viz., the office of the sponsor of the program, but is not opened by anyone before it reaches such sponsor, it may be sent otherwise than by 'letter' without violation of the private express statutes."

COMMISSION POSTPONES 1430 KC. HEARING

The hearing previously scheduled for May 15, 1933, involving the applications of WHEC, Rochester, N. Y.; WOKO, Albany, N. Y.; WHP, Harrisburg, Pa.; WCAH, Columbus, Ohio; and WFEA, Manchester, N. H., for licenses authorizing continued use of 1430 kc. channel with full time has been postponed indefinitely.

Special temporary experimental authorization to operate unlimited time and simultaneously was granted to these stations, pending a decision on the hearing but not continuing later than November 1, 1933.

WJSV SPECIAL AUTHORITY CONTINUED

WJSV, Washington outlet of the Columbia Broadcasting System, was granted special experimental authority to operate for a period of 90 days from May 1, at its present transmitter location on the Mount Vernon Highway.

WJSV has installed a directional antenna system to minimize interference claimed to exist at the Naval Research Laboratory, without disturbing its Washington coverage.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

NEW—WBEN, Inc., Buffalo, N. Y.—Application for CP for new visual broadcasting station to use 20 watts, unlimited time, on 43000-46000, 48500-50300, and 60000-80000 kc. will be heard Tuesday, May 2, at 10 a. m.

- W1XAL—Shortwave Broadcasting Corp., Boston, Mass.—Application for license for 5 KW relay broadcasting station to use 6040, 11790, 15250, and 21460 kc. will be heard Friday, May 5, at 10 a. m.
- NEW—William Avera Wynne, Greenville, N. C.—Application for CP for new station to use 100 watts on 1420 kc., daytime, will be heard Friday, May 5, at 10 a. m.
- KFH—Radio Station KFH Company, Wichita, Kan.—Application for modification of license to authorize use of 1 KW on 1300 kc., unlimited time (instead of sharing with WOQ), will be heard before the Commission, sitting en banc, Wednesday, May 3, 1933, at 10 a. m.

APPLICATIONS GRANTED

First Zone

- WBAL—Consolidated Gas and Electric Light & Power Co., Baltimore, Md.—Granted extension of synchronous operation with WJZ to 5:30 p. m. April 29. (Synchronous operation normally terminates at 4 p. m. Saturday.)
- WHAM—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted modification of license to use former main transmitter as auxiliary.
- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted temporary renewal of license, subject to such action as the Commission may take on pending application for renewal, and designated application for hearing.

Second Zone

- WSEN—The Columbus Broadcasting Corp., Columbus, Ohio—Granted construction permit to move transmitter locally.

Third Zone

- KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted modification of license to reduce day power from 2½ KW to 1 KW and to increase time to unlimited. (Facilities of KFUL.)
- KFUL—The News Publishing Co., Inc., Galveston, Tex.—Granted consent to voluntary assignment of license to Southwest Broadcasting Co.
- KUOA—Southwestern Hotel Company, Fayetteville, Ark.—Granted consent to voluntary assignment of license to KUOA, Inc.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted modification of license to change frequency from 1390 kc. to 1260 kc. and increase hours of operation from specified to unlimited, daytime. Also granted construction permit to install new equipment and move transmitter locally.
- KLRA—Arkansas Broadcasting Company, Little Rock, Ark.—Granted special temporary authority to use auxiliary tube in last radio stage in conjunction with interlocking switch, for period May 1 to November 1, said auxiliary tube and licensed output tube not to be used at same time.

Fourth Zone

- KFNF—Henry Field Company, Shenandoah, Iowa—Granted extension of special authority from May 1 to June 1, 1933, to use time assigned to but not used by KUSD and WILL.
- WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authorization to operate from 4 to 6 p. m., CST, May 3, 5, 15 and 19, 1933, and from 10 p. m. to midnight, CST, May 12. (Station now assigned specified hours and does not share time with any other station.)
- WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted license covering installation new equipment, 1180 kc., 1 KW, limited time.
- KLPM—John B. Cooley, Minot, N. Dak.—Granted renewal of license, 1240 kc., 250 watts, specified hours.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted renewal of license for the regular period, provided station is to be operated on an experimental basis, and that licensee will reduce its power to 10 KW day and night at any time without a hearing, upon 10 days' notice.

Fifth Zone

- KOA—National Broadcasting Company, Inc., Denver, Colo.—Granted modification of construction permit to extend completion date of CP from May 17 to November 17, 1933.
- KREG—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted authority to install automatic frequency control.

APPLICATIONS SET FOR HEARING

- NEW—Radio Investment Co., Inc., Newark, N. J.—CP for facilities of WBMS, 1450 kc., 250 watts; shares ¼ time with WHOM.

- NEW—Raymond M. Brannon, Fremont, Nebr.—CP for new station, 1500 kc., 100 watts, daytime; facilities of KFOR.
- WABI—1st Universalist Society of Bangor, Me.—Modification of license to increase hours of operation from specified to unlimited time.
- WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW. (Shares with WLIT.)
- WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW. (Shares with WFI.)

APPLICATIONS RECEIVED

First Zone

None.

Second Zone

- WJSV—Old Dominion Broadcasting Co., Alexandria, Va.—License to cover construction permit to move transmitter from Mt. Vernon Hills to Mt. Vernon Memorial Highway, Alexandria, Va., and install new transmitter.
- WOBV—WOBV, Inc., Charleston, W. Va.—Modification of license to increase power from 250 watts night, 500 watts day, to 500 watts day and night.
- WJBU—Bucknell University, Lewisburg, Pa.—Construction permit to move station to Sunbury, Pa., amended to change transmitter site locally and change type of antenna.
- WRAK—WRAK, Inc., Williamsport, Pa.—Modification of license to change hours of operation from sharing with WJEQ to unlimited time (facilities of WJEQ, Williamsport, Pa.).

Third Zone

- KUOA—Southwestern Hotel Company, Fayetteville, Ark.—Construction permit to make changes in equipment and move transmitter locally amended to request transmitter location as "site to be determined subject to approval of Commission" (filed in name of KUOA, Inc.).

Fourth Zone

- WMBH—W. M. Robertson, Joplin, Mo.—License to cover construction permit to install new transmitter.
- WSBC—WSBC, Inc., Chicago, Ill.—Modification of license to change specified hours of operation.
- WCRW—Clinton R. White, Chicago, Ill.—Modification of license to change specified hours of operation.
- WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—License to cover construction permit to move transmitter locally.

Fifth Zone

- KOL—Seattle Broadcasting Company, Inc., Seattle, Wash.—Modification of license to change frequency from 1270 kc. to 850 kc., resubmitted without change.
- NEW—Eastern Oregon Broadcasting Company, Inc., La Grande, Oreg.—Construction permit to erect a new station to use 1500 kc., 100 watts, unlimited time, facilities of KOAC, Corvallis, Oregon, in terms of quota units, amended as to transmitter location, equipment, and to increase daytime power to 250 watts.

APPLICATIONS RETURNED

- WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase night power to 500 watts experimentally. (Request of applicant.)
- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts. (Request of applicant.)
- NEW—William Ellis Phillips, San Diego, Calif.—Construction permit for a new station, 1420 kc., 100 watts, unlimited time. (Rule 6a, c, and d, Rule 151, equipment and transmitter location.)

APPLICATIONS DISMISSED

- KQW—Pacific Agricultural Foundation, San Jose, Calif.—Construction permit, 1010 kc., 1 KW day, 1 KW night experimentally.
- NEW—Hart and Parsons, d/b as Gateway Broadcasting Co., Roanoke, Va.—Construction permit, 1410 kc., 250 watts, share with WHIS.
- KFAC—Los Angeles Broadcasting Co., Los Angeles, Calif.—Modification of license, 780 kc., 500 watts, 1 KW until local sunset, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS * * * * *

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Copyright, 1933, The National Association of Broadcasters

RADIO PROGRAM FOUNDATION ELECTS

Organization of the Radio Program Foundation was completed at a meeting of the trustees held on Wednesday (May 3) at New York.

Alfred J. McCosker, President of the NAB and Managing Director of WOR, Newark, N. J., was elected chairman of the Board of Trustees of the Foundation.

Oswald F. Schuette, Director of Copyright Activities of the NAB, was elected President of the Foundation.

Joseph C. Hostetler, law partner of Hon. Newton D. Baker, NAB copyright counsel, and a member of the law firm of Baker, Hostetler, Sidlo and Paterson, Cleveland, Ohio, was elected Secretary.

Philip G. Loucks, Managing Director of the NAB, was chosen as Treasurer.

The Board of Trustees, headed by Chairman McCosker, will control the policy of the newly formed Foundation, while active management will be in charge of President Schuette.

The Foundation was authorized by unanimous vote of the NAB membership at the St. Louis meeting and was incorporated under the terms of a resolution approved by the NAB Board of Directors at its February meeting. Immediately following the February Board meeting application for a charter of incorporation was filed in the State of Delaware and since that time organization plans have gone forward rapidly.

The Foundation is a non-profit organization controlled entirely by the broadcasting industry and its formation is considered the most important step yet taken in the solution of the industry's copyright problems.

The charter of the new organization provides sweeping powers for the cultural and scientific advancement of the radio industry, particularly in the field of program development. Through this organization the broadcasters will be enabled to cooperate in the creation of new program material and to acquire compositions and manuscripts particularly adapted for radio use.

Among other things, the certificate of incorporation enumerates the following purposes:

(a) To promote advancement in the means, methods and forms of sound and visual broadcasting, and to promote and sponsor the selection of meritorious program material, as a means of promoting the cultural arts and of extending the benefits thereof to the public.

(b) To these ends, to promote the exchange of information among its members.

(c) To encourage and assist scientific experimentation for the improvement of the operation and for the further development of the means of radio communication.

(d) To sponsor and acquire deserving productions of composers and authors, and to acquire copyrights therein, or rights or any interest thereunder, and to make application for, buy, sell, assign and license any such copyrights, or interest or rights therein or thereunder, either of the United States or any foreign country.

(e) To enter into agreements with authors and composers and to establish means and agencies for fixing, collecting, and accounting for license fees or royalties.

(f) To act as a clearing house or representative in agreements between authors, composers, and publishers and the users of their works.

(g) To provide a place and means for recording or filing manuscripts written or composed to be used in connection with radio broadcasting, to enable authors and composers to give definite proof of a date of filing.

(h) To encourage and promote the use of radio broadcasting for educational purposes.

(i) To own stock in, lend money to, or otherwise assist any corporation or corporations organized for the purpose of publishing, distributing or marketing musical compositions, books or other publications, and to finance or assist in the publication and distribution of any information relating to radio communication.

The charter provides that "all persons, firms, or corporations of the United States and other countries, owning or operating a duly licensed radio station are eligible to membership." Provision is also made for not more than ten additional "special members" to be selected by the Board of Trustees.

A series of conferences with copyright owners and representatives of copyright owners, all owning titles not included in the pool of the American Society of Composers, Authors and Publishers, were begun by President Schuette in New York immediately following the organization meeting. Within a comparatively short time the Foundation will be functioning under the full powers granted in the charter and with the complete cooperation of all NAB members.

President McCosker of the NAB has made it clear that other phases of the controversy growing out of the demands of the American Society will not be subordinated to the work of the Foundation and every detail of the mandate approved by the broadcasters at the St. Louis convention is to be carried out with the greatest possible speed. Almost weekly since the November convention President McCosker and other officials of the NAB charged with carrying into execution the expressed wishes of the broadcasters have been conferring on all phases of the copyright problem, developing a complete program looking to a permanent solution of the music difficulties which would free the industry from the domination of the American Society.

TUGWELL CONFERS WITH BROADCASTERS

Representatives of broadcasters and newspapers attended the conference at the Department of Agriculture last Saturday (April 29) called by Prof. Rexford G. Tugwell, Assistant Secretary of Agriculture, to discuss possible revision of the Federal Food and Drugs Act.

The NAB was represented by Philip G. Loucks, managing director; the National Broadcasting Company was represented by Frank M. Russell, vice president, and the Columbia Broadcasting System by Henry A. Bellows, vice president. Newspaper publishers, magazine publishers, and newspaper editors and members of Mr. Tugwell's staff also were present.

In stating the purpose of the conference, Mr. Tugwell said that the Department did not have in mind censorship of advertising in any form but was seeking information which would enable it to draft a bill which would protect the public against foods and drugs injurious to health.

Broadcasters and newspapers expressed sympathy with the purpose to be achieved through revision of the Food and Drugs Act, but both groups were definitely of the opinion that the media used to advertise injurious products should not be held equally liable with the manufacturer and seller. Both were of the opinion that sole responsibility should rest with the party who makes, ships, advertises and sells the harmful product, in the absence of any conspiracy. Much of the discussion revolved around the practical difficulties which would be encountered if the provisions of the act were to be extended to advertising media. It would be virtually impossible for the owner of a broadcasting station or a newspaper publisher to protect himself against any requirements which might be written into the law, it was pointed out. The suggestion that an advisory council be set up in the Department to aid stations and publishers to protect themselves also involves practical objections.

The conference with broadcasters and publishers followed a series of meetings between officials of the Department and manufacturers

and immediately preceded a conference at which representatives of advertising agencies were present.

Representatives of the food trade met on April 28, and expressed general approval of suggestions for regulation by the Food and Drug Administration of false advertisements of foods and of other proposals to strengthen the act, according to statements by trade delegates after the meeting. Delegates of the drug trade, who presented their views April 27, agreed on certain suggestions for modifying the law, but were divided on other points.

In the field of drugs, suggestions were made that the labels on all drugs be required to bear the full formula of the contents of the receptacle.

Inclusion of provisions to prohibit the use of injurious ingredients in cosmetics was suggested. Another proposal was that all testimonials and opinions on the value of the drugs must be signed.

Opposition was expressed to proposals to license manufacturers of drugs, except in the case of producers of biologicals, arsenicals, and similar products.

Probably the outstanding suggestion with respect to drugs was one that the United States Pharmacopeia standards and the National Formulary be abandoned and that a government commission be set up to prescribe the drug standards.

A suggestion was made also that foods naturally containing harmful ingredients be prohibited, in addition to the present prohibition against foods in which harmful ingredients have been added.

Conferences in general opposed the writing of standards for food and drug products into the law. The sentiment for standards took the form of support for administrative standards, which would be more easily subject to change when revision appeared desirable.

President John Benson, of the American Association of Advertising Agencies, explained in detail the operations of the newly created board of advertising appeals.

It was stated that the Department has not yet completed its draft of a bill and it is likely that other conferences will be held before the measure is finally recommended to Congress. Hearings undoubtedly will be held when the bill comes before the Congress.

CONGRESS MAY ADJOURN NEXT MONTH

President Roosevelt is hopeful that Congress will complete its work on his emergency legislation and adjourn early in June. With railroad and tariff legislation and many other important legislative matters to be considered, some Congressional leaders, however, are doubtful if the special session can clean up its work within the next four weeks.

Nothing official has been forthcoming on the question of reorganization of government bureaus and commissions. It is understood that the proposals worked out by Secretary of Commerce Roper and his committee is awaiting the consideration of the President. While many rumors are current there has been no official information as to what, if anything, is to become of the Radio Commission under the Roper proposal. Likewise, there is nothing official as to whether or not the President will act on the proposals before the adjournment of the present special session of Congress.

MAY CHANGE ORAL HEARING POLICY

While no official announcement has been made, it is understood that the Radio Commission is about to adopt a new policy in connection with its action on reports of examiners.

Up to this time the Commission has been acting on reports of examiners without oral arguments except in unusual cases. As a result of recent decisions of the Court of Appeals of the District of Columbia and also of the attitude of members of Congress who are interested in radio, the Commission in the future will not act immediately on the reports of examiners, but in every case in which there is any reasonable doubt, the Commission will set the case for argument before the entire Commission. In cases of default or where there is no reasonable chance of dispute the Commission will act as it has in the past.

ASK FAN MAIL RULE NOTIFICATION

The Post Office Department was asked by the NAB on May 2 to circularize generally among postmasters its recent ruling relative to the forwarding of fan mail. The letter to the Department refers to the March 16 ruling of its Solicitor in which it was

held that fan mail unopened could be forwarded in certain classes of cases. It has developed that postmasters generally are not familiar with this ruling and the NAB has requested that they be officially notified.

WILL PLAN NAB COMMERCIAL MEETING

Preliminary plans for the annual meeting of the NAB Commercial Section which will be held in connection with the Twenty-ninth Annual Convention of the Advertising Federation of America at Grand Rapids, Mich., June 25-28, will be discussed next week at a conference between H. K. Carpenter, chairman of the section, and Philip G. Loucks, Managing Director of the NAB. These plans will be submitted to the members of the NAB Commercial Committee for suggestions.

ENGINEERING SECTION MEETING PLANNED

Preparations are under way for a meeting of the NAB Engineering Section to be held at Chicago concurrently with the Institute of Radio Engineers convention on June 26, 27 and 28, 1933. Detailed announcement of the program will be made at a later date.

A. A. A. ANNUAL MEETING MAY 11-12

Radio advertising will be one of the principal subjects to be discussed at the Sixteenth Annual Meeting of the American Association of Advertising Agencies which will be held at Hotel Mayflower, Washington, D. C., May 11 and 12.

RADIO CHAIRMANSHIP VACANT

No successor has yet been appointed to Representative Briggs, Texas, who died suddenly last week. He had just been appointed chairman of the subcommittee on radio of the House Committee on Merchant Marine, Radio and Fisheries. It is likely that Representative Ramspeck, of Georgia, the next ranking member, will become chairman of the subcommittee.

HOUSE BILL CUTS RADIO APPROPRIATIONS

The House Committee on Appropriations this week reported the independent offices appropriation bill for 1934 to the House. It contains the appropriation for the Radio Commission for the coming year beginning July 1 next, and the amount is \$640,000, a reduction of \$140,427 from the amount contained in the same bill which passed the last session of Congress but was pocket vetoed by President Hoover. The bill provides \$20,000 for printing, not to exceed \$1,000 for traveling expenses, and not over \$338,000 to be expended for personal services in the District of Columbia.

At the time the report was made, testimony given before the Appropriations Committee in executive session by Chairman Sykes was made public.

In connection with the reduced appropriation, Judge Sykes told the Committee that it would be impossible to fill any of the present vacancies in the Commission. "We have a vacancy in the office of the general counsel, an assistant general counsel, a junior lawyer, and a clerk in the legal division," Judge Sykes pointed out. He told of other deletions that will have to be made and expressed the belief that three field branches would have to be abolished. He stated also that the Commission will have to get along with two instead of three examiners in the future.

COMMISSION REFUSES GEORGIA STATION

The application of W. E. Bobbins and Maurice C. Coleman for a construction permit for a new broadcasting station at Atlanta, Ga., was denied by the Radio Commission on Friday and the license of Station WGST, Atlanta, was renewed, sustaining Examiner Pratt in his Report No. 469.

The report of the Commission states that the applicants, "although given an opportunity to do so, presented no evidence whatever in support of their application for construction permit. A motion was made by the Commission counsel, and joined in by counsel for WGST, that said application be denied as in cases of default."

Application for license renewal for Station WGST came to hearing only because of the application for the new station and

inasmuch as the applicants defaulted the Commission decided that the license should be renewed. The applicants had asked for the facilities of WGST, namely, to operate on 890 kilocycles, 250 watts night and 500 watts local sunset.

FAVORS NEW ALABAMA STATION

Kathryn Jones asks construction permit for new station to be erected at Florence, Ala., to use 1420 kilocycles, 100 watts power, and daytime hours of operation. (Report No. 475, Pratt, e.). Recommended that application be granted.

The Examiner found that the applicant is financially and otherwise able to construct and maintain the proposed station, and that there is a need for additional daytime radio service in the Florence area.

He found also that the operation of the proposed new station would not create interference and that the State of Alabama is under quota.

KFWF ASKS FOR STAY ORDER

Broadcasting Station KFWF, St. Louis, Mo., has applied to the Court of Appeals of the District of Columbia for a stay order against a decision of the Radio Commission refusing to grant a license renewal. The station operates on a frequency of 1200 kilocycles.

COURT APPROVES KICK MOVE

In a decision rendered this week the Court of Appeals of the District of Columbia upheld the Radio Commission in the KICK case, Nos. 5783, 5784, and 5785.

The Radio Commission granted an application of Station KICK to move from Red Oak, Iowa, to Carter Lake, Iowa, without change in its operating assignment of 1420 kilocycles with 100 watts power.

After granting the application conditionally, Stations WOW, Omaha, Nebr.; KOIL, Council Bluffs, Iowa; and WAAW, Omaha, filed protests with the Commission asking hearing. Hearing was granted before the Chief Examiner of the Commission and he recommended that the Commission confirm its original order granting the move. The complaining stations thereafter asked for an oral argument before the Commission. This was not granted and the Court states that . . . "in such circumstances the failure of the Commission to hear oral argument was not an abuse of discretion."

FLORIDA LIQUOR ADVERTISING BILL

On April 28, 1933, after being amended, H. 306, the bill to amend the Florida laws to permit advertising of liquors defined as non-intoxicating under new law, was passed by the House. However, attempts to take it up in the Senate were defeated on May 1, 1933.

ACT ON MICHIGAN LIQUOR BILL

After tabling S. 101 on April 27, 1933, the Michigan Senate changed its mind and on May 1st passed the bill. It thereupon went to the House and was referred to the Committee on Liquor Traffic. This is the bill which would repeal the statute prohibiting advertising intoxicating liquor.

PENNSYLVANIA INSURANCE ADVERTISING

S. 538, a bill requiring presentation of a certificate of authority from the Insurance Department to accompany an advertisement offered for radio broadcasting by an insurance company, which has heretofore passed the Senate, reached the third reading in the House on May 1, 1933, after amendment.

UNLAWFUL DRUG ADS IN CALIFORNIA

The Boyle Assembly Bill No. 1321, which had been under consideration by the Committee on Medical and Dental Laws, was amended in the California Assembly on April 26, 1933, and now provides that "it shall be unlawful . . . by radio or any other broadcasting or loudspeaker means or device whatsoever, to make or

disseminate any statement or assertion of fact concerning the entire or partial cure of any ailment, malady or disease by the internal or external application or use of any drugs or medicines, the relief of pain and suffering of any and all kinds, or the remedying of bodily ills thereby, which is untrue or mislead(ing) to the public. Each announcement . . . which violates . . . is punishable by a fine of not more than \$1,000 or six months' imprisonment in the county jail, or both."

WISCONSIN MAY EXEMPT RADIOS

The Grimes Bill, Assembly No. 252, Wisconsin Legislature, which would add radios to the list of necessities exempt from taxation, was reported favorably by the Committee on Taxation on April 28, 1933. It had previously been reported unfavorably.

FLORIDA TO STUDY OPERATION COST

The State-owned broadcasting Station WRUF at Gainesville, Florida, seems to be troubling the legislature. The proposal to lease the station (H. 353) was reported out by the Committee on Radio without recommendation on May 1, 1933. On the same day Representative Hodges introduced S. R. 13 in the Senate to appoint a committee of five to study the cost of continuing the University Radio Station, and the resolution was adopted.

ONLY A FEW MORE LEFT

The Managing Director has about twenty binders for NAB REPORTS left on hand at \$2 each which he would like to dispose of to members. These are strong, five-ring binders, appropriately marked, and large enough to hold issues of NAB REPORTS for two years. Those desiring to procure a binder will please write to the Managing Director, NAB Headquarters, National Press Building, Washington, D. C.

ROOSEVELT URGES COOPERATION

Speaking before the United States Chamber of Commerce on May 5, President Roosevelt pleaded for cooperation within industry as a means of bringing order out of chaos.

"During the past four years what previously had been considered to be an orderly industrial system has degenerated into one of the highest disorder," the President said. "You and I acknowledge the existence of unfair methods of competition, of cut-throat prices and of general chaos. You and I agree that this condition must be rectified and that order must be restored. The attainment of that objective depends upon your willingness to cooperate with one another to this end and also your willingness to cooperate with your Government."

The importance of trade associations in the present crisis was stressed by Secretary of Commerce Roper in a speech before the American Trade Association Executives on May 3.

Secretary Roper said:

"The trade association in America originated as a mechanism of self-defense, which business groups felt was necessary to enable them to present a united front against restraints placed upon all as a result of the sins of a few. It has outgrown the narrow limitations of such a function, and has gone forward to develop the aggressive, helpful, promotive activity which has characterized it since the World War. It stands today in a strategic position to render distinguished service to American business, through collective action, intelligently conceived and executed, and based upon full recognition of the desirability of long-time planning for the stability of entire industries. Also there has been an awakened realization of the obligation of business to help maintain the public welfare, and the activities of trade associations have shown them to be each year more and more prolific of public benefit. The annual competition for this award shows the unmistakable trend toward this consciousness of social responsibility.

"The past few years have seen trade associations suffer as business has suffered generally. The natural shrinkage of membership and finances was not a phenomenon peculiar to the trade association movement. Nevertheless, it is heartening to observe that they have come through the depression with no vital impairment of their strength, and, I believe, with a much clearer vision of their future."

"Times such as these demand an attitude of realism. If our old formulas do not meet the demands of today's emergency, we should have the courage to devise and try new formulas. In such an era of new methods and new ideas the trade association stands pre-eminent as the one type of organization by which business may advance itself while advancing the public interest."

RMA MEETS AT CHICAGO JUNE 6

Industry stabilization and promotion with definite and constructive projects submitted, will be developed at the Ninth Annual Convention of the Radio Manufacturers' Association to be held at Stevens Hotel, Chicago, Ill., June 6. On June 5 preceding the membership meeting there will be a final meeting of the present Board of Directors. On the evening of June 6 there will be held an informal dinner for RMA members and guests. Paul B. Klugh of Chicago has been appointed chairman of the committee on arrangements for the dinner.

RADIO EDUCATION'S FUTURE IS TOPIC

The future of educational broadcasting in the United States will be the general subject of the Third Annual Assembly of the National Advisory Council on Radio in Education to be held at the Waldorf-Astoria, New York, May 19. The report of Director Levering Tyson and reports of committees will be received during the morning session. The topics to be discussed during the meeting include: How can educational programs be financed; the present trend in the regulation of broadcasting; the land grant station; what we actually know about the listening audience; the air as an open forum; what does the listener think of broadcasting? programs for children; radio as a social force; group listening; engineering crisis in American broadcasting; the Madrid and the Mexico City conferences, the Canadian broadcasting system.

REMOVES BAN ON SERVICE BANDS

Thousands of listener protests led Secretary of the Navy Swanson this week to overrule the ban previously placed on the Navy and Marine bands by former Secretary of the Navy Adams and these government musical organizations will broadcast again in the near future. Former Secretary Adams prohibited broadcasting of the service band concerts upon protest of musician unions.

CANADIAN CRITICISES ADVERTISING

"The increasing tide of dissatisfaction aroused as a result of the lengths to which some advertisers go in their efforts to force sales threatens to seriously impair the efficiency of radio even as an advertising medium," E. A. Weir, director of programs for the Canadian Radio Broadcasting Commission told the Institute for Education by Radio which closed its sessions at Ohio State University, Columbus, Ohio, today (May 6).

"It is not merely a question of whether we shall have good programs or poor programs, whether we shall increase the turnover of our industries and add so many millions to our trade balance, but whether the inherent genius of the scattered population that we are trying to mould into one united people shall have opportunity to express itself," he said.

Radio instruction is still in its infancy, C. M. Koon, of the U. S. Office of Education, told the Institute Friday afternoon.

"The art of teaching," he said, "has been studied in this country ever since the first private normal school was established 110 years ago. After all the research and investigation that have been made, much remains to be learned about the subject.

"Years of scientific research and experimentation will be needed to solve the numerous educational and broadcasting problems involved in teaching by radio."

An "Audit Bureau of Circulation" for radio broadcasting was suggested by Herman S. Hettinger, instructor of merchandising at the Wharton School of Finance and Commerce, University of Pennsylvania, in his talk Thursday morning.

Such an audit agency, Hettinger said, could make field intensity measurements, conduct listener research, and determine the popularity of specific programs and stations.

He pointed out that the development of listener research has been comparatively recent, starting about 1928. "The comparative recency explains the wide disparity of methods and fundamental concepts which exist in that field. The remarkable thing is not the different methods which have been employed, but the degree to which the results attained by these methods are in agreement," Hettinger stated. "This agreement points to the fact that listener research is emerging from the experimental field and that the time has come for an evaluation and probably greater standardization of methods."

"Radio offers such a limitless and interesting field for extensive research that, measured against theoretical ideals, we have as yet only taken the first steps," John J. Karol, director of market research for the Columbia Broadcasting System, told the Institute Thursday morning.

Since the introduction of the radio, farm families no longer "go to bed with the chickens," Frank E. Mullen, National Broadcasting Company agriculture director, told the Institute Thursday afternoon.

According to Mullen, radio surveys show that rural set owners are staying up later at night than formerly. "It is commonly supposed that the farmer retires at 9 o'clock sharp, but we found that a goodly percentage of our farm friends used their radio sets as late as 11," he said. "A few grumbled at the necessity of staying up so late to hear some of their favorite programs, but the fact remains that radio has pushed the farmers' bedtime back at least a few nights a week."

HOME ECONOMICS BROADCAST SURVEY

The United States Office of Education is collaborating with the American Home Economics Association in making a survey of series of home economics broadcasts since September 1, 1932. The principal purpose of this study will be to make available present practices as a means of promoting mutually helpful relations between radio stations and home economics agencies, according to Miss Bess Goodykoontz, Assistant Commissioner of Education.

A summary of the survey will be presented at the annual meeting of the American Home Economics Association in Minneapolis in June and copies of the reports will be sent to all stations sending in material.

Members of the NAB are requested to assist the Office of Education in conducting the survey by sending in the information sought.

RMA AGAINST NEW YORK SHOW

Members of the Radio Manufacturers Association have been advised that their Board of Directors has carefully considered the proposed electrical and radio public show scheduled September 22-30 next at Madison Square Garden and has voted unanimously against sponsoring or supporting the Madison Square Garden show. RMA members individually, however, are left to their own decision in the matter.

FEDERAL RADIO COMMISSION ACTION TENTATIVE HEARING CALENDAR

(The dates shown are tentative and subject to change.)

May 16, 1933

NEW—Charles W. Phelan, d/b as Casco Bay Broadcasting Co., Portland, Me.—Construction permit, 500 watts, unlimited time, 1340 kc.

NEW—Portland, Maine, Publishing Co., Portland, Me.—Construction permit, 500 watts, unlimited time, 1340 kc.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Construction permit, 1 KW, specified hours, 1340 kc.

WRDO—WRDO, Inc., Augusta, Me.—Construction permit to move transmitter and studio to Portland, Me., 1370 kc., 100 watts.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit to use 1340 kc., 500 watts.

May 18, 1933

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase day power from 50 watts to 100 watts.

May 23, 1933

WINS—American Radio News Corporation, New York, N. Y.—Modification of license to increase power from 500 watts to 1 KW, 1180 kc., limited time.

May 24, 1933, before Commission en banc

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit to use 50 KW, 710 kc.

May 24, 1933

WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license to change hours of operation.

WLB-WGMS—University of Minnesota, Minneapolis, Minn.—Modification of license to change hours of operation, and renewal of license.

WCAL—St. Olaf College, Northfield, Minn.—Construction permit, to increase daytime power, 1250 kc.

May 25, 1933

NEW—Wilmington Broadcasting Co., R. A. Dunlea, Secretary, Wilmington, N. C.—Construction permit for 100-watt station, 1370 kc., sharing with WRAM.

WRAM—Wilmington Radio Association, Wilmington, N. C.—Renewal of license, 100 watts, 1370 kc., unlimited time.

May 26, 1933

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license to change hours of operation.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license, and construction permit to move transmitter to East St. Louis.

May 29, 1933

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Construction permit to change frequency from 1310 kc. to 1240 kc. (sharing ½ time with WKAQ) and increase power from 100 watts to 250 watts.

May 31, 1933, before Commission en banc

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license to increase power from 500 watts to 1 KW, 620 kc.

KVOA—Robert M. Riculfi, Tucson, Ariz.—Renewal of license and voluntary assignment of license; 1260 kc., 500 watts, specified hours.

May 31, 1933

WPRO-WPAW—Cherry and Webb Broadcasting Co., Providence, R. I.—Modification of license to change frequency from 1210 kc. to 630 kc. and increase power from 100 watts to 250 watts.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to increase power from 500 watts to 1 KW, 1330 kc.

June 1, 1933

WMBG—Havens & Martin, Richmond, Va.—Construction permit to increase day power from 100 watts to 250 watts, 1210 kc., and increase hours of operation.

WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license, 1210 kc., 100 watts, 250 watts until local sunset, unlimited time.

June 2, 1933

WILL—University of Illinois, Urbana, Ill.—Modification of license to increase day power from 500 watts to 1 KW, 890 kc.

WGN—WGN, Inc., Chicago, Ill.—Construction permit to increase power from 25 KW to 50 KW, 720 kc.

June 5, 1933

WBMS—New Jersey Broadcasting Corp., Hackensack, N. J.—Involuntary assignment of license.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Modification of license to acquire unlimited time on 1450 kc. (facilities of WBMS).

NEW—Radio Investment Co., Inc., Newark, N. J.—Construction permit, 250 watts, 1450 kc., share with WHOM (facilities of WBMS).

WBMS—WBMS Broadcasting Corp., Hackensack, N. J.—Renewal of license.

June 7, 1933

KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts until local sunset, unlimited time, also modification of license.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification of license to change frequency from 1340 kc. to 890 kc., 1 KW, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from 1360 kc. to 1340 kc., 500 watts, unlimited time.

June 12, 1933

The hearing involving applications of KECA, KFBK, and the Don-Lee Broadcasting System for facilities of KTM and KELW, and the applications of KTM and KELW for voluntary assignments of licenses and for renewals of licenses will be held June 12.

June 15, 1933

NEW—William L. Slade, Hamilton, Ohio—Construction permit, 1420 kc., 100 watts, unlimited time.

WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license, 1420 kc., 100 watts, unlimited time.

June 16, 1933

KGEK—Elmer G. Beehler, t/a Beehler Electrical Equipment Co., Yuma, Colo.—Construction permit to move transmitter to Fort Collins, 1200 kc., 100 watts, specified hours.

June 19, 1933

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power to 1 KW experimentally, 610 kc.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.

WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.

June 26, 1933

WDBO—Orlando Broadcasting Co., Orlando, Fla.—Modification of license to increase day power to 1 KW, 580 kc.

WRUF—University of Florida, Gainesville, Fla.—Renewal of license, 830 kc., 5 KW, limited time.

June 20, 1933

WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to increase power from 250 watts to 500 watts, 600 kc.

APPLICATIONS GRANTED

First Zone

WMAL—National Broadcasting Co., Inc., Washington, D. C.—License for auxiliary transmitter, 630 kc., 250 watts night, 500 watts until local sunset.

Second Zone

WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to change hours of operation.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of license to change hours of operation.

Third Zone

None.

Fourth Zone

KSCJ—The Sioux City Journal, Sioux City, Iowa—Granted authority for test program 1 to 2 a. m. May 16.

WSBC—WSBC, Inc., Chicago, Ill.—Granted modification of license to change hours of operation.

WCRW—Clinton R. White, Chicago, Ill.—Granted modification of license to change hours of operation.

Fifth Zone

KGIR—KGIR, Inc., Butte, Mont.—Granted authority to operate test transmitter from May 3 to May 15 between 2 and 6 a. m. to locate new site; also granted construction permit to install new equipment and increase day power from 500 watts to 1 KW.

KRE—1st Congregational Church of Berkeley, Berkeley, Calif.—Granted special temporary authority to operate from 9:30 a. m. to 12 noon, PST, May 30.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—Granted license covering changes in equipment, 1230 kc., 250 watts night, 500 watts until local sunset.

MISCELLANEOUS COMMISSION ACTION

WMBO—WMBO, Inc., Auburn, N. Y.—Granted special temporary to extend program test period for period of 30 days.

WIS—The South Carolina Broadcasting Co., Columbia, S. C.—Denied special authority to operate with additional 500 watts experimentally. (Now licensed 500 watts night, 1 KW day, 1010 kc.)

WBCM—James E. Davidson, Bay City, Mich.—Denied special authority to increase power experimentally to 1 KW, as applicant failed to enter appearance within time allowed.

NEW—Lee Elton Spencer, Greensburg, Pa.—Denied construction permit for 800 kc., 250 watts daytime, as applicant failed to enter appearance within time allowed.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted modification of special temporary authority to reduce hours of operation.

WBBM-WJBT and KFAB—For period beginning April 28, 1933, and pending decision of Court of Appeals on appeal by WGN from decision of Commission or further order of the court and the Commission, granting modification of license to synchronize during certain specified hours, license modifications were granted as follows: Simultaneous daytime operation; share time at night with KFAB using 3/7 time and WBBM-WJBT 4/7 time.

APPLICATIONS SET FOR HEARING

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to change hours of operation from daytime to unlimited.

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Modification of license to increase operating power from 250 watts night, 500 watts until local sunset, to 500 watts experimentally.

WOBU—WOBU, Inc., Charleston, W. Va.—Modification of license to increase night power from 250 watts to 500 watts.

APPLICATIONS RECEIVED

First Zone

WSAR—Doughty & Welch Electric Co., Fall River, Mass.—Construction permit to make equipment changes.

NEW—Juan Piza, San Juan, Puerto Rico—Construction permit for new station, 1290 kc., 500 watts, unlimited time.

Second Zone

WSAI—Crosley Radio Corporation, Cincinnati, Ohio—Construction permit to make equipment changes and increase power, amended to request power increase to 1 KW night, 2½ KW day.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Modification of license to change power and hours to 250 watts night, 500 watts day, unlimited time.

Third Zone

KGHI—Lloyd Judd Co., Little Rock, Ark.—Construction permit application amended to request 100 watts night, 250 watts day, 1200 kc.

WKEU—Allen Wright Marshall, Sr., Allen Wright Marshall, Jr., and Guy Aaron Malcom, Le Grange, Ga.—Modification of construction permit for new station to use 100 watts on 1500 kc., to extend completion date.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of license to change hours of operation from specified to unlimited.

Fourth Zone

WDGY—Dr. George W. Yound, Minneapolis, Minn.—Construction permit to make equipment changes and increase power from 1 KW to 2½ KW.

WOC-WHO—Central Broadcasting Co., Des Moines, Iowa—License to cover construction permit for 50 KW.

Fifth Zone

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of license to use auxiliary transmitter of KFI as main transmitter of KECA.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to install automatic frequency control equipment.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Modification of license to change main studio from Long Beach to Los Angeles.

KVOR—Reynolds Radio Co., Inc., Colorado Springs, Colo.—Voluntary assignment of license to S. H. Patterson.

KICA—Southwest Broadcasting Co., Clovis, N. Mex.—License to cover construction permit to move transmitter and studio locally.

KREG—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Authority to install automatic frequency control equipment.

The National Association of Broadcasters

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SUPREME COURT OF THE UNITED STATES

Nos. 657, 658, 659, and 660—October Term 1932

(657) FEDERAL RADIO COMMISSION, PETITIONER, *v.* NELSON BROS. BOND & MORTGAGE CO. (STATION WIBO). (658) FEDERAL RADIO COMMISSION, PETITIONER, *v.* NORTH SHORE CHURCH (STATION WPCC). (659) FEDERAL RADIO COMMISSION AND JOHNSON-KENNEDY RADIO CORPORATION (STATION WJKS), PETITIONERS, *v.* NELSON BROS. BOND & MORTGAGE CO. (STATION WIBO). (660) FEDERAL RADIO COMMISSION AND JOHNSON-KENNEDY RADIO CORPORATION (STATION WJKS), PETITIONERS, *v.* NORTH SHORE CHURCH (STATION WPCC). ON WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

Mr. Chief Justice Hughes delivered the opinion of the Court.

The Johnson-Kennedy Radio Corporation, owning station WJKS at Gary, Ind., applied to the Federal Radio Commission for modification of license so as to permit operation, with unlimited time, on the frequency of 560 kilocycles, then assigned for the use of station WIBO, owned by Nelson Bros. Bond & Mortgage Co., and station WPCC, owned by the North Shore Church, both at Chicago, Ill. These owners appeared before the chief examiner who, after taking voluminous testimony, recommended that the application be denied. The applicant filed exceptions and, on consideration of the evidence, the Commission granted the application and directed a modified license to issue to the applicant authorizing the operation of station WJKS on the frequency of 560 kilocycles and terminating the existing licenses theretofore issued for stations WIBO and WPCC. On appeal, the Court of Appeals of the District of Columbia reversed the Commission's decision upon the ground that it was "in a legal sense arbitrary and capricious" (62 F. (2d) 854). This Court granted certiorari (288 U. S. —).

The action of the Commission was taken under section 9 of the Radio Act of 1927 (c. 169, 44 Stat. 1166), as amended by section 5 of the act of March 28, 1928 (ch. 263, 45 Stat. 373; 47 U. S. C. 89).¹ The findings of fact upon which the Commission based its order included the following:

"Gary, Ind., about 30 miles from Chicago, is the largest steel center in the world. It has a population of approximately 110,000 and is located in what is known as the Calumet region which has a population of about 800,000, 60 percent of whom are foreign born and represent over 50 nationalities. Station WJKS is the only radio station in Gary, and the programs it broadcasts are well designed to meet the needs of the foreign population. These programs include 'broadcasts for Hungarian, Italian, Mexican, Spanish, German,

¹ Section 5 of the act of March 28, 1928 (45 Stat. 373), is as follows:

"Sec. 5. The second paragraph of section 9 of the Radio Act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

Russian, Polish, Croatian, Lithuanian, Scotch, and Irish people', and 'are musical, educational, and instructive in their nature and stress loyalty to the community and the Nation.' Programs are arranged and supervised 'to stimulate community and racial origin pride and rivalry and to instruct in citizenship and American ideals and responsibilities.' 'Special safety prevention talks' are given for workmen, explaining the application of new safeguards of various types of machinery used in the steel mills. The children's hour utilizes selections from various schools. There are 'good citizenship talks' weekly by civic leaders. The facilities of the station are made available to the local police department and to all fraternal, charitable, and religious organizations in the Calumet region, without charge. Sunday programs consist mainly 'of church service broadcasts' including all churches and denominations desiring to participate. Although the Calumet area is served by a station at Fort Wayne and by several stations in Chicago, station WJKS 'is the only station which serves a substantial portion of the area with excellent or even good service.' While station WJKS 'delivers a signal of sufficient strength to give good reception in its normal service area if not interfered with, heterodyne and cross-talk interference exist to within 3 miles of the transmitter and constant objection to interference is found in the good service area of the station, particularly to the south, southeast, and east.' This interference has increased during the past 2 years.

"Station WIBO is operated by Nelson Bros. Bond & Mortgage Co. separately from its mortgage and real-estate business. It employs 55 persons, and its total monthly expenses average \$17,000. In March 1931 it earned a net profit of \$9,000. It represents a total cost of \$346,362.99, less a reserve for depreciation of \$54,627.36, and has been operated since April 1925. Station WIBO was licensed to share time with station WPCC, the latter being authorized to operate on Sundays during stated hours and by agreement has operated on certain week days in exchange for Sunday hours.

"The licenses for stations WIBO and WPCC, effective from September 1, 1931, to March 1, 1932, were issued upon the following condition: 'This license is issued on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by station WJKS, Gary, Ind., for the frequency 560 kilocycles. No authority contained herein shall be construed as a finding by the Federal Radio Commission that the operation of this station is or will be in the public interest beyond the term hereof.'

"The programs broadcast by station WIBO include a large number of chain programs originating in the National Broadcasting Network, and are almost entirely commercial in their nature. The same general type of programs broadcast by WIBO, including National Broadcasting Chain programs, are received in the service area of WIBO from many other stations located in the Chicago district.

"Station WPCC, owned by the North Shore Church, has programs made up entirely of sermons, religious music, and talks relating to the work and interests of the church. Contributions are solicited for the use of the church and to advance the matters in which it is interested; it is not used by other denominations or societies. 'Other stations in Chicago, including WMBI, owned by the Moody Bible Institute, devoting more time to programs of a religious nature than WPCC, are received in the service area of that station.'

"The State of Indiana is 2.08 units, or 22 percent, under quota in station assignments, and the State of Illinois is 12.49 units, or 55 percent over quota in such assignments. The fourth zone, in which both States are located, is 21 units, or 26 percent, over quota in station assignments. The granting of this application and deletion of WIBO and WPCC would reduce the over-quota status of the State of Illinois and the fourth zone by 0.88 unit and 0.45 unit, respectively, and would increase the quota of Indiana by 0.43 unit.' ²

"Summarizing the grounds of its decision, the Commission found:

"1. The applicant station (WJKS) now renders an excellent public service in the Calumet region, and the granting of this application would enable that station to further extend and enlarge upon that service.

"2. The deletion of stations WIBO and WPCC would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations.

"3. Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies.

"4. The granting of this application and deletion of stations WIBO and WPCC would not increase interference within the good service areas of any other stations.

"5. The granting of this application and deletion of stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the fourth zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities.

"6. Public interest, convenience, and/or necessity would be served by the granting of this application."

The court of appeals was divided in opinion. The majority pointed out that the court had repeatedly held that "it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various States or zones by unnecessarily injuring stations already established which are rendering valuable service to their natural service areas"; and they were of opinion that the evidence showed that stations WIBO and WPCC had been "serving public interest, convenience, and necessity certainly to as great an extent as the applicant station" and that "the conclusively established and admitted facts" furnished no legal basis for the commission's decision. The minority of the court took the view that the court was substituting its own conclusions for those of the commission, that the commission had acted within its authority, and that its findings were sustained by the evidence.

First. Respondents challenge the jurisdiction of this court. They insist that the decision of the court of appeals is not a "judicial judgment"; that, for the purpose of the appeal to it, the Court of Appeals is merely a part of the machinery of the Radio Commission and that the decision of the court is an administrative decision. Respondents further insist that if this court examines the record, its decision "would not be a judgment, or permit of a judgment to be made in any lower court, but would permit only consummation of the administrative function of issuing or withholding a permit to operate the station."

Under Section 16 of the Radio Act of 1927, the Court of appeals, on appeal from decisions of the Radio Commission, was directed to "hear, review, and determine the appeal" upon the record made before the commission, and upon such additional evidence as the court might receive, and was empowered to "alter or revise the decision appealed from and enter such judgment as to it may seem just" (44 Stat. 1169). This provision made the court "a superior and revising agency" in the administrative field and consequently its decision was not a judicial judgment reviewable by this court. (*Federal Radio Commission v. General Electric Co.*, 281 U. S. 464, 467). The province of the court of appeals was found to be substantially the same as that which it had, until recently, on appeals from administrative decisions of the Commissioner of Patents. While the Congress can confer upon the courts of the District of Columbia such administrative authority, this court cannot be invested with jurisdiction of that character whether for the purpose of review or otherwise. It cannot give decisions which are merely advisory, nor can it exercise functions which are essentially legislative or administrative. (*Id.*, pp. 468, 469; *Keller v. Potomac Electric*

Power Co., 261 U. S. 428, 442-444; *Postum Cereal Co. v. California Fig Nut Co.*, 272 U. S. 693, 700.)

In the light of the decision in the General Electric case, supra, the Congress, by the act of July 1, 1930, chapter 788, amended Section 16 of the Radio Act of 1927 so as to limit the review by the court of appeals (46 Stat. 844; 47 U.S.C. 96).² That review is now expressly limited to "questions of law" and it is provided "that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious." This limitation is in sharp contrast with the previous grant of authority. No longer is the court entitled to revise the Commission's decision and to enter such judgment as the court may think just. The limitation manifestly demands judicial, as distinguished from administrative, review. Questions of law form the appropriate subject of judicial determinations. Dealing with activities admittedly within its regulatory power, the Congress established the Commission as its instrumentality to provide continuous and expert supervision and to exercise the administrative judgment essential in applying legislative standards to a host of instances. These standards the Congress prescribed. The powers of the Commission were defined, and definition is limitation. Whether the Commission applies the legislative standards validly set up, whether it acts within the authority conferred or goes beyond it, whether its proceedings satisfy the pertinent demands of due process, whether, in short, there is compliance with the legal requirements which fix the province of the Commission and govern its action, are appropriate questions for judicial decision. These are questions of law upon which the court is to pass. The provision that the Commission's findings of fact, if supported by substantial evidence, shall be conclusive unless it clearly appears that the findings are arbitrary or capricious, cannot be regarded as an attempt to vest in the court an authority to revise the action of the Commission from an administrative standpoint and to make an administrative judgment. A finding without substantial evidence to support it—an arbitrary or capricious finding—does violence to the law. It is without the sanction of the authority conferred. And an inquiry into the facts before the Commission, in order to ascertain whether its findings are thus vitiated, belongs to the judicial province and does not trench upon, or involve the exercise of, administrative authority. Such an examination is not concerned with the weight of evidence or with the wisdom or expediency of the administrative action. (*Interstate Commerce Commission v. Illinois Central R.R. Co.*, 215 U. S. 452, 470; *Interstate Commerce Commission v. Union Pacific R.R. Co.*, 222 U. S. 541, 547, 548; *New England Divisions Case*, 261 U. S. 184, 203, 204; *Keller v. Potomac Electric Power Co.*, supra; *The Chicago Junction Case*, 264 U. S. 258, 263, 265; *Silberschein v. United States*, 266 U. S. 221, 225; *Ma-King Products Co. v. Blair*, 271 U. S. 479, 483; *Federal Trade Commission v. Klesner*, 280 U. S. 19, 30; *Tagg Bros. v. United States*, 280 U. S. 420, 442; *Federal Trade Commission v. Raladam Co.*, 283 U. S. 643, 654; *Crowell v. Benson*, 285 U. S. 22, 49, 50.)

If the questions of law thus presented were brought before the Court by suit to restrain the enforcement of an invalid administrative order there could be no question as to the judicial character of the proceeding. But that character is not altered by the mere fact that remedy is afforded by appeal. The controlling question is whether the function to be exercised by the Court is a judicial function; and if so, it may be exercised on an authorized appeal from the decision of an administrative body. We must not "be misled by a name but look to the substance and intent of the proceeding." (*United States v. Ritchie*, 17 How. 525, 534; *Stephens v. Cherokee Nation*, 174 U. S. 445, 479; *Federal Trade Commission v. Eastman Co.*, 274 U. S. 619, 623; *Old Colony Trust Co. v. Commissioner*, 279 U. S. 716, 722-724.) "It is not important," we said in *Old Colony Trust Co. v. Commissioner*, supra, "whether such a proceeding was originally begun by an administrative or executive determination, if when it comes to the court, whether legislative or constitutional, it calls for the exercise of only the judicial power of the court upon which jurisdiction has been conferred by law." Nor is it necessary that the proceeding to be judicial should be one entirely de novo. When on the appeal, as here provided, the parties come before the court of appeals to obtain its decision upon the legal question whether the Commission

In reporting this amendment, the Committee on the Merchant Marine and Fisheries of the House of Representatives stated: "The purpose of the amendment is to clarify the procedure on appeal to the court from decisions of the Federal Radio Commission, to more clearly define the scope of the subject matter of such appeals, and to insure a review of the decision of the Court of Appeals of the District of Columbia by the Supreme Court" (H. Rept. No. 1665, 71st Cong., 2d sess., p. 2).

² By this amendment, sec. 16 (d) reads as follows:

"At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and, in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however*, That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under sec. 347 of title 28 of the Judicial Code by appellant, by the Commission, or by any interested party intervening in the appeal" (46 Stat. 844; 47 U.S.C. 96).

has acted within the limits of its authority and to have their rights, as established by law, determined accordingly, there is a case or controversy which is the appropriate subject of the exercise of judicial power. The provision that in case the Court reverses the decision of the Commission "it shall remand the case to the Commission to carry out the judgment of the Court" means no more than that the Commission in its further action is to respect and follow the Court's determination of the questions of law. The procedure thus contemplates a judicial judgment by the court of appeals, and this Court has jurisdiction, on certiorari, to review that judgment in order to determine whether or not it is erroneous. (*Osborn v. United States Bank*, 9 Wheat. 738, 819; *In re Pacific Railway Commission*, 32 Fed. 241, 255; *Federal Trade Commission v. Klesner*, supra; *Federal Trade Commission v. Raladam Co.*, supra; *Old Colony Trust Co. v. Commissioner*, supra.)

Second. In this aspect, the questions presented are (1) whether the Commission, in making allocations of frequencies or wave lengths to States within a zone, has power to license operation by a station in an "under-quota" State on a frequency theretofore assigned to a station in an "over-quota" State and to terminate the license of the latter station; (2) whether, if the Commission has this power, its findings of fact sustain its order in the instant case, in the light of the statutory requirements for the exercise of the power; and if so, whether these findings are supported by substantial evidence; and (3) whether, in its procedure, the Commission denied to the respondents any substantial right.

1. No question is presented as to the power of the Congress, in its regulation of interstate commerce, to regulate radio communications. No State lines divide the radio waves, and national regulation is not only appropriate but essential to the efficient use of radio facilities. In view of the limited number of available broadcasting frequencies, the Congress has authorized allocation and licenses. The Commission has been set up as the licensing authority and invested with broad powers of distribution in order to secure a reasonable equality of opportunity in radio transmission and reception.

The Radio Act divides the United States into five zones, and Illinois and Indiana are in the fourth zone. (Sec. 2, 47 U. S. C. 82.) Except as otherwise provided in the act, the Commission "from time to time, as public convenience, interest, or necessity requires," is directed to "assign bands of frequency or wave lengths to the various classes of stations and assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate," and to "determine the location of classes of stations or individual stations." (Sec. 4 (c) (d), 47 U. S. C. 84.) By Section 9, as amended in 1928, the Congress declared that the people of all the zones "are entitled to equality of radio broadcasting service, both of transmission and of reception," and that "in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and insofar as there are applications therefor"; and the Commission is further directed to "make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, * * * within each zone, according to population"; and the Commission is to "carry into effect the equality of broadcasting service, * * * whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation and by increasing or decreasing station power when applications are made for licenses or renewals of licenses." (Sec. 9, 47 U. S. C. 89.³)

By its General Order No. 40, of August 30, 1928⁴ the Commission established a basis for the equitable distribution of broadcasting facilities in accordance with the act. That order, as amended, provided for the required apportionment by setting aside a certain number of frequencies for use by stations operating on clear channels for distant service, and other frequencies for simultaneous use by stations operating in different zones, each station serving a regional area, and still others for use by stations serving city or local areas. These three classes of stations have become known as "clear, regional, and local channel stations." A new allocation of frequencies, power, and hours of operation was made in November 1928,⁵ to conform to the prescribed classification. It was found to be due, based on estimated population, and the "units assigned." This impracticable to determine the total value of the three classes of

assignments so that it could be ascertained whether a State was actually "under or over quota on total radio facilities," and the Commission developed a "unit system" in order "to evaluate stations, based on type of channel, power and hours of operation, and all other considerations required by law." In June 1930 the Commission issued its General Order No. 92,⁶ specifying the "unit value" of stations of various types, and in this way the Commission was able to make a tabulation by zones and States showing the "units action called for administrative judgment, and no ground is shown for assailing it. It appears that, with respect to total broadcasting facilities, Indiana is "under quota" and Illinois is "over quota" in station assignments.

Respondents contend that the Commission has departed from the principle set forth in its General Order No. 92, because it has ignored the fact that, both Indiana and Illinois being under quota in regional station assignments, Indiana has more of such assignments in proportion to its quota than has Illinois, and by ordering the deletion of regional stations in Illinois in favor of an Indiana station, the Commission has violated the command of Congress by increasing the under-quota condition of Illinois in favor of the already superior condition of Indiana with respect to stations of that type. We find in the act no command with the import upon which respondents insist. The command is that there shall be a "fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States within each zone." It cannot be said that this demanded equality between States with respect to every type of station. Nor does it appear that the Commission ignored any of the facts shown by the evidence. The fact that there was a disparity in regional station assignments, and that Indiana had more of this type than Illinois, could not be regarded as controlling. In making its "fair and equitable allocations" the Commission was entitled and required to consider all the broadcasting facilities assigned to the respective States, and all the advantages thereby enjoyed, and to determine whether, in view of all the circumstances of distribution, a more equitable adjustment would be effected by the granting of the application of station WJKS and the deletion of stations WIBO and WPCC.

To accomplish its purpose the statute authorized the Commission to effect the desired adjustment "by granting or refusing licenses or renewals of licenses by changing periods of time for operation, and by increasing or decreasing station power." This broad authority plainly extended to the deletion of existing stations if that course was found to be necessary to produce an equitable result. The context, as already observed, shows clearly that the Congress did not authorize the Commission to act arbitrarily or capriciously in making a redistribution, but only in a reasonable manner to attain a legitimate end. That the Congress had the power to give this authority to delete stations, in view of the limited radio facilities available and the confusion that would result from interferences, is not open to question. Those who operated broadcasting stations had no right superior to the exercise of this power of regulation. They necessarily made their investments and their contracts in the light of and subject to this paramount authority. This Court has had frequent occasion to observe that the power of Congress in the regulation of interstate commerce is not fettered by the necessity of maintaining existing arrangements which would conflict with the execution of its policy, as such a restriction would place the regulation in the hands of private individuals and withdraw from the control of Congress so much of the field as they might choose by prophetic discernment to bring within the range of their enterprises. (*Union Bridge Co. v. United States*, 204 U. S. 364, 400, 401; *Philadelphia Co. v. Stimson*, 223 U. S. 605, 634, 638; *Philadelphia, Baltimore & Washington R.R. Co. v. Schubert*, 224 U. S. 603, 613, 614; *Greenleaf Lumber Co. v. Garrison*, 237 U. S. 251, 260; *Continental Insurance Co. v. United States*, 259 U. S. 156, 171; *Sproles v. Binford*, 286 U. S. 374, 390, 391; *Stephenson v. Binford*, 287 U. S. 251, 276; *City of New York v. Federal Radio Commission*, 36 F. (2d) 115; 281 U. S. 729; *American Bond & Mortgage Co. v. United States*, 52 F. (2d) 318; 285 U. S. 538; *Trinity Methodist Church South v. Federal Radio Commission*, 62 F. (2d) 850; 288 U. S. —.)

Respondents urge that the Commission has misconstrued the act of Congress by apparently treating allocation between States within a zone as subject to the mandatory direction of the Congress relating to the zones themselves. Respondents say that as to zones Congress requires an "equal" allocation, but as between States only "a fair and equitable" allocation, and that the provision "for granting or refusing licenses or renewals of licenses" re-

³ See note 1.

⁴ Report, 1928, Federal Radio Commission, pp. 17, 48.

⁵ Id., pp. 18, 215-218.

⁶ Report, 1930, Federal Radio Commission, pp. 4, 24.

lates to the former and not to the latter. It is urged that this construction is fortified by the proviso in Section 9 as to temporary permits for zones.⁷ We think that this attempted distinction is without basis. The Congress was not seeking in either case "an exact mathematical division."⁸ It was recognized that this might be physically impossible. The equality sought was not a mere matter of geographical delimitation. The concern of the Congress was with the interests of the people—that they might have a reasonable equality of opportunity in radio transmission and reception, and this involved an equitable distribution not only as between zones but as between States as well. And to construe the authority conferred, in relation to the deletion of stations, as being applicable only to an apportionment between zones and not between States, would defeat the manifest purpose of the act.

We conclude that the Commission, in making allocations of frequencies to States within a zone, has the power to license operation by a station in an under-quota State on a frequency theretofore assigned to a station in an over-quota State, provided the Commission does not act arbitrarily or capriciously.

(2) Respondents contend that the deletion of their stations was arbitrary in that they were giving good service, that they had not failed to comply with any of the regulations of the Commission, and that no proceeding had been instituted for the revocation of their licenses as provided in Section 14 of the act (47 U. S. C. 94). That section permits revocation of particular licenses by reason of false statements or for failure to operate as the license required or to observe any of the restrictions and conditions imposed by law or by the Commission's regulations. There is, respondents say, no warrant in the act for a "forfeiture" such as that here attempted. But the question here is not with respect to revocation under Section 14, but as to the equitable adjustment of allocations demanded by Section 9. The question is not simply as to the service rendered by particular stations, independently considered, but as to relative facilities—the apportionment as between States. At the time of the proceeding in question respondents were operating under licenses running from September 1, 1931, to March 1, 1932, and which provided in terms that they were issued "on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by station WJKS" for the frequency 560 kilocycles. Charged with the duty of making an equitable distribution as between States it was appropriate for the Commission to issue temporary licenses with such a reservation in order to preserve its freedom to act in the light of its decision on that application. And when decision was reached there was nothing either in the provisions of Section 14 or otherwise in the act which precluded the Commission from terminating the licenses in accordance with the reservation stipulated.

In granting licenses the Commission is required to act "as public convenience, interest, or necessity requires." This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. (Compare *N. Y. Central Securities Co. v. United States*, 287 U. S. 12, 24.) The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character, and quality of services, and, where an equitable adjustment between States is in view, by the relative advantages in service which will be enjoyed by the public through the distribution of facilities. In making such an adjustment the equities of existing stations undoubtedly demand consideration. They are not to be the victims of official favoritism. But the weight of the evidence as to these equities and all other pertinent

facts is for the determination of the Commission in exercising its authority to make a "fair and equitable allocation."

In the instant case the Commission was entitled to consider the advantages enjoyed by the people of Illinois under the assignments to that State, the services rendered by the respective stations, the reasonable demands of the people of Indiana, and the special requirements of radio service at Gary. The Commission's findings show that all these matters were considered. Respondents say that there had been no material change in conditions since the general reallocation of 1928. But the Commission was not bound to maintain that allocation if it appeared that a fair and equitable distribution made a change necessary. Complaint is also made that the Commission did not adopt the recommendations of its examiner. But the Commission had the responsibility of decision and was not only at liberty but was required to reach its own conclusions upon the evidence.

We are of the opinion that the Commission's findings of fact, which we summarized at the outset, support its decision, and an examination of the record leaves no room for doubt that these findings rest upon substantial evidence.

(3) Respondents raise a further question with respect to the procedure adopted by the Commission. In January 1931 the Commission issued its General Order No. 102⁹ relating to applications from underquota States. This order provided, among other things, that "applications from underquota States in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota State," and that, since the Commission had allocated frequencies for the different classes of stations, "applications should be for frequencies set aside by the Commission for the character of station applied for." Respondents insist that these requirements foreclosed the exercise of discretion by the Commission by permitting the applicant to select the station and the facilities which it desired; that this "naked action of the applicant" precluded the Commission from "giving general consideration to the field" and from making that fair and equitable allocation which is the primary command of the statute. We think that this argument misconstrues General Order No. 102. That order is merely a rule of procedural convenience, requiring the applicant to frame a precise proposal and thus to present a definite issue. The order in no way derogates from the authority of the Commission. While it required the applicant to state the facilities it desires, there was nothing to prevent respondents from contesting the applicant's demand upon the ground that other facilities were available and should be granted in place of those which the applicant designated. If such a contention had been made, there would have been no difficulty in bringing before the Commission other stations whose interests might be drawn in question. There is no showing that the respondents were prejudiced by the operation of the order in question.

Respondents complain that they were not heard in argument before the Commission. They were heard before the examiner, and the evidence they offered was considered by the Commission. The exceptions filed by the applicant to the examiner's report were filed and served upon the respondents in August 1931, and the decision of the Commission was made in the following October. While the request of the applicant for oral argument was denied, it does not appear that any such request was made by respondents or that they sought any other hearing than that which was accorded.

We find no ground for denying effect to the Commission's action. The judgment of the court of appeals is reversed, and the cause is remanded with direction to affirm the decision of the Commission.

It is so ordered.

⁹ Report, 1931, Federal Radio Commission, p. 91.

⁷ See note 1.

⁸ Report of the Committee on the Merchant Marine and Fisheries (H. Rept. 800, 70th Cong., 1st sess., p. 3).

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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A. A. A. ADOPTS RADIO REPORT

A program for the advancement of radio advertising, previously adopted by the Radio Committee of the A. A. A. A., headed by C. F. Gannon, Erwin, Wasey and Company, was approved by the Executive Board of the Association at a meeting in connection with the Sixteenth Annual Convention held at Washington this week.

The program includes the following:

1. Develop an independent bureau, supported by stations, advertisers and agencies, to study radio coverage through signal strength measurements, and popularity and listening habits through field surveys.
2. In advance of signal strength measurements, to continue the interchange of agency experience with local station coverage throughout the country.
3. Issue and promote, with the cooperation of the N. A. B., the Standard Order Blank for Spot Broadcasting, for use between agencies and individual stations in placing spot broadcasting contracts.
4. Promote publication of all rates of stations in combination.
5. Promote payments by radio stations of standard 15% agency commission and 2% cash discount on station time.
6. Encourage formation of agency recognition standards by the National Association of Broadcasters and practical application of them.
7. Encourage the listing of complete information about radio stations in Standard Rate and Data Service.
8. Encourage the use of standard rate cards for radio by stations.
9. Protect agencies' and advertisers' interests in case of license fees or other charges which tend to increase radio costs and which might make the medium less productive.
10. Study and make available agency operating data and compensation in handling of radio.
11. Favor the development of radio representatives.

Henry T. Rainey, Speaker of the House of Representatives, was the principal speaker at the banquet held on Thursday night. Speaker Rainey was scheduled to be present at the banquet but poor flying weather forced down his plane at Pittsburgh and he was compelled to speak from that city by remote control.

CAPPER BILL BARS FALSE ADVERTISING

A bill (S. 1592) to prohibit untrue, deceptive, or misleading advertising through the use of the mails or by radio broadcasting was introduced in the Senate on May 8 by Senator Capper of Kansas.

The measure has been referred to the Senate Committee on Interstate Commerce for consideration. No date for hearing has been fixed.

Designed to meet objectives similar to those sought to be achieved through amendment of the Federal Food and Drugs Act, advertisers, agencies and media alike are hoping that the U. S. Department of Agriculture and Senator Capper will cooperate in the draft of a measure which will achieve the purposes sought without imposing unreasonable and unfair burdens upon advertising media.

The bill in full text is as follows:

"That any person, firm, corporation; or association who, with intent to sell or in anywise dispose of merchandise, service, or any other thing, offered by such person, firm, corporation, or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto

or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, through the use of the mails or in interstate or foreign commerce, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or through broadcasting by radio, or in any other way, an advertisement of any sort regarding merchandise, service, or any other thing, so offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or by imprisonment for not longer than five years, or by both such fine and imprisonment."

NORTH AMERICAN RADIO CONFERENCE

Present indications are that a North American radio conference will be held during the month of June for the purpose of arriving at a settlement of radio problems affecting the United States, Canada, Mexico and Cuba. The conference will be held at Mexico City at the invitation of the Mexican Government, although it is understood that an official invitation actually has not yet been received.

Since late in February various American interests have been holding conferences for the purpose of studying all phases of the problems. The work has been divided among several committees. The General Committee is presided over by Judge Eugene Octave Sykes, Chairman of the Federal Radio Commission and Chairman of the American Delegation. The Broadcasting Committee is presided over by Dr. C. B. Jolliffe, Chief Engineer of the Federal Radio Commission. The Technical Committee is headed by Dr. J. H. Dellinger of the United States Bureau of Standards. Numerous subcommittees have been appointed from time to time for the purpose of handling special matters. The meetings of these committees have been almost continuous since early in February and have required a vast amount of research work, including study of the propagation characteristics of various frequencies, data concerning natural and man-made noises, efficiency of radio apparatus used by broadcasting and mobile services, etc.

The NAB has been represented on the General Committee and also on a number of subcommittees by James W. Baldwin, former secretary of the Federal Radio Commission, who has been retained by the NAB Board to represent the broadcasters at the conference. In the technical phases of the deliberations the broadcasters were represented by J. C. McNary, head of the NAB Engineering Department.

The principal issues in the preparatory conferences are not unlike those which have been experienced in previous conferences of like nature. The participants divide into four groups: the National Association of Broadcasters, the Radio Manufacturers Association, the Mobile Group, and the National Committee on Education by Radio.

The Mobile Group is composed of representatives of the military services of the Government, the Department of Commerce, the U. S. Shipping Board, the American Steamship Owners Association, Aeronautical Radio, Inc., Radio Marine and Mackay Radio. Generally this group supports one point of view.

As yet there is no information concerning a successor to United States Senator Wallace H. White, Jr., who has declined to serve on the delegation. Those whose names have been mentioned to serve on the delegation with Judge Sykes include Dr. Irvin Stewart of the Department of State, Dr. C. B. Jolliffe, Chief Engineer of the Federal Radio Commission, and W. R. Castle, Jr., former Under Secretary of State during the Hoover administration. Mr. Castle during his tenure as Under Secretary had general supervision of all

radio matters arising in the Department of State. It was Mr. Castle who negotiated the arrangement of May 5, 1932, between the United States and the Dominion of Canada.

EUROPEAN SOCIETY SUES ASCAP

The Society of European Stage Authors and Composers, Inc., has brought a suit for \$250,000 damages against the American Society of Composers, Authors and Publishers in the Supreme Court of the State of New York alleging that the latter Society induced the Columbia Broadcasting System not to consummate a licensing agreement with the European organization.

During the past two weeks the European Society, through its attorneys, notified a number of stations on both the networks of the Columbia Broadcasting System and the National Broadcasting Company that they had infringed certain musical compositions of the European Society, demanding damages for such infringements. In nearly every instance the alleged infringements occurred during network programs.

COMMERCIAL DEPARTMENT IS PROPOSED

A plan for the development of a commercial and statistical department, along the lines recommended by the Managing Director in his annual report to the membership, is now receiving serious study. If the plan, which will be submitted to the NAB Commercial Committee shortly, wins adequate support the department will be created at an early date.

The investigation into the possibilities of creating a NAB Credit Bureau is nearing completion and it is hoped that a detailed proposal will be ready for submission to the membership within the next few weeks.

PROGRAM IDEA INTERCHANGE PLANNED

Creation of a department in NAB Headquarters for the interchange of program ideas and scripts will be discussed at the meeting of the NAB Program Committee soon to be called by Chairman Ed. Bill, Peoria, Ill. Recommendation that such a department be created was contained in the St. Louis report of the Managing Director and the Board has authorized its creation on condition that adequate finances can be found.

Such a department would probably work in cooperation with the U. S. Office of Education with respect to programs of an educational nature and would have general charge of program statistics. The department would also study both commercial and sustaining program trends.

Dr. C. M. Koon, senior specialist in education by radio of the Office of Education, has recently returned from visiting radio stations through the South and has found that station operators are facing many problems in planning daily programs. The Office of Education has taken the initiative by sponsoring a series of broadcast programs which are now being used by 225 stations.

COMMISSION MOVE STILL UNCERTAIN

There is still considerable uncertainty in connection with the transfer of the Federal Radio Commission to the Department of Commerce under the proposed government reorganization plan.

Secretary of Commerce Roper said this week that the Commission will come into his Department but in other quarters it is held that the Commission will be left an independent body even if there is reorganization of Departments.

The Commission is also still uncertain about its personnel. No action has been taken up to this time but dismissals will have to be made in a short time to become effective June 1. It is probable that six or seven dismissals will be made from the Washington office of the Commission.

NAB SECTION MEETING PROGRAM

A tentative program for the second meeting of the NAB Commercial Section to be held at Grand Rapids, Mich., in connection with the annual convention of the Advertising Federation of America, June 25 to 28, was developed at a conference in Washington this week attended by H. K. Carpenter, Raleigh, N. C., chairman of the NAB Commercial Committee; Edgar Kobak, president of the AFA; Earle Pearson, general manager of the AFA; and Philip G. Loucks, NAB Managing Director.

This year's program of the section will be devoted entirely to a round table discussion of broadcasting problems with leaders in the industry leading the discussions.

Such subjects as merchandising, standardization of units of sale, rates, commercial script, standardization of commercial forms, station promotion, statistical, credit and program interchange methods, and station displays are on the program for discussion.

The meeting will be held on Tuesday, June 27, the morning session commencing at 10 a. m. and the afternoon session at 2 p. m. Chairman Carpenter will preside at both sessions.

Details of the program will be announced later.

KFAB CASE ARGUMENT MAY 18

Argument in the case of Sorensen vs. KFAB Broadcasting Company, involving the liability of a broadcasting station for defamatory remarks uttered in a political broadcast, will be heard by the Supreme Court of Nebraska on May 18.

The Supreme Court of Nebraska in a previous decision held that the station was liable for the remarks uttered but remanded the case to the court below because of error in instructions to the jury. The case was heard a second time in the lower court and is now before the Supreme Court. It is expected that the higher court will reaffirm its earlier decision and hand down a ruling within 30 days.

Because of the vital importance of the issue involved, the NAB has retained counsel to carry the case to the Supreme Court of the United States. In the meantime a Washington State Supreme Court has followed the Nebraska decision in a case involving a similar principle.

"STATION" AND "APPARATUS" THE SAME

The United States District Court for the Eastern District of New York, on February 20, 1933, in the case of the United States v. Splane, refused to make a technical distinction between radio apparatus and a radio station. Splane was charged with operating without license a certain apparatus for transmission of communications and signals by radio. It was argued that because the complaint referred to a radio apparatus and not to a "station" it was insufficient. While this case came up in a criminal court, nevertheless the viewpoint that the court took of interpreting the Radio Act of 1927 is of interest. It was held that the plain intent of the law should not be frustrated by elaborate deference to mere verbiage. While "station" and "apparatus" may not be synonymous in the literal sense, it is clear that within the design of statute they may be considered interchangeable. The warrant to apprehend the defendant was based upon a verified complaint by a radio technician attached to the Department of Justice, and the Court sustained the legal sufficiency of this warrant.

FLORIDA PERMITS BEER AND WINE

The Revised General Statutes of the State of Florida, Section 5456, provide: "Advertising the manufacture, sale or keeping for sale of liquors; penalty. It shall be unlawful to advertise the manufacture, sale, or keeping for sale, or other disposition thereof within this State, of any alcoholic liquors either spirituous, vinous, or malt, such as brandy, whiskey, wine, rum, gin, beer, or other alcoholic liquors or any of them, in any or either of the following ways or manners"; then sets out practically all the usual advertising media (except radio), but adds a clause "or otherwise in any manner to advertise the manufacture, sale or keeping for sale," etc.

By virtue of an amendment which became law upon approval by the Governor on May 6, 1933, the following proviso was added: "Provided always, however, that nothing in this Section contained shall in any wise apply to or be construed to prevent the advertisement of or the solicitation of orders for any malt or vinous beverages or fruit juices which may at any time be permitted by law to be manufactured, transported and sold in the State of Florida."

HOUSE GIVES COMMISSION \$640,000

After two days' debate, the House of Representatives on Friday passed the Independent Offices appropriation bill, containing the appropriation for the Federal Radio Commission for the coming fiscal year beginning July 1. The Commission was given \$640,000 for the year under the bill, which is the amount recommended by both the Bureau of the Budget and the Appropriations Committee of the House. The bill now goes to the Senate for action.

There was no discussion on the section relating to the Radio Commission except by Representative Ludlow of Indiana, who spoke on the Press Division of the Commission, urging that it be retained under the directorship of Frank Wisner. There has been much talk that the Division would be closed in the interest of economy. No official action has yet been taken on the Press Division abolishment.

EXAMINER FAVORS KMBC MOVE

Application of Station KMBC, Kansas City, Mo., to move to Kansas City, Kans. (Report No. 478, Hyde, e.). Recommends that application be granted.

The Examiner recommended that the Commission affirm its original action of September 15, 1932, allowing the station to make the move. He states that the evidence shows that the proposed change in location would improve the service of the station in the metropolitan area of Kansas City, Kansas and Missouri. Mr. Hyde states that the testimony offered in support of the contention that the proposed change would have an adverse effect on other stations "is considered as too conjectural to sustain the position of the protesting parties."

RECOMMENDS NEW N. C. STATION

William A. Wynne, of Greenville, N. C., applied to the Commission for a construction permit for a new station at Greenville to use 1420 kilocycles, 100 watts power, and daytime operation (Report No. 477, Yost, e.). The Examiner recommends that the application be granted.

The Examiner found that the applicant is qualified to construct and operate such a station as proposed, and that there is a need for such a station at Greenville. The new station would not cause any interference, the Examiner found, and it is in an under-quota state.

RECOMMENDS DENIAL TELEVISION LICENSE

Dr. George W. Young asks for construction permit for visual broadcast station at Minneapolis, Minn., to use 2000-2100 kilocycles, 500 watts power, and unlimited time on the air (Report No. 476, Yost, e.). Recommended that application be denied.

While admitting the research and ability of the applicant the Examiner states that "the applicant has shown no program of research which it is believed will improve the art of television in the band of 2000-2100 kilocycles." The report says further that "the applicant states that the frequency band 2000-2100 kilocycles cannot be expected to be final frequencies on which television can operate but that quasi optical frequencies must be used." The Chief Examiner therefore found that the granting of the application would not be in the public interest.

THERONOID ADVERTISING BARRED

The Federal Trade Commission has ordered Theronoid, Inc., of New York, Philadelphia, Trenton, Cleveland, Detroit and Washington to cease advertising that the use of its appliance, a solenoid belt having magnetic properties, produces a physical-therapeutic effect on the human body or is likely to aid in treating diseases.

By means of extensive newspaper advertising, as well as radio broadcasting over 19 stations and the circulation of pamphlets, testimonials, and other literature, Theronoid advertised its appliance as, among other things, a relief, prevention or cure for the following diseases: Asthma, arthritis, bladder trouble, bronchitis, catarrh, constipation, diabetes, eczema, heart trouble, hemorrhoids, indigestion, insomnia, lumbago, nervous disorders, neuralgia, neuritis, rheumatism, sciatica, stomach trouble, varicose veins, and high blood pressure.

Specifically, the Commission orders the company, in connection with advertising or offering for sale its device, to cease "representing in any manner whatsoever that the said belt or device or any similar device or appliance designed or intended to operate through exposure of a human subject to a low-frequency alternating magnetic field, without any physical conductive connection of such subject in the circuit, has any physical-therapeutic effect upon such subject, or that it is calculated or likely to aid in the prevention, treatment or cure of any human ailment, sickness or disease."

NAB PROGRAM IS UP TO YOU

Following the St. Louis Convention last November, under the leadership of President Alfred J. McCosker, WOR, Newark, N. J.,

a comprehensive program for the NAB was worked out. Virtually all of the recommendations of the Managing Director were adopted and will be put into operation if the Association obtains the requisite financial support from the industry.

The new NAB administration is ready and willing to serve; but the industry controls the measure of that service. The program will be carried into execution just as rapidly as funds are available for the work. Only lack of interest on the part of the industry as a whole can retard it.

As an example of what is meant by this program of action, the Association has retained Hon. Newton D. Baker as copyright counsel; the Radio Program Foundation has been organized and Oswald F. Schuette named as president; James W. Baldwin, former secretary of the Federal Radio Commission, has been retained to represent the broadcasters at the forthcoming North American Conference; J. C. McNary, prominent young radio engineer, has been employed as chief of the new NAB Engineering Department; plans are now on foot to create Commercial and Program Departments; scores of conferences have been held at which the broadcasters were represented by the NAB; several dozen bills in State Legislatures have been opposed; all bills in the Federal Congress have been studied and where inimical to the interests of the industry as a whole, the NAB has interposed opposition: counsel has been retained to carry the KFAB case to the Supreme Court of the United States. These are only a few of the activities of the NAB. The thousands of routine matters, correspondence, etc., obviously cannot be summarized. But this should be sufficient to demonstrate that the NAB is ready and willing to serve; that it is working every day for your interests; that it is your Association; and that it can accomplish much more if you will help your 230 fellow broadcasters to support it.

SEND IN THE ATTACHED BLANK

This issue of NAB REPORTS is being sent to all broadcast stations licensed by the United States Government. A blank for applying for membership is attached. The NAB Code of Ethics is printed on the reverse side.

Dues of the NAB are fixed by the Constitution and By-laws. At the St. Louis Convention a resolution was adopted authorizing the Managing Director to accept membership applications from stations whose gross business during the 12-month period immediately preceding December 1, 1932, did not exceed \$30,000. This rule applies regardless of the power of the station applying, but a statement setting forth the fact that the station is eligible for admission under the rule must accompany the application.

For stations whose gross business during the year ended December 1, 1932, exceeded \$30,000 the rates of dues are as follows: Up to and including 100 watts, \$125 a year; from 100 watts to 250 watts, \$250 a year; 250 watts to 1,000 watts, \$300 a year; above 1,000 watts, \$500 a year. The schedule is based upon night-time power in all cases.

All dues are payable quarterly in advance. Regular quarters commence on January 1, April 1, July 1, and October 1.

Send in the application blank today.

"SCHOOL BROADCASTING" VOLUME READY

Broadcasting is an invaluable auxiliary instrument for the teaching of modern languages, history, geography, literature, natural sciences and other school subjects, the Federal Office of Education reported this week in announcing findings of an investigation of school broadcasting in 25 countries of the world.

The complete report, "School Broadcasting," published by the International Institute of Intellectual Cooperation, in Paris, gives practical suggestions regarding methods of presentation best suited to instruction by radio in the classroom, planning of programs, and means of encouraging pupils to make use of radio lessons.

A special chapter in the 200-page publication is based upon a conference called by the Federal Office of Education in which representatives of the Federal Radio Commission, Department of Agriculture, National Association of Broadcasters, National Committee on Education by Radio, National Advisory Council on Radio in Education, American Council on Education, National Broadcasting Company, and the Columbia Broadcasting System participated.

Supplementing the work of the classroom teacher, broadcasting widens the intellectual horizons of children by bringing outstanding world events into the classroom, permitting children to receive occasional instruction of master teachers in almost every subject taught in the school, the study points out.

Copies of the volume may be obtained from the International Institute of Intellectual Cooperation, 2 Rue de Montpensier, Paris, France. The cost is \$2 per volume.

MICHIGAN WOULD ADVERTISE LIQUORS

S. 101, which has passed the Michigan Senate, was favorably reported by the Liquor Traffic Committee of the House on May 10, 1933. The bill proposes to repeal Section 9203, which prohibits advertising intoxicating liquor in Michigan.

STATION OWNERS ARE MANUFACTURERS

"Publishers of books, periodicals and/or newspapers and owners and operators of radio stations shall be deemed to be manufacturers and not retail merchants, for the purposes of this act," according to a provision of House Bill No. 184 in the Michigan Legislature. The bill, known as the "Privilege Tax," was on May 10th made the special order of business for May 16, 1933, after having been reported favorably by the General Taxation Committee. Retail merchants are subject to a tax of three per cent of the gross proceeds of sales of the business, whereas manufacturers are taxed at three-tenths of one per cent of the value of the articles manufactured.

VOTING ON STANDARD ORDER FORM

The Managing Director recently submitted to the NAB Board for approval the Standard Order Blank for Spot Broadcasting developed by the NAB Commercial Committee and the AAAA Radio Committee. The Board, in approving the form last February, made several modifications, to which the AAAA failed to agree. Several compromise provisions were submitted and the Board has now been requested to vote upon the blank in its amended form.

INDUSTRIAL CONTROL BILL READY

A so-called industrial control bill will be sent to Congress next week by President Roosevelt. It will be in the nature of a rider to the three billion dollar federal construction bill, and is considered the most important industrial legislation undertaken since the organization of the War Industries Board during the World War.

Details of the bill are not officially available at the time of writing but the understanding is that the various industries will be reached through their trade associations and in order to unite in their efforts some modification of the Sherman Laws will be allowed, all to be supervised by the government.

What the President is pleased to term the 10 per cent recalcitrant members of the various industries will be dealt with by the government and driven into line.

At the present time it is believed that there will be a board in control of the administration of the law to be composed of perhaps four members of the Cabinet, which would undoubtedly include the Secretaries of Commerce and Labor at least. In addition there will be a Director or Administrator who will have active charge of the administrative work. A number of leading industrialists have been mentioned for this post. Industries of the country are watching this legislation with the greatest interest and concern, because of its wide reaching possibilities.

TRADE GROUPS AND THE "NEW DEAL"

Regulation of industry through trade associations has become an important part of the Roosevelt administration program for general business recovery. The new administration is leaning heavily upon trade groups, and trade associations will grow more important than ever before. They will form the nucleus of the emergency plan. Each industry, familiar with its own conditions, will have an opportunity to draft its ideas of self regulation.

"It is wholly wrong to call the measures that we have taken, government control of farming, control of industry, and control of transportation," President Roosevelt said in his radio address of May 7. "It is rather a partnership between the government and farming and industry and transportation, not partnership in profits, for the profits would still go to the citizens, but rather a partnership in planning and partnership to see that the plans are carried out.

"Let me illustrate with an example. Take the cotton-goods industry. It is probably true that 90 per cent of the cotton manufacturers would agree to eliminate starvation wages, would agree to stop long hours of employment, would agree to stop child labor,

would agree to prevent an overproduction that would result in unsalable surpluses. But, what good is such an agreement if the other 10 per cent of cotton manufacturers pay starvation wages, require long hours, employ children in their mills, and turn out burdensome surpluses. The unfair 10 per cent could produce goods so cheaply that the fair 90 per cent would be compelled to meet the unfair conditions.

"Here is where the government comes in. Government ought to have the right and will have the right, after surveying and planning for an industry, to prevent, with the assistance of the overwhelming majority of that industry, unfair practice and to enforce this agreement by the authority of Government."

In no other field is organization and planning more important than in broadcasting. But little in a constructive way can be accomplished if broadcasters continue to refuse to join the only trade association in their field.

AUSTRALIAN BROADCASTING DEVELOPS

Broad developments in several phases of the radio industry in Australia have just been reported to the Electrical Equipment Division of the Commerce Department by Assistant Trade Commissioner H. P. Van Blarcom of the Department's Sydney office.

These developments not only are in the field of broadcasting and commercial advertising, but include aids to navigation and developments which are expected to result in smoother working arrangement between musicians and broadcasting companies.

In the field of radio broadcasting, developments include chain broadcasting, radio shows, the appointment of a new general manager of the broadcasting commission, the provision of special fees for broadcast soloists, and the acquisition of a broadcasting station by a newspaper.

A network of special lines for chain broadcasts, installed at a cost of £170,000 and extending 2,600 miles, connects the principal stations of Sydney, Melbourne, Adelaide and Brisbane. It is planned to add 1,630 miles to this network to connect the principal station at Perth. In the last six months of 1932, 434 chain programs were broadcast.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Tuesday, May 16, 1933

- NEW—Charles W. Phelan, t/r as Casco Bay Broadcasting Co., Portland, Me.—Construction permit, 1340 kc., 500 watts, unlimited time.
- NEW—Portland, Maine, Publishing Co., Portland, Me.—Construction permit, 1340 kc., 500 watts, unlimited time.
- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Construction permit, 1340 kc., 1 KW, specified hours (present assignment 1370 kc., 100 watts, specified hours).
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit, 1340 kc., 500 watts, unlimited time (present time 1430 kc., 500 watts, unlimited time).
- WRDO—WRDO, Inc., Augusta, Me.—Construction permit to move station to Portland, Me., 1370 kc., 100 watts, unlimited time.

TENTATIVE HEARING CALENDAR

(Dates shown are tentative and subject to change)

May 18, 1933

- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase day power from 50 watts to 100 watts.

May 23, 1933

- WINS—American Radio News Corporation, New York, N. Y.—Modification of license to increase power from 500 watts to 1 KW, 1180 kc., limited time.

May 24, 1933, before Commission en banc

- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit to use 50 KW, 710 kc.

May 24, 1933

- WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license to change hours of operation.

- WLB-WGMS—University of Minnesota, Minneapolis, Minn.—Modification of license to change hours of operation, and renewal of license.
 WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase daytime power, **1250 kc.**

May 26, 1933

- WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license to change hours of operation.
 WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license and construction permit to move transmitter to East St. Louis.

May 31, 1933, before Commission en banc

- KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license to use 1 KW, unlimited time, on **620 kc.**
 KVOA—Robert M. Riculfi, Tucson, Ariz.—Renewal of license, and voluntary assignment of license, 500 watts, **1260 kc.**
 KGIX—J. M. Heatch, Las Vegas, Nev.—Construction permit to move station locally and construct new transmitter, and renewal of license.

May 31, 1933

- WPRO-WPAW—Cherry and Webb Broadcasting Co., Providence, R. I.—Modification of license to use **630 kc.**, 250 watts, unlimited time.
 WDRC—WDRS, Inc., Hartford, Conn.—Modification of license to use **1330 kc.**, 1 KW, unlimited time.

June 1, 1933

- WMBG—Havens & Martin, Richmond, Va.—Construction permit to increase day power from 100 watts to 250 watts, **1210 kc.**, and increase hours of operation.
 WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license, **1210 kc.**, 100 watts, 250 watts until local sunset, unlimited time.

June 2, 1933

- WILL—University of Illinois, Urbana, Ill.—Modification of license to increase day power from 500 watts to 1 KW, **890 kc.**

June 5, 1933

- WBMS—New Jersey Broadcasting Corp., Hackensack, N. J.—Involuntary assignment of license.
 WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Modification of license to acquire unlimited time on **1450 kc.** (facilities of WBMS).
 NEW—Radio Investment Co., Inc., Newark, N. J.—Construction permit, 250 watts, **1450 kc.**, share with WHOM (facilities of WBMS).
 WBMS—WBMS Broadcasting Corp., Hackensack, N. J.—Renewal of license.

June 7, 1933

- KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit to change frequency from **900 kc.** to **890 kc.**, 250 watts, 500 watts until local sunset, unlimited time; also modification of license.
 KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification of license to change frequency from **1340 kc.** to **890 kc.**, 1 KW, unlimited time.
 KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from **1360 kc.** to **1340 kc.**, 500 watts, unlimited time.

June 9, 1933

- WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Modification of license to use 500 watts, **580 kc.**, unlimited time.
 WOBV—WOBV, Inc., Charleston, W. Va.—Modification of license to use **580 kc.**, 500 watts, unlimited time.

June 12, 1933

The hearing involving applications of KECA, KFBK, and the Don Lee Broadcasting System for facilities of KTM and KELW, and the applications of KTM and KELW for voluntary assignments of licenses and for renewals of licenses will be held June 12.

June 15, 1933

- NEW—William L. Slade, Hamilton, Ohio—Construction permit, **1420 kc.**, 100 watts, unlimited time.
 WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license, **1420 kc.**, 100 watts, unlimited time.

June 16, 1933

- KGEK—Elmer G. Beehler, t/a Beehler Electrical Equipment Co., Yuma, Colo.—Construction permit to move transmitter to Fort Collins, **1200 kc.**, 100 watts, specified hours.

June 19, 1933

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power to 1 KW experimentally, **610 kc.**
 WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power to 1 KW, **560 kc.**
 WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license to increase power to 1 KW, **560 kc.**

June 20, 1933

- WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to use 500 watts on **600 kc.**, unlimited time.
 WICC—Bridgeport Broadcasting Station, Bridgeport, Conn.—Modification of license to use **600 kc.**, 500 watts, 500 watts additional experimentally until local sunset.

June 21, 1933

- WABI—First Universalist Society of Bangor, Bangor, Me.—Modification of license to use **1200 kc.**, 100 watts, unlimited time.
 WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to use 1 KW, **830 kc.**, unlimited time.

June 21, 1933, before Commission en banc

- KWKH—Hello World Broadcasting Corp., Shreveport, La.—Oral argument in re Examiner's Report No. 470; one hour each for WWL, International Broadcasting Corp., National Union Indemnity Assn., WSPA, and KWKH.

June 22, 1933

- NEW—Raymond M. Brannon, Fremont, Nebr.—Construction permit for new station to use **1500 kc.**, 100 watts daytime (facilities of KFOR).
 KFOR—Howard A. Shuman, Lincoln, Nebr.—Renewal of license, and voluntary assignment of license to Cornbelt Broadcasting Corporation (**1210 kc.**, 100 watts, 250 watts until local sunset, unlimited time).

June 23, 1933

- WJJD—WJJD, Inc., Mooseheart, Ill.—Renewal of license.
 KGBX—KGBX, Inc., Springfield, Mo.—Construction permit to use **1340 kc.**, 250 watts, unlimited time (facilities of KGIZ).
 KGIZ—Grant City Park Corp., Grant City, Mo.—Renewal of license.

June 26, 1933

- WDBO—Orlando Broadcasting Co., Orlando, Fla.—Modification of license to increase day power to 1 KW, **580 kc.**
 WRUF—University of Florida, Gainesville, Fla.—Renewal of license, **830 kc.**, 5 KW, limited time.

APPLICATIONS GRANTED

First Zone

- WCAC—Connecticut Agricultural College, Storrs, Conn.—Granted authority to operate from 2:30 p. m. to 5 p. m. May 12 and June 3, and 2:30 to 4:30 p. m. May 17.

WSAR—Doughty & Welch Electric Co., Fall River, Mass.—Granted construction permit to make equipment changes reducing maximum rated power from 500 watts to 250 watts.

Second Zone

- WJBU—Bucknell University, Lewisburg, Pa.—Granted consent to voluntary assignment of license to Charles S. Blue.
- WJBU—Charles S. Blue, Lewisburg, Pa.—Granted construction permit to move transmitter and studio from Lewisburg to Sunbury, Pa.
- WRAK—WRAK, Inc., Williamsport, Pa.—Granted modification of license to change time from sharing with WJEQ to unlimited (facilities of WJEQ).
- NEW—Leo J. Omelian, Erie, Pa.—Granted construction permit for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time (facilities of WERE).
- WRBX—Richmond Development Corp., Roanoke, Va.—Granted renewal of license, 1410 kc., 250 watts, shares with WHIS.

Third Zone

- WKEU—Allen Wright Marshall, Sr. & Jr., and Guy Aaron Malcolm, La Grange, Ga.—Granted modification of construction permit extending completion date from May 20 to August 20, 1933.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted 30-day authority to reduce power to 175 watts.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted authority to operate Friday, May 19, 10:15 p. m. to 2 a. m. simultaneously with KPO.

Fourth Zone

- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate unlimited time from June 4 to June 10, inclusive.
- WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate 9:30 to 10 p. m. May 20 and 27, June 3, 10, 17 and 24, 1933.
- WOC-WHO—Central Broadcasting Co., Des Moines, Iowa—Granted license combining stations WOC-WHO, increasing power to 50 KW, unlimited time, on 1000 kc.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted modification of construction permit extending commencement and completion dates.
- WJJD—WJJD, Inc., Mooseheart, Ill.—Granted authority to begin operation at 5:30 a. m. CST, during period daylight savings time applies.
- WOI—Iowa State College, Ames, Iowa—Granted authority to suspend operation May 30 and July 4.

Fifth Zone

- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted modification of license to increase hours of operation from sharing with KGEF (deleted) to unlimited.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted authority to discontinue operation May 26 to Sept. 12, 1933, during regular school vacation.

APPLICATIONS SET FOR HEARING

- NEW—Hager & Hunter, Owatonna, Minn.—Construction permit for new station, 1310 kc., 100 watts, daytime.
- NEW—R. D. Duboise and T. R. Putnam, d/b as the Pima Broadcasting Co., Tucson, Ariz.—Construction permit for new station, 1260 kc., 500 watts, specified hours (facilities of KVOA).
- WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Modification of license to increase power from 25 KW to 50 KW.
- WGNV—Peter Goelet, Chester Township, N. Y.—Modification of license to increase power from 50 to 100 watts.
- WCAL—St. Olaf College, Northfield, Minn.—Modification of license to operate from 7 to 8 p. m., CST, Sundays only in addition to present specified hours.

WAMC—Raymond C. Hammett, Anniston, Ala.—Construction permit to move transmitter to a location to be determined in Muscle Shoals from Anniston.

MISCELLANEOUS COMMISSION ACTION

- KGCC—Golden Gate Broadcasting Co., San Francisco, Calif.—Denied special authority to use certain specified hours.
- NEW—Wilmington Broadcasting Co., Wilmington, N. C.—Denied construction permit for 1370 kc., 100 watts (facilities of WRAM).
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Denied construction permit for 1240 kc., 250 watts, half time with WKAQ.
- KFOR—Howard A. Shuman, Licensee, Lincoln, Nebr.—Granted petition withdrawing his protest against voluntary assignment of this license to the Cornbelt Broadcasting Corp.
- WGN—WGN, Inc., Chicago, Ill.—Hearing continued on application for increase in power from 25 KW to 50 KW. Case to be heard at a time to be decided on by Commission.

APPLICATIONS RECEIVED

First Zone

- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Modification of license to change hours of operation amended to request unlimited time (facilities of WBBC, WFOX and WLTH).
- WEVD—Debs Memorial Radio Fund, Inc., N. Y.—Modification of license to increase power from 500 watts to 1 KW.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit to install new transmitter and increase power to 50 KW to extend commencement and completion dates.
- WMBO—WMBO, Inc., Auburn, N. Y.—License to cover construction permit to rebuild station changing transmitter site locally.

Second Zone

- NEW—Nicholas Kuris, Muskegon, Mich.—Construction permit for new station, 1200 kc., 100 watts, daytime.
- WJAC—Johnstown Automobile Co., Johnstown, Pa.—Voluntary assignment of license to WJAC, Inc.

Third Zone

- KOCW—J. T. Griffin, Chickasha, Okla.—Modification of construction permit to change location from Chickasha to Tulsa, Okla., and change equipment.
- KWEA—Hello World Broadcasting Corp., Shreveport, La.—Modification of construction permit to change equipment.
- KGHI—Lloyd Judd Co., Little Rock, Ark.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day, amended as to equipment.
- WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—License to cover construction permit, as modified, to move transmitter locally.
- WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—License to cover construction permit to make changes in equipment.

Fourth Zone

- WOW—Woodmen of the World Life Insurance Association, Omaha, Nebr.—Modification of license to change hours of operation from sharing with WCAJ to unlimited time (facilities of WCAJ).

Fifth Zone

- NEW—Herbert Le Roy Coburn, Yakima, Wash.—Construction permit for new station, 1240 kc., 500 watts, unlimited time.
- NEW—Eastern Oregon Broadcasting Company, Inc., La Grande, Ore.—Construction permit for new station, 1500 kc., 100 watts night, 250 watts day, amended to change transmitter location.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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FOOD AND DRUGS LAW PROPOSALS

A proposed draft revising the present Food and Drugs Act was completed this week and submitted to the Department of Justice for review, it was announced by Assistant Secretary of Agriculture R. G. Tugwell.

The most important provision in the proposed draft is the expansion of the Act to include cosmetics and to regulate advertising of foods, drugs, and cosmetics.

The new draft does not propose censorship of advertising in advance of its use. However, under its provisions false advertising may be penalized by prosecution in the federal courts. Prosecution for false advertising will be directed against the source rather than against the medium in which it appears. This will put the responsibility for truthful advertising squarely upon the manufacturer, distributor, or dealer.

The truth or falsity of advertising will be measured essentially by the same standards as those employed to determine the truth or falsity of label statements.

The restrictions against adulterations have been strengthened, particularly in those instances where the public health is concerned. The requirements in regard to labeling have been broadened by the deletion of "jokers" in the present law and by providing for sufficiently full information so that purchasers may know just what they are buying.

When traffic in foods, drugs or cosmetics of any kind may be inherently harmful to public health and cannot be adequately controlled by the other provisions of the bill, the Secretary is authorized to place the manufacturers of such commodities under a license requiring the maintenance of sufficient safeguards.

A provision in the new bill authorizes the Secretary to establish food standards having the force and effect of law. The absence of such a provision in the present law, except for the limited field of canned foods, has seriously impaired the effectiveness of control and made enforcement more expensive.

The new bill defines as drugs, mechanical devices intended for the treatment of disease. It also regulates preparations and devices recommended for the correction of abnormal physical conditions which are not, strictly speaking, diseases.

EUROPEAN RADIO CONFERENCE

A conference of the governments of the European region was scheduled to convene at Lucerne, Switzerland, May 15, 1933, to assign frequencies to various European broadcasting stations.

An attempt will be made to provide additional frequency assignments to European broadcasting stations, as provided by Article 7, Section 1, of the General Radiocommunication Regulations of Madrid. The European broadcasting organization, Union Internationale Radiodiffusion, has prepared an extensive study of present conditions in Europe, and has formulated a plan whereby conditions may be improved by assignment of frequencies to broadcasting stations outside the portions of the spectrum set aside for such use at the Madrid conference, on a non-interfering basis. European broadcasting enjoys the use of low frequencies (less than 550 kc.) and the U. I. R. recommends further use of low frequencies for broadcasting purposes. It is possible that action contemplated or taken by the conference will occasion differences of opinion as to whether interference actually will result to other services.

In view of the desirability of basing all communications, and particularly protests, of the United States Government, relating to the conference upon sound technical and engineering considerations, the State Department has requested the Federal Radio Commission to set up a committee of interested agencies to make recommendations with respect to action that might be taken by the United States Government. The Federal Radio Commission has invited interested parties to attend a meeting to be held Monday, May 22. The National Association of Broadcasters will be represented in the

conference called by the Federal Radio Commission, as in conferences concerning the forthcoming North American Regional Conference at Mexico City, by James W. Baldwin.

Broadcasting interests in the United States are, of course, not affected directly by the European conference. The possibility exists, however, that a precedent may be set whereby broadcasting stations may secure frequency assignments closer to frequencies allocated to marine traffic with ships at sea. American shipping interests and the Army and Navy, known collectively as the "Mobile Group," are expected to follow the European conference deliberations closely in view of the similarity of the European problem to that which exists in North America.

NORWAY TAKES OVER BROADCASTING

Broadcasting in Norway is to be organized as a strictly government activity both as to technical phases and programs, according to the Electrical Equipment Division of the Bureau of Foreign and Domestic Commerce of the Department of Commerce. The government is to take over the present broadcasting companies; the telegraph department is to be responsible for the technical construction and operation; administrative functions are to be directed by the department of trade; and the strictly program activities by the department of church and education.

The first broadcasting station in Norway was completed in 1924. Most of the existing stations are owned by the Oslo Radio Broadcasting Corporation, and the few independently owned stations cooperate closely with the corporation. For several years there have been attempts at joint government and private control and studies and revisions of numerous proposals, and in January, 1933, a final plan was adopted. It is expected that government operation will start July 1, 1933.

STATE TAXATION LEGISLATION

Nineteen thirty-three legislation has produced several innovations in taxation. Some of these are almost impossible to classify as they cut across several fields of taxation. The so-called "Sales Tax" is one of these mixed taxes. Such taxes range from graduated taxes on gross sales, aimed primarily at the chain store, to a tax on all gross income which is very close to a net income tax. Usually the term "Sales Tax" describes a tax based solely on the sale of property. The term "Gross Income Tax" is used to describe a tax based on income and not limited to sales. This latter tax is often a sales tax plus a tax on income from other sources.

The importance of these taxes can be seen from the following list of states which now have either sales taxes or gross income taxes which apply to sales.

Arizona (gross income)	North Dakota (gross income)
Connecticut (unincorporated sales tax)	Oklahoma (sales tax)
Delaware (sales tax)	Oregon (gross income-reference)
Illinois (sales tax)	South Dakota (gross income)
Indiana (gross income)	Utah (sales tax)
Kentucky (sales tax)	Vermont (sales tax)
Mississippi (gross income)	Virginia (gross purchases)
New Mexico (sales tax)	Washington (gross income)
New York (sales tax)	West Virginia (gross income)
North Carolina (sales tax)	

Illinois is listed above because it seems certain that a new sales tax will soon be passed to meet the objections which the Supreme Court of the State found in declaring the recent enactment unconstitutional.

Only twelve State Legislatures remain in session out of the forty-five that convened this year.

MICHIGAN BILL TO GOVERNOR

The Michigan bill, S. 101, which would legalize the advertising of intoxicating liquors, has passed both houses and went to the Governor on May 16, 1933.

S. C. IN LINE TO ADVERTISE LIQUORS

Mr. Hammond's amendment in the South Carolina Senate to H. 931 was adopted May 11, 1933, as follows: "It shall be lawful for newspapers, bill boards, radio broadcasts, and all other mediums of advertising to carry advertisements of Beer, Ales, Wines, and any and all beverages permitted by law for sale in South Carolina."

PENNSYLVANIA AUTO BILL DEAD

The adjournment of the Pennsylvania Legislature marked the death of several bills which would have affected the radio industry directly or indirectly. One bill that never got beyond the committee stage was H. 1391, which would have made it illegal to drive an automobile while there was being operated or played in such vehicle a radio or radio receiving instrument.

ILLINOIS SALES TAX UNCONSTITUTIONAL

The recent decision of the Supreme Court of Illinois in declaring the Illinois Sales Tax unconstitutional is of general interest to all industries for the reason that it is an outstanding example of the exercise of the judicial curb on the legislative and executive branches in our prevailing system of constitutional governments. The Federal Constitution and all State Constitutions have what are known as equal protection clauses designed to prevent discrimination in taxation.

The Illinois law imposed a tax of three per cent of the gross cash receipts from sales, upon all persons engaged in the business of selling tangible personal property at retail; but provided that "tangible personal property" does not mean or include farm products or farm produce sold by the producer thereof or motor fuel as defined in the Motor Fuel Tax Law.

The Supreme Court said, "The legislature has no power to, by legislative enactment, declare that not to be a fact which every one knows is a fact . . ."; and that, "The language quoted does not and cannot mean that farm products or farm produce or motor fuel are not in fact tangible property, for it is a universally known fact that they are such."

The Court found there was no basis for the exclusion of farm produce and motor fuel from the operation of the act, and so the act violated the uniform requirements of the Constitution.

100,000 WATTS IN ENGLAND

The British Broadcasting Corporation has secured a site for a new "super" radio broadcast station to replace the Daventry 5XX transmitter, according to the Commerce Department. The site is about three miles northeast of Droitwich.

This station, powered at 100,000 watts, is expected to service the entire British Isles. It will have one long-wave transmitter for national programs, and a high-powered medium wave for regional programs to replace the Midland regional transmitter 5GB. The Midland station was built experimentally in 1927 and does not contain many of the modifications which have been developed since that time.

Radio engineers anticipate better quality broadcasting and less interference from the new station. The new long-wave transmitter is expected to be in operation by the summer of 1934.

AMENDMENT FOR JUDGE SYKES

Senator Stephens of Mississippi has introduced an amendment to the Independent Offices appropriation bill, now pending in the Senate, that so much of the unexpended balance of the appropriation for the Madrid radio conference as is needed shall be used to pay the salary of Judge Sykes, chairman of the Radio Commission, for the period from February 23 to March 20 of this year. During this time Judge Sykes was not a member of the Commission because his nomination had not been sent to the Senate. It was later held up for some days before finally acted on.

GOVERNMENT REORGANIZATION

President Roosevelt departed on a river cruise today with Director of the Budget Douglas and will remain over Sunday. They will discuss the question of government reorganization and it is probable that they will make a final decision which may be made public next week. This includes the question of whether the Radio Com-

mission will remain a separate entity or whether it will be under the Department of Commerce.

It has been stated in apparently authentic circles that a separate executive order has been drawn up regarding the moving of the Commission to the Department of Commerce so that it can be withdrawn if there is too much opposition. It is still uncertain just what will happen to the Commission.

RECOMMENDS NEW STATION

Copper Electric Company, Inc., filed application with the Commission asking for construction permit for new station at Lowell, Ariz., to use 1200 kilocycles, 100 watts power, daytime operation (Report No. 481, Hyde, e.). Recommends that application be granted.

It is pointed out by the Examiner in his report that the applicant has the necessary ability and financial resources to construct and operate a broadcast station. Also that the community is not served with dependable daytime broadcasting and that "no interference of an objectionable character would be caused by the operation of the proposed station."

RECOMMENDS NEW STATION

Herman Radner and Capital City Broadcasting Company both filed applications with the Commission asking for a construction permit for a new station at Lansing, Mich., to use 1210 kilocycles (Report No. 479, Pratt, e.). Recommends application be granted to Capital City Broadcasting Company and denied to Herman Radner.

The Examiner found that Lansing and vicinity do not receive good broadcasting service and that no interference would be created on the frequency asked. The State of Michigan and Second Zone are both under quota and both applicants are qualified to construct and operate a station.

It is pointed out by the Examiner that Mr. Radner is not a resident of the city of Lansing, while the Broadcasting Company is composed of citizens of the city, and he states that "other things being equal it is to the best interests of a community that the application of the applicant most familiar with local needs be granted." The Broadcasting Company, says the Examiner, can render a more extensive service to a larger number of listeners because of its 250 watt application as opposed to 100 watts by Mr. Radner. Also the Broadcasting Company has made more definite arrangements for programs, talent, etc., and it is more closely related to publicity and advertising mediums than Mr. Radner.

RADIO EMPLOYMENT RISES

Employment in the radio industry increased from 61 in March to 67.2 in April compared with 57.3 in April of last year, taking 1926 at 100, according to the Bureau of Labor Statistics, Department of Labor.

Pay rolls in the radio industry in April were 50.5 compared with 42 in March and 46.3 in April of last year.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

May 22, 1933

NEW—W. L. Gleeson, Monterey, Calif.—Construction permit for 100 watt station, **1210 kc.**, unlimited time; also construction permit for 5 KW station, **1490 kc.**, unlimited time.

May 24, 1933, before Commission en banc

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit to change transmitter location to near Tremley, N. J., 50 KW, **710 kc.** (Southern Radio Corporation, protestant).

May 24, 1933

WKAV—Laconia Radio Club, Laconia, N. H.—Renewal of license, **1310 kc.**, 100 watts, specified hours.

May 26, 1933

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license to increase hours (requests facilities of WTAD).

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license, 500 watts, **1440 kc.** (shares with WMBD), also construction permit to move to East St. Louis, Ill.

TENTATIVE HEARING CALENDAR

(Dates subject to change)

May 31, 1933, before Commission en banc

- KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license to use 1 KW, unlimited time, on 620 kc.
KVOA—Robert M. Riculfi, Tucson, Ariz.—Renewal of license, and voluntary assignment of license, 500 watts, 1260 kc.
KGIX—J. M. Heatch, Las Vegas, Nev.—Construction permit to move station locally and construct new transmitter, and renewal of license.

May 31, 1933

- WPRO-WPAW—Cherry and Webb Broadcasting Co., Providence, R. I.—Modification of license to use 630 kc., 250 watts, unlimited time.
WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to use 1330 kc., 1 KW, unlimited time.

June 1, 1933

- WMBG—Havens & Martin, Richmond, Va.—Construction permit to increase day power from 100 watts to 250 watts, 1210 kc., and increase hours of operation.
WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license, 1210 kc., 100 watts, 250 watts until local sunset, unlimited time.

June 2, 1933

- WILL—University of Illinois, Urbana, Ill.—Modification of license to increase day power from 500 watts to 1 KW, 890 kc.

June 5, 1933

- WBMS—New Jersey Broadcasting Corp., Hackensack, N. J.—Involuntary assignment of license.
WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Modification of license to acquire unlimited time on 1450 kc. (facilities of WBMS).
NEW—Radio Investment Co., Inc., Newark, N. J.—Construction permit, 250 watts, 1450 kc., share with WHOM (facilities of WBMS).
WBMS—WBMS Broadcasting Corp., Hackensack, N. J.—Renewal of license.

June 7, 1933

- KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts until local sunset, unlimited time; also modification of license.
KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification of license to change frequency from 1340 kc. to 890 kc., 1 KW, unlimited time.
KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from 1360 kc. to 1340 kc., 500 watts, unlimited time.

June 9, 1933

- WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Modification of license to use 500 watts, 580 kc., unlimited time.
WOBV—WOBV, Inc., Charleston, W. Va.—Modification of license to use 580 kc., 500 watts, unlimited time.

June 12, 1933

The hearing involving the applications of KECA, KFBK, and the Don Lee Broadcasting System for facilities of KTM and KELW, and the applications of KTM and KELW for voluntary assignments of licenses and for renewals of licenses will be held June 12.

June 15, 1933

- NEW—William L. Slade, Hamilton, Ohio—Construction permit, 1420 kc., 100 watts, unlimited time.
WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license, 1420 kc., 100 watts, unlimited time.
NEW—Philip J. Wiseman, Lewiston, Maine—Construction permit for new station, 640 kc., 500 watts, limited time.

June 16, 1933

- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 50 watts, daytime.
KGEK—Elmer G. Beehler, t/a Beehler Electrical Equipment Co., Yuma, Colo.—Construction permit to move transmitter to Fort Collins. 1200 kc., 100 watts, specified hours.

June 19, 1933

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power to 1 KW experimentally, 610 kc.
WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.
WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.

June 20, 1933

- WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to use 500 watts on 600 kc., unlimited time.
WICC—Bridgeport Broadcasting Station, Bridgeport, Conn.—Modification of license to use 500 watts night power experimentally.

June 21, 1933

- WABI—First Universalist Society of Bangor, Maine—Modification of license to use 1200 kc., 100 watts, unlimited time.
WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to 1 KW, 830 kc., unlimited time.

June 21, 1933, before Commission en banc

- KWKH—Hello World Broadcasting Corp., Shreveport, La.—Oral argument in re Examiner's Report No. 470; one hour each for WWL, International Broadcasting Corp., National Union Indemnity Assn., WSPA, and KWKH.

June 22, 1933

- NEW—Raymond M. Brannon, Fremont, Nebr.—Construction permit for new station to use 1500 kc., 100 watts, daytime (facilities of KFOR).
KFOR—Howard A. Shuman, Lincoln, Nebr.—Renewal of license, and voluntary assignment of license to Cornbelt Broadcasting Corporation, 1210 kc., 100 watts, 250 watts until local sunset, unlimited time.

June 23, 1933

- WJJD—WJJD, Inc., Mooseheart, Ill.—Renewal of license.
KGBX—KGBX, Inc., Springfield, Mo.—Construction permit to use 1340 kc., 250 watts, unlimited time (facilities of KGIZ).
KGIZ—Grant City Park Corp., Grant City, Mo.—Renewal of license.

June 26, 1933

- WDBO—Orlando Broadcasting Co., Orlando, Fla.—Modification of license to increase day power to 1 KW, 580 kc.
WRUF—University of Florida, Gainesville, Fla.—Renewal of license, 830 kc., 5 KW, limited time.
WGNV—Peter Goelet, Chester Township, N. Y.—Modification of license to increase power from 50 watts to 100 watts, 1210 kc., specified hours.

June 27, 1933

- WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license to increase hours, 1250 kc., 1 KW.
WLB—University of Minnesota, Minneapolis, Minn.—Modification of license to increase hours, 1250 kc., 1 KW.
WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase power from 1 KW to 1 KW night, 2½ KW day, and modification of license to increase hours.
NEW—Hager and Hunter, Owatonna, Minn.—Construction permit, 1310 kc., 100 watts, daytime.

APPLICATIONS GRANTED

First Zone

- WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of construction permit extending completion date to June 10, 1933.
NEW—Juan Piza, San Juan, P. R.—Granted construction permit for new station to operate on 1290 kc., 500 watts, unlimited time.

Second Zone

- WFDF—Flint Broadcasting Co., Flint, Mich.—Granted renewal of license, 1310 kc., 100 watts, unlimited time.
WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted renewal of license, 1310 kc., 50 watts, unlimited time.

Third Zone

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted modification of license to increase hours of operation from specified hours to unlimited time.
KGHI—Lloyd Judd Company, Little Rock, Ark.—Granted construction permit to make changes in equipment and increase day power from 100 to 250 watts, on 1200 kc., unlimited time.

Fourth Zone

- WCAT—South Dakota School of Mines, Rapid City, S. Dak.—Granted authority to discontinue operation from June 2 to Sept. 10, 1933, during regular summer vacation.
WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate from 3:30 to 6 p. m., CST, May 19, 20, 29, 30, 31; June 1, 2, 3, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 and 24, 1933, and from 2:30 to 6:15 p. m., May 21, June 4, 18, and 25.

APPLICATIONS RECEIVED

First Zone

- WSYR-WMAC—Central New York Broadcasting Corp., Syracuse, N. Y.—Construction permit to change transmitter site locally, install new transmitter, and increase power from 250 to 500 watts.
WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts night, 500 watts day, to 500 watts.

Second Zone

- WORK—York Broadcasting Company, York, Pa.—Modification of license to change from 1 KW daytime to 250 watts night, 1 KW day.
WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—License to cover construction permit for changes in equipment.
WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to make changes in equipment and increase power from 50 to 100 watts.

Third Zone

- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—License to cover construction permit to move station from Knoxville to Greenville, install new transmitter, and increase power to 100 watts night, 250 watts day, and change hours of operation to unlimited.
KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of construction permit to install new equipment and increase power to 25 KW, to extend date of completion to September 17, 1933.
WODX—Mobile Broadcasting Corp., Mobile, Ala.—Modification of license to change hours of operation from simultaneous day, share with WSFA night, to unlimited time, and change frequency from 1410 kc. to 1380 kc.
WJBY—J. L. Aders, Gadsden, Ala.—Consent to involuntary assignment of license from Gadsden Broadcasting Co., Inc.; also construction permit to move transmitter locally and to move main studio locally.
KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change transmitter location locally, and change power frequency and hours from 1200 kc., 100 watts, unlimited time, to 590 kc., 250 watts, specified hours, and change equipment.

Fourth Zone

- KG DY—Voice of South Dakota, Inc., Huron, S. Dak.—Modification of construction permit to extend completion date to 8-21-33.
WGES—Oak Leaves Broadcasting System, Inc., Chicago, Ill.—Modification of license to change hours of operation from shares WJKS to specified hours (9 a. m. to 1 p. m. and 6 p. m. to 10 p. m.).
WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of construction permit to move transmitter locally to change authorized transmitter location.
WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit to move transmitter from Addison, Ill., to 3.5

miles south Downer's Grove, Ill., install new transmitter, and increase power from 5 KW to 50 KW.

- KSO—Iowa Broadcasting Co., Des Moines, Iowa—Construction permit to install new transmitter at site to be determined, increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day, and change frequency from 1370 kc. to 1120 kc. (facilities of WIAS, Ottumwa, Iowa).

Fifth Zone

- KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit to install new transmitter.
KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from 1360 kc. to 1340 kc. amended to request increase in power from 500 watts to 500 watts night, 1 KW day.
KGEK—Elmer G. Beehler, t/a Beehler Electrical Equipment Co., Yuma, Colo.—Modification of license to change name of licensee to Elmer G. Beehler, and change specified hours.
KIFH—P. H. Pigg and S. A. Harvey, d/b as Juneau Broadcasting Co., Juneau, Alaska—Modification of construction permit to extend completion date.
KIEM—Harold H. Hanseth, Eureka, Calif.—License to cover construction permit for new station, 1210 kc., 100 watts, day.

APPLICATIONS SET FOR HEARING

- KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Modification of license to change studio location from 435 Pine Ave., Long Beach, to 605 S. Broadway, Los Angeles.
WARD (formerly WCGU)—United States Broadcasting Corp., Brooklyn, N. Y.—Modification of license to change hours of operation from sharing with WFOX, WLTH and WBBC to unlimited time.

MISCELLANEOUS COMMISSION ACTION

- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Dismissed, at request of applicant, application for modification of license for 1370 kc., 100 watts, 50 watts LS.
KTM—Pickwick Broadcasting Corp., Ltd., Los Angeles, Calif.—Granted permission to take certain depositions in Los Angeles on May 29, in re application for renewal of license and voluntary assignment of license.
WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted permission to intervene in the application of the Illinois Broadcasting Corp., Station WTAD, for permission to move to East St. Louis, Ill.

Pursuant to the mandate of the Court of Appeals of the District of Columbia affirming the decision of the Commission of May 6, 1933, the following grants were made:

- WMCA—Knickerbocker Broadcasting Co., New York City—Granted modification of license for the use of 570 kc., 500 watts, sharing with WPCH, effective for regular license period beginning June 5, 1933.
WPCH—Eastern Broadcasters, Inc., New York City—Granted modification of license for the use of 570 kc., 500 watts, sharing with WMCA, effective for the regular license period beginning June 5, 1933.
WNYC—Department of Plant and Structures, City of New York, N. Y.—Granted modification of license for use of 810 kc., with 500 watts, and daytime hours until sunset at Minneapolis, effective for regular license period.
WODX—Mobile Broadcasting Corp., Mobile, Ala.—Granted special temporary authority to operate with 250 watts for a period not to exceed 10 days, pending repair of generator.
KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted petition for Station KGER of Long Beach to intervene in the application of KFPY to transfer to 890 kc., and KGIR to transfer to 1340 kc.
KGIR—KGIR, Inc., Butte, Mont.—Granted authority to take depositions of 15 witnesses located in Butte on May 22, in re Docket No. 2011.
KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted authority to take depositions of certain witnesses at Salt Lake City on May 20, Idaho Falls on May 22, and Spokane on May 22, in re Docket No. 2008.
KELW—Magnolia Park, Ltd., Burbank, Calif.—Granted authority to take depositions of certain witnesses at Burbank, Calif., on May 22 in re Dockets 1957 and 1964.
KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted special authority to operate a 10 watt crystal controlled oscillator on 1340 kc. between 2 and 7 a. m., May 17 to 25.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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NORTH AMERICAN CONFERENCE JULY 10

The Mexican Government has fixed July 10 as the opening day for the North American Radio Conference to be held at Mexico City. The Department of State in a release dated May 24 said:

"The American Embassy at Mexico City has informed the Department of the receipt of a communication from the Mexican Foreign Office inviting the Government of the United States to attend a North American and Central American Regional Conference to find a concrete solution of the various problems which the development of radio broadcasting has created, particularly between adjacent and neighboring countries. The Conference will open in Mexico City on July 10, 1933. It is the intention of the Government of the United States to accept this invitation. Information concerning the composition of the American delegation will be made public at a later date."

While there is no confirmation concerning the Central American countries invited to attend the Conference at Mexico City, it is assumed that the invitations extended by the Government of Mexico include Costa Rica, Cuba, Guatemala, Honduras, Nicaragua, Panama, and Salvador. Other North American countries invited include Canada and Newfoundland.

REORGANIZATION PLAN NEARLY READY

The plan to reorganize certain government bureaus and commissions will be sent to Congress next week, according to information obtained in informed quarters this week. President Roosevelt now has the plan before him and he has stated officially that the plan will be sent to Congress at least a week before adjournment. Whether or not the Federal Radio Commission will be affected by the reorganization proposal is not officially known at this time.

FEDERAL SECURITIES BILL ENACTED

The Federal Securities Bill has passed both Houses of Congress and now awaits the signature of President Roosevelt.

RECOVERY BILL PASSED BY HOUSE

The National Industrial Recovery Bill was passed by the House Friday, May 26. The bill is based upon the following declaration of policy: "A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate commerce which tend to diminish the amount thereof; and to promote the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices; to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources." Early action is expected by the Senate.

JUDGE DAVIS ON TRADE COMMISSION

Appointment of Judge Ewin L. Davis, former chairman of the House Merchant Marine, Radio and Fisheries Committee, to the Federal Trade Commission, was confirmed this week by the Senate. Judge Davis is well known among the radio industry and is the author of the Davis Amendment to the Radio Act of 1927. He becomes a member of the Trade Commission at a time when that body has under consideration the proposal to investigate the American Society of Composers, Authors and Publishers.

ASCAP CAMPAIGN AGAINST RESTAURANTS

Reports from broadcasters to Oswald F. Schuette, NAB Director of Copyrights, indicate that the campaign of the American Society

of Composers, Authors and Publishers to exact royalties from small restaurants is spreading.

Apparently there is no uniformity in the campaign and the operations are being directed by the local representatives in the ASCAP branch offices according to their individual ideas.

The branch offices of ASCAP that are now engaged in such campaigns include the representatives for the States of Pennsylvania, Delaware, Maryland, Kansas, Oklahoma, and the District of Columbia.

WISCONSIN ORGANIZES AGAINST ASCAP

As part of a plan to resist the royalty exactions of the American Society of Composers, Authors and Publishers, the Public Amusement Protective Association has been organized and incorporated under the laws of the State of Wisconsin with offices at 215 East Washington Street, Appleton, Wis. The announcement of the organization says:

"The Public Amusement Protective Association was formed by a group of proprietors of public amusement places who had sensed the need of correcting many of the abuses which have hampered successful operation of their establishments. No individual proprietor can fight alone the abuses which will unreasonably hamper him in the conduct of his own business. He cannot afford the legal expense necessary to assert his individual rights. It was believed by the organizers that if the amusement proprietors presented solid front in opposition to practices which are unjust or objectionable, progress can be made a secure basis of operation which is at least fair, and above all, reasonable."

Among other things the announcement also says:

"The Association expects to maintain its own musical staff, consisting of composers, revisers and orchestrators. We expect to supply our papers and members with our own music, complete dance programs, with no strings tied to them. The Association will copyright its own and other compositions suitable for the purposes of its members, publish and distribute the same."

MORE ASCAP SONG PLUGGING

Although the ASCAP publishers pretend that the broadcast of their music hurts their compositions, the activity of their "song pluggers" appears to be increasing. A single broadcasting studio in New York reports that in one week, twenty-two of these "publisher's representatives," sent by nineteen firms, made seventy-two visits to that studio.

NEW MUSIC FROM INDEPENDENT FIRM

Evan Georgeoff Publishing Company, 300 Arcade Annex, Cleveland, Ohio, is sending to broadcasting stations a new slow fox-trot, "After the Dance," by George Scolaro and Paul Suran, with this notation:

"All broadcasting stations are authorized to use this composition freely without the payment of additional copyright fees for public performance. Evan Georgeoff Publishing Company."

FILLMORE MUSIC HOUSE JOINS ASCAP

Some time ago the Fillmore Music House, 528 Elm Street, Cincinnati, Ohio, gave broadcasters temporary permission to use its publications over the air. Mr. Schuette has received a letter from this publisher saying:

"This letter is to inform you that we have been definitely accepted as a member in the American Society of Authors, Composers and Publishers. You will recall that in previous correspondence we had given you temporary permission to use our publications over the air. We trust you will govern yourself accordingly."

RULE 151 SUSPENDED

The Commission, on May 23, ruled that Rule 151 be suspended to November 1, 1933, at 3 a. m. The rule reads as follows: "Except

Sundays, the licensee of each broadcast station shall maintain a minimum regular operating schedule of two-thirds of the hours that it is authorized to operate during each broadcast day."

COMMISSION MEETS MAY 31

Because of the holiday May 30, the day for the regular Tuesday Commission meeting, the meeting will be held Wednesday, May 31, at 2:30 p. m.

PETITION FILED IN WIBO CASE

Station WIBO has filed a petition with the Federal Radio Commission alleging that the conduct of Johnson-Kennedy Radio Corporation (WJKS) and of its principal stockholders has been such as to constitute a fraud on the Federal Radio Commission, on the reviewing courts, and on the listening public, both of Indiana and Illinois. WIBO expressed in the petition a willingness to meet to the fullest extent the standards of service to the Calumet district which were approved in the Commission's decision of October 16, 1931. Station WIBO also filed with the Commission an application for construction permit to move its transmitter and studio to a suitable site in Lake County, Indiana.

The Federal Radio Commission has allowed Station WJKS (Gary, Ind.) until June 7 to make reply to the WIBO petition.

WIBO AND WPCC ORDERED CLOSED

The Federal Radio Commission on Friday, May 26, announced receipt of the Mandate of the Court of Appeals of the District of Columbia affirming its decision of October 16, 1931, granting the application of WJKS, which sought the facilities of WIBO and WPCC, and directed the secretary to issue instructions to WIBO and WPCC to cease operation at 3 a. m., CST, June 11, 1933.

DILL COMMENT ON WIBO CASE

Commenting on the decision of the United States Supreme Court in the WIBO case, Senator Dill said: "It is a wonderful decision. It establishes the right of the Commission to change station assignments at will and puts upon all stations the necessity of serving the public or getting off the air. Likewise the decision clearly establishes the fact that Congress is supreme in its power to regulate interstate commerce as it relates to radio and can delegate such powers to the licensing authority it has created. A most important part of the decision," Senator Dill said, "was that it establishes the fact that stations possess no property rights in their channels and exist only by sufferance of Congress from license-renewal to license-renewal so long as they serve the public interest."

DENY CALIFORNIA APPLICATION

The Radio Commission on Friday upheld Report No. 482 of Examiner Elmer W. Pratt by denying a construction permit for the erection of a new broadcasting station at Monterey, Calif., to W. L. Gleeson. Gleeson asked the Commission for a permit to use unlimited time on 1210 kilocycles, 100 watts power, or 5,000 watts on 1490 kilocycles. The application had been denied as in case of default because the applicant failed to appear at a hearing on the date set.

PENNSYLVANIA INSURANCE ADVERTISING

It is up to Governor Pinchot whether broadcasting stations (and other advertising media) will have to be shown a certificate of authority from the Insurance Department before broadcasting insurance advertising. S. 538, which prohibits broadcasting of advertisements of unauthorized insurance companies, passed both houses before adjournment on May 5, 1933. The Governor has thirty days after adjournment to act on bills.

STATION WRUF FLORIDA PROBLEM

The Florida Legislature has a problem on its hands with respect to the State-owned broadcasting station (WRUF) at Gainesville. The Senate Resolution to appoint a committee of five to study the cost of continuing the University Radio Station received a favorable committee report in the House on May 23, 1933.

WISCONSIN RADIOS NEAR EXEMPTION

At least one legislature is close to passing a law putting radio receiving sets in that class of personal property (usually considered necessities) exempt from seizure under attachment proceedings,

A. 252, which has passed the Wisconsin Assembly, was favorably reported out of committee to the Senate on May 19, 1933.

PROPOSES NATIONAL RADIO INSTITUTE

In his report to the third annual assembly of the National Advisory Council on Radio in Education, held in New York last week, Levering Tyson, director of the Council, proposed the formation of a national radio institute which would be formed "entirely apart from any organization now in the educational broadcasting field but anticipated cooperation of all."

The institute would have as its sole purpose the "raising of funds for devising and producing under its auspices programs of generally accepted excellence."

Advertising regulation, news broadcasting and educational programs were discussed by Mr. Hector Charlesworth, chairman of the Canadian Radio Broadcasting Commission, before the assembly.

"While in general in our regulations the limitation of advertising to five per cent of the period stands, we have defined this as 'direct advertising' or the straight selling talk," he said. "We have availed ourselves of the discretionary powers left to us in interpreting the statute to permit under certain circumstances 'indirect advertising'—that is to say, a casual allusion to a product or a joke about it. The question of news broadcasts is always a difficult one. We are now in negotiation with Canadian Press, Limited, to which all daily newspapers in Canada belong, to arrange regional news broadcasts for us, and are giving them exclusive privileges in this respect as the surest guarantee of accuracy and service. So far as educational broadcasting is concerned we have arranged for the cooperation of all the chief universities of Canada in a series of broadcasts next autumn and winter embracing not only lectures but intercollegiate debates by picked men. There is one point I have insisted on: that the university lecturers must be good broadcasters as well as scholars."

Expressing the belief that the time for action is here, Commissioner Harold A. Lafount of the Federal Radio Commission suggested a new plan for cooperation between broadcasters and educators.

"Educational programs could, and I believe in the near future will, be broadcast by the Government itself over a few powerful short wave stations and rebroadcast by existing stations," the Commissioner said. "This would not interfere with local occupational programs, and would provide all broadcasters with the finest possible sustaining programs. The whole nation would be taught by one teacher instead of hundreds, and would be thinking together on one subject of national importance. Personally, I believe such a plan would be more effective than a standing army. I do not consider this a step toward government ownership or operation of broadcasting stations."

The Davis Amendment came in for an analytical discussion in the speech by C. M. Jansky, Jr., Washington consulting radio engineer. The amendment, he said "ignores the fundamental fact that the technical requirements for equality of transmission bear no tangible relationship to the requirements for equality of reception. The Act then proceeds to direct the regulatory authority to make as nearly as possible an equal allocation of licenses, frequencies, power and periods of time, first to each zone and then among the States within each zone on the basis of population," he said. "Now, even if such a mathematical distribution were practical from an engineering and economic standpoint, it would not provide anything approaching either the equality of reception or the equality of transmission to both of which the Act says the people are entitled. In short, when examined in the light of fundamental laws of nature which went into effect a good many years ago and have never been repealed, the Davis Amendment is ambiguous and meaningless."

There is an audience for every program, Dr. Herman S. Hettinger, of the University of Pennsylvania, told the group. This is true, he said, "providing the program is technically well constructed and is presented to the segment of the audience for which it is suited. It is the task of the advertiser and educator alike to determine the group which they are most interested in reaching, to study its psychology, and to present a program fitted as closely as possible to the tastes of that group. If they reach additional listeners outside of its circles all well and good. If not, they have still accomplished their purpose." There seems to be a little variation in the listener load over a period of years, or as between different seasons, he said studies revealed.

PROPOSES 10 PER CENT RADIO TAX

A proposal to raise \$16,000,000 by taxing the broadcast business was laid before the House Ways and Means Committee on May 10

by Hon. Marion Butler, a North Carolina farmer, during the Committee's consideration of the National Industrial Recovery Bill.

In the plan laid before the Committee, Mr. Butler advocated:

"A tax of 10 per cent upon the gross receipts of commercial broadcasting stations, to include the total amounts paid by the advertiser for the entire broadcast program, entertainment, announcements, etc. It is estimated \$100,000,000 is now paid for this service yearly. This tax should yield the government \$10,000,000 and should be absorbed within itself. The advertiser should not carry the expense.

"A tax of \$10 a watt per annum upon the rated capacity of all broadcasting stations. There are some 600 broadcasting stations in the United States, ranging from 50,000 watts down to 25 watts. The average wattage per station will be found to be approximately 1,000 watts. This information is readily available at the Federal Radio Commission. This tax should yield \$6,000,000. Certainly broadcasting stations should bear a tax of some sort."

SYNCHRONIZATION STUDIED

C. B. Aiken, of Bell Telephone Laboratories, describes in the June issue of the magazine *Electronics* a careful theoretical and experimental investigation into the causes and possible cures for bad quality areas found to exist between two synchronized broadcasting stations. The conclusion may be drawn that no practical remedy for the condition exists.

PLAN TO ATTEND NAB MEETINGS

The NAB Engineering Section will hold a meeting at Chicago on Monday, June 26, in connection with the IRE convention, and the NAB Commercial Section will hold a meeting at Grand Rapids, Mich., on Tuesday, June 27, in connection with the AFA convention. Both meetings will commence at 9:30 a. m. Tentative programs for both section meetings have been worked out. The Engineering Section meeting will be devoted exclusively to a discussion of engineering and operating problems and the Commercial Section meeting will be devoted to a round-table discussion of sales and other commercial problems. Plan to attend both sessions. The Century of Progress will be in progress at Chicago and Chicago is a short ride from Grand Rapids.

WJAY LOOKING FOR "RADIO TONY"

G. C. Melrose, manager of Station WJAY, Cleveland, Ohio, wants to know the whereabouts of Radio Tony, otherwise known as John Benton, and Joe Moore who conducted a Prosperity Program over the country, and N. R. Suggs, who is trying to persuade stations to conduct suburban programs. He asks anyone knowing of the whereabouts of these persons to communicate with him at Cleveland, Ohio.

RADIO COMMISSION COST LOW

The appropriation for the Federal Radio Commission, which it appears will be \$640,000, is very low in comparison with appropriations for other government departments. The National Committee for Economy in Government and the National Association of Manufacturers of the United States have been publishing a series of very interesting charts analyzing the cost of federal government. Chart No. 7, with a supplement, points out that there are now over 200 bureaus, commissions, offices, etc., at Washington, D. C. within the 13 major branches of the federal government, and asks: "What does each cost the American taxpayer?" and "Just what per cent of our total annual U. S. Government budget of almost four billions of dollars will go this year to each of the over 200?"

In answering the questions the chart points out that about one-fourth of the bureaus (53) get more than nine-tenths of the money (3½ billion dollars), and the remaining 150 small bureaus get only 6.8% of the money—averaging less than \$1,000,000 each annually. On the chart in the last column of the small group will be found the Federal Radio Commission, one of the least expensive to Uncle Sam of the more than 200 bureaus supported by taxation.

APPLICATIONS RECEIVED

First Zone

WARD—Anna Unger, Brooklyn, N. Y.—Consent to involuntary assignment of license from United States Broadcasting Corporation to Anna Unger.

WODA—Richard E. O'Dea, Paterson, N. J.—Consent to voluntary assignment of license to WODAAM Corporation.

WAAM—WAAM, Inc., Newark, N. J.—Consent to voluntary assignment of license to WODAAM Corporation.

Second Zone

WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to change hours of operation from specified to unlimited.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to change hours of operation from specified to unlimited.

WJAC—Johnstown Automobile Co., Johnstown, Pa.—Consent to voluntary assignment of license to WJAC, Inc. (resubmitted).

WEHC—Emory and Henry College, Emory, Va.—Modification of construction permit to move station from Emory to Charlottesville, Va., to extend completion date to 8-28-33.

Third Zone

KNOW—KUT Broadcasting Co., Austin, Texas—Modification of construction permit to change site locally and extend dates.

NEW—Southland Radio Corporation, Shreveport, La.—Construction permit for a new station at Shreveport, La., 1210 kc., 100 watts, unlimited time (facilities of KWEA), resubmitted and amended as to transmitter site.

NEW—Reybern D. Huffman, Bessmay, Texas—Construction permit for a new station, 1200 kc., 100 watts, daytime.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, May 31, 1933, before Commission en banc

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license to increase power from 500 watts, 1 KW LS, to 1 KW (620 kc.).

KVOA—Robert Marion Riculfi, Tucson, Ariz.—Renewal of license and voluntary assignment of license to Arizona Broadcasting Co., 1250 kc., 500 watts, specified hours.

Wednesday, May 31, 1933, before Examiner

WDRG—WDRG, Inc., Hartford, Conn.—Modification of license to increase power from 500 watts to 1 KW, 1330 kc., unlimited time.

Friday, June 2, 1933

WILL—University of Illinois, Urbana, Ill.—Modification of license to increase power from 250 watts, 500 watts LS, to 250 watts, 1 KW LS, sharing with KUSD and KFNF (facilities of WKBS).

TENTATIVE HEARING CALENDAR

(Dates subject to change)

June 7, 1933, before Commission en banc

KGIX—J. M. Heaton, Las Vegas, Nev.—Construction permit to move station locally and install new transmitter, and renewal of license, 1420 kc., 100 watts, specified hours.

June 7, 1933

KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts until local sunset, unlimited time; also modification of license.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification of license to change frequency from 1340 kc. to 890 kc., 1 KW, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from 1360 kc. to 1340 kc., 500 watts, unlimited time.

June 9, 1933

WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Modification of license to use 500 watts, 580 kc., unlimited time.

WOBW—WOBW, Inc., Charleston, W. Va.—Modification of license to use 580 kc., 500 watts, unlimited time.

June 12, 1933

The hearing involving the applications of KECA, KFBK, and the Don Lee Broadcasting System for facilities of KTM and KELW, and the applications of KTM and KELW for vol-

untary assignments of licenses and for renewals of licenses will be held June 12.

June 14, 1933

Oral argument in re Examiner's Report No. 470, in which the examiner recommended that time now assigned to KWKH be assigned to WWL, will be held June 14 instead of June 21.

June 15, 1933

NEW—William L. Slade, Hamilton, Ohio—Construction permit, 1420 kc., 100 watts, unlimited time.

WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license, 1420 kc., 100 watts, unlimited time.

NEW—Philip J. Wiseman, Lewiston, Maine—Construction permit for new station, 640 kc., 500 watts, limited time.

APPLICATIONS GRANTED

First Zone

WMBO—WMBO, Inc., Auburn, N. Y.—Granted license covering rebuilding of station and moving transmitter locally, 1310 kc., 100 watts, unlimited time.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit extending commencement date to June 16, 1933, and completion date to November 16, 1933. 710 kc., 50 KW.

WBAL—Consolidated Gas, Electric Light & Power Co. of Baltimore, Baltimore, Md.—Synchronization authorization extended for a period of three months from June 1, 1933.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 4 to 5 p. m., EST, June 11, 1933.

WCDA—Italian Educational Broadcasting Co., New York, N. Y.—Granted construction permit to make changes in equipment.

WCAC—Connecticut State College, Storrs, Conn.—Granted authority to discontinue operation for summer vacation period.

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted authority to use time relinquished by WCAC from June 12 to Sept. 1.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted authority to remain silent May 30.

WJEJ—A. V. Tidmore, Hagerstown, Md.—Granted consent to voluntary assignment of license to Hagerstown Broadcasting Co.

Second Zone

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 8:30 to 9:30 p. m., CST, May 31, 1933.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted authority to use time of WBAA during summer vacation period of WBAA (Purdue University).

WBAA—Purdue University, W. LaFayette, Ind.—Granted authority to cease operation during summer vacation period.

Third Zone

WAMC—Raymond C. Hammett, Anniston, Ala.—Granted construction permit to install new equipment, move studio locally, and move transmitter to point to be determined.

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Granted license covering local move of transmitter, 1370 kc., 100 watts, unlimited time.

KOCW—J. T. Griffin, Chickasha, Okla.—Granted modification of construction permit to move transmitter from Chickasha to Tulsa, change studio location to Mayo Hotel, Tulsa, and change equipment.

KFDX—George Roy Clough, Galveston, Texas—Granted construction permit to move transmitter and studio locally.

KWEA—Hello World Broadcasting Corp., Shreveport, La.—Granted modification of construction permit to change type of equipment.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted license, 620 kc., 250 watts night, 500 watts day (special authority 1 KW night and 2½ KW day), unlimited time.

WENC—H. P. Everett, Linwood Morris, and R. T. Crabb, d/b as Americus Broadcast Co., Americus, Ga.—Granted consent to voluntary assignment of license to Americus Broadcast Corp.

Fourth Zone

KGDY—Voice of South Dakota, Inc., Huron, S. Dak.—Granted modification of construction permit extending completion date to August 21, 1933.

KFNF—Henry Field Co., Shenandoah, Iowa—Granted extension of special authority, from June 1 to July 1, to use time assigned to but not used by KUSD and WILL.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate 10 to 12 midnight May 27 to June 2; from 4 to 6 p. m., CST, May 31, and from 10 to 11 a. m. June 5, 1933.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate 12:30 p. m., CST, May 30, provided KFDY remains silent.

Fifth Zone

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Granted license covering local move of transmitter and studio, 1370 kc., 100 watts, shares with KGFL.

KWSC—State College of Washington, Pullman, Wash.—Granted authority to reduce hours of operation.

KREG—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted authority to install automatic frequency control equipment.

KIFH—P. H. Pigg & S. A. Harvey, d/b as Juneau Broadcasting Co., Juneau, Alaska—Granted modification of construction permit extending commencement date to June 1 and completion date to Sept. 1.

MISCELLANEOUS COMMISSION ACTION

WBCM—James E. Davidson, Bay City, Mich.—Application for special authority to increase power to 1 KW for 60 days restored to docket. Default order withdrawn and rescinded.

WJKS—Johnson Kennedy Radio Corp., Gary, Ind.—Commission announced receipt of Mandate of Court of Appeals of the District of Columbia affirming its decision of October 16, 1931, granting application of WJKS for modification of license to change frequency from 1360 kc. to 560 kc., and to change hours of operation to unlimited, and directed the Secretary to issue instructions to WIBO, Nelson Bros. Bond & Mortgage Co., and WPCC, North Shore Church, to cease operation at 3 a. m., CST, June 11.

NEW—Radio Investment Co., Inc., Newark, N. J.—Application for 1450 kc., 250 watts, sharing with WHOM (facilities of WBMS), heretofore set for hearing, was denied because applicant failed to enter an appearance within the time allowed.

KICK—Red Oak Radio Corp., Red Oak, Iowa—Granted construction permit to move transmitter and studio from 601 Summit St., Red Oak, to Carter Lake, Iowa, in keeping with a Mandate of the Court of Appeals of the District of Columbia affirming the decision of the Commission of September 13, 1932.

WRAM—Wilmington Radio Assn., Inc., Wilmington, N. C.—Granted renewal of license since the applicant for WRAM's facilities was denied May 12 because of default.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Hearing on application to determine transmitter site postponed to date convenient to Commission.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—The Commission reconsidered its action of May 12, 1933, granting station special temporary authority to operate unlimited time from June 4 to June 10, and cancelled the authorization at request of applicant.

WLCI—Lutheran Assn., Ithaca, N. Y.—The application requesting authority to make changes in equipment heretofore granted was retired to closed files because applicant failed to apply for license or time extension.

APPLICATIONS SET FOR HEARING

WOW—Woodmen of the World Life Insurance Association, Omaha, Nebr.—Modification of license to increase hours of operation from sharing with WCAJ to unlimited time (facilities of WCAJ). 590 kc., 1 KW.

NEW—Eastern Oregon Broadcasting Co., Inc., La Grande, Ore.—Construction permit for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time (facilities in quota units of KOAC).

WBBX—Samuel D. Reeks, New Orleans, La.—Designated renewal application for hearing.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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CHANGE ELECTRICAL POWER TAX LAW

The Congress is expected within the next few days to adopt the conference report on the so-called electrical energy-gasoline tax bill under which radio stations would be relieved from payment of the electrical power tax after September 1, 1933.

Section 6 of the bill would amend Section 616 of the Revenue Act of 1932, as follows:

"(a) There is hereby imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3 per cent of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe."

The present law imposes the tax upon the domestic and commercial users of power which the new law will shift the tax upon the power companies. Under a ruling made by the Commissioner of Internal Revenue last year, over the protest of the NAB, broadcast companies were held to be commercial users of power.

REORGANIZATION PLAN SLOWED UP

The plan to consolidate and reorganize various government bureaus and commissions developed under the direction of Secretary of Commerce Roper may be sidetracked until the next session of Congress, it was rumored this week. It was learned on good authority, however, that the President may send to Congress a reorganization plan that will be limited to minor changes in existing bureaus in several departments.

MAY NAME THREE U. S. DELEGATES

It is reported that Representative Schuyler O. Bland, of Virginia, chairman of the Committee on Merchant Marine, Radio and Fisheries of the House of Representatives, will be asked by the State Department to be a member of the American delegation to the North American Radio Conference to be held in Mexico City beginning July 10.

In view of the fact that the Mexican Government has invited the Central American countries to participate in this conference, it is reported that the American Government will appoint three instead of two delegates. The name of the third delegate has not been mentioned but it is understood that he will be someone who is thoroughly conversant with South and Central American conditions. No intimation has come from the State Department as to when the other two delegates will be named. The only one named to date is Judge Eugene O. Sykes, chairman of the Federal Radio Commission, who will also be chairman of the American delegation.

NAB COMMERCIAL SECTION MEETING

Announcement was made this week of the tentative program for the second NAB Commercial Section meeting which will be held at Grand Rapids, Mich., on Tuesday, June 27, in connection with the annual convention of the Advertising Federation of America. The session will commence at 10 a. m. and early indications are that the session will be well attended.

H. K. Carpenter, chairman of the Commercial Committee, will preside.

The tentative program is as follows:

Problems of Station Promotion—Discussion led by John Patt, WGAR, Cleveland, Ohio.

Sales Management—Discussion led by Louis Weiss, WJR, Detroit, Mich.

Merchandising—Discussion led by Harry Howlett, WHK, Cleveland, Ohio.

Commercial Scripts—Discussion led by John Henry, KOIL, Council Bluffs, Iowa.

Cooperation with Local Civic Groups—Discussion led by Ed. Bill, WMBD, Peoria, Ill.

Participating Ideas—Discussion led by Ed. Craney, KGIR, Butte, Mont.

Station Surveys—Discussion led by Martin Campbell, WFAA, Dallas, Texas.

Standardization of Units of Sale and Rates—Discussion led by Arthur B. Church, KMBC, Kansas City, Mo.

Standardization of Commercial Forms—Discussion led by Roy Harlow, WNAC, Boston, Mass.

Sales Problems Common to Both Small and Large Station—Discussion led by Leslie Fox, WSM, Nashville, Tenn.

Station Displays—Discussion led by Don Davis, WHB, Kansas City, Mo.

How the NAB Can Cooperate with Commercial Managers and Program Directors—Discussion led by Herman S. Hettinger, University of Pennsylvania.

Maintenance of Published Rates—Discussion led by Philip G. Loucks, NAB Managing Director.

RAMSPECK NAMED RADIO CHAIRMAN

Representative Bland, Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, announced this week that Representative Ramspeck, Georgia, has been named chairman of the subcommittee on radio of the full committee succeeding Representative Briggs, Texas, who died recently.

ASCAP DRIVE ON RESTAURANTS

The campaign of the American Society of Composers, Authors and Publishers to exact royalties from restaurants has now spread to the States of Michigan and New Jersey, according to reports received from a number of broadcasting stations by Oswald F. Schuette, NAB director of copyright. If member stations learn of further efforts of this nature on the part of ASCAP, they are urged to communicate with Mr. Schuette, National Press Building, Washington, D. C. Restaurants receiving threatening notices from ASCAP should communicate immediately with their Congressmen, calling attention to the fact that a year ago, in the hearings of the House Patents Committee, the highest officials of ASCAP formally pledged themselves to Chairman Sirovich of that committee that they would make no effort to exact royalties from small restaurants and other minor shopkeepers.

PROGRAM COMMITTEE MEETING CALLED

Edgar L. Bill, chairman of the NAB Program Section, has fixed June 28 at Chicago as the time and place for the meeting of the NAB Program Committee. The Committee will have before it at its meeting a number of important proposals, all of which will be acted upon at the meeting. One of the important matters on the agenda is the establishment of a Program Department in the NAB and the development of details for the operation of such Department. The creation of the Department was approved by the Board of Directors upon recommendation of the Managing Director.

LUCE INTRODUCES COPYRIGHT BILL

Representative Luce of Massachusetts on May 31 introduced in the House a bill (H. R. 5853) which would change the present copyright law in certain important particulars.

Generally, the bill would (1) enable the United States to enter the International Copyright Union under the Rome convention of June 2, 1928; (2) provide automatic copyright for authors and

composers; and (3) would extend Section 1 of the Copyright Act of 1909 to the broadcasting of literary works.

The NAB has not opposed the entry of the United States into the International Copyright Union nor has it opposed the theory of automatic copyright; provided the authors of literary and artistic works are required to register and record such works as at present. The Luce bill, however, would eliminate all requirements of registration and recordation.

The bill would extend the life of a copyright and would do away with the requirement that works must be published in this country as a prerequisite to obtaining copyright.

Section 4 of the bill would grant to authors of literary works substantially the same right which composers of musical works now have in the public performance for profit of their creations. Under this section the right of the author to oppose distortion, mutilation and other modification of his work would subsist in him notwithstanding the assignment of his copyright. It would give to the author of the work the right to restrain the broadcasting of such mutilated work.

The bill in full text follows:

"That copyright throughout the United States and its dependencies shall subsist in the work of alien authors, not domiciled in the United States, by virtue of the adherence of the United States to the Convention of Berne for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Rome on June 2, 1928.

"SEC. 2. From and after the date upon which the adherence of the United States to the said convention of 1928 becomes effective, copyright protection shall be accorded without compliance with any conditions or formalities whatever for all works by such alien authors who are nationals of any country which is a member of the International Copyright Union, as well as for any work which may be or has been first published in a country which is a member of the said Union: Provided, That as to copyright in works not previously copyrighted in the United States, no right or remedy given pursuant to this Act shall prejudice lawful acts done or rights in or in connection with copies lawfully made or the continuance of business undertakings or enterprises lawfully undertaken within the United States or any of its dependencies prior to the date on which the adherence of the United States to the said convention of 1928 goes into force; and the author or other owner of such copyright or person claiming under him shall not be entitled to bring action against any person who has prior to such date taken any action in connection with the exploitation, production, reproduction, circulation, or performance (in a manner which at the time was not unlawful) of any such work whereby he has incurred any substantial expenditure or liability.

"SEC. 3. Copyright is hereby granted and secured by this Act to all authors entitled thereto from and after the creation of their work, whether published or unpublished, including works of architecture and choreographic works and pantomimes, and the duration and termination of such copyright shall be governed by the provisions of sections 23 and 24 of the Act of March 4, 1909 (U. S. C., title 17): Provided, That the duration of copyright in the United States shall not in the case of the work of any alien author extend beyond the date upon which such work has fallen into the public domain in the country of its origin as defined in said convention of 1928.

"SEC. 4. The rights granted in Section 1 of the said Act of 1909 (U. S. C., title 17) shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting: and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work, and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work.

"SEC. 5. The Supreme Court of the United States shall prescribe such additional or modified rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement under the provisions of this Act.

"SEC. 6. This Act shall take effect from the date of its passage."

SECURITY BILL BECOMES LAW

President Roosevelt, May 27, signed the Securities Act which grants broad regulatory powers to the Federal Trade Commission.

The bill covers the advertising of securities by radio and requires copies of the addresses to be filed with the Commission.

Forty days after signing the Act will take effect.

As reported by the Committee on Banking and Currency the purpose of this bill is to protect the investing public and honest

business. The basic policy is that of informing the investor of the facts concerning securities to be offered for sale in interstate and foreign commerce and providing protection against fraud and misrepresentation.

The aim is to prevent further exploitation of the public by the sale of unsound, fraudulent, and worthless securities through misrepresentation; to place adequate and true information before the investor; to protect honest enterprise, seeking capital by honest presentation, against the competition afforded by dishonest securities offered to the public through crooked promotion; to restore the confidence of the prospective investor in his ability to select sound securities; to bring into productive channels of industry and development capital which has grown timid to the point of hoarding; and to aid in providing employment and restoring buying and consuming power.

The principal duty of carrying out the purposes of the bill is placed upon the Federal Trade Commission. It is intended that those responsible for the administration and enforcement of the law shall have full and adequate authority to procure whatever information may be necessary or material in carrying out the provisions of the bill. It has been deemed essential to refrain from placing upon any federal agency the duty of passing judgment upon the soundness of any security. Moreover, care has been taken to prevent the public from being led to believe that the federal government under the proposed law passes upon the soundness of any security, and to represent that any security has been so approved as to its soundness is declared to be unlawful (sec. 10).

This bill is intended to be self-sustaining through the payment of filing fees of one one-hundredth of 1 per cent of the value of the securities registered (sec. 5, subd. (e)) with a minimum of \$25. This fee is, of course, to be covered into the Treasury of the United States (sec. 17).

The bill contains six main features:

1. Registration of information with the Federal Trade Commission.
2. Supervision of advertisements of securities.
3. Revocation and suspension of registration.
4. Exemptions.
5. Personal responsibility.
6. Remedies in case of fraud.

1. REGISTRATION OF INFORMATION WITH THE FEDERAL TRADE COMMISSION (SECS. 3 TO 5)

The bill requires registration or filing of information with the Federal Trade Commission when a person or corporation is about to sell securities in interstate commerce. The issuer who sells securities without previous registration subjects himself to both civil and criminal penalties.

2. SUPERVISION OF ADVERTISEMENTS OF SECURITIES (SEC. 8)

The bill sets forth somewhat in detail what information is required in advertisements including data as the amount of bonuses, discounts, rebates, and commissions given by the issuer, underwriters and others, the net return to capital investment, the names of the officers and directors and those responsible for the security, and a statement that further information can be secured by applying to the Commission. It also requires the issuer or his representatives when delivering stock to a purchaser to furnish the purchaser with written information similar to that in the advertisements. It subjects the issuer of securities, on failure to advertise essential facts, to penalties similar to those applicable where he fails to register information with the Commission. The registration and advertising requirements for private foreign securities are the same as those applied to domestic securities.

Provision is made, however, that where because of limited size of any advertisement it is impracticable to set forth all the information, the Commission may prescribe by rules or regulations what parts thereof or other information should be given in the interest of the protection of the public. Such provision affords the flexibility necessary to meet varying conditions in a practical way.

RADIO BROADCASTS

Section 10 (d) provides: "In any case where a prospectus consists of a radio broadcast, copies thereof shall be filed with the Commission under such rules and regulations as it shall prescribe. . . ."

3. REVOCATION AND SUSPENSION OF REGISTRATION (SECS. 6 AND 7)

The revocation feature of this bill is not found in the British act. It is proposed in the bill to give the power to the Commission to revoke or suspend registration the moment it sees that an advertisement does not agree with the registration information, or that the information filed is false. Immediate revocation will then save the public in large part from what might otherwise result in heavy losses. The rights of the aggrieved party, however, are safeguarded through the privilege to demand a hearing before final order by the Commission. In the event that the final order is against him, he is given recourse by way of review of the order by the Circuit Courts of Appeals or the Court of Appeals of the District of Columbia.

5. PERSONAL RESPONSIBILITY

The committee has been confronted with the problem of the contrasted equities where untrue information as to material facts shall be given in any registration statement upon which the buyer presumably relies. This goes to the essence of the relief to the public. Shall the signers on behalf of the corporation be exempt from liability if it cannot be shown that they knew of the false or erroneous character of the representations made?

The question is whether ignorance of an untruth should excuse the director and leave the loss upon the buyer. To do so in our opinion would fail to give the buyer the needed relief and fail to restore confidence. If one of two presumably innocent persons must bear a loss, it is familiar legal principle that he should bear it who has the opportunity to learn the truth and has allowed untruths to be published and relied upon. Moreover he should suffer the loss who occupies a position of trust in the issuing corporation toward the stockholders, rather than the buyer of stock who must rely upon what he is told.

The committee believes it to be essential to accomplish the objects of the Act to make the directors executing the registration statement liable for the consequences of untrue statements rather than to throw the loss on the buyer.

Accordingly the registration of false information under the bill makes not only the issuer, but the directors who sign, civilly liable for return of the money which the purchaser paid for the security. If a director can excuse himself by saying that he has in good faith relied upon an accountant's statement, or the statement of some other person, then the investor will continue in the same position from which the Nation is struggling to extricate him. It has been stated in prospectuses repeatedly that the information given is believed by the company to be true, but not guaranteed. But it is the issuer who is in position to learn the facts, not the public.

This phase of the law will have a direct tendency to preclude persons from acting as nominal directors while shirking their duty to know and guide the affairs of the corporation. Upon the discharge of this duty the public and stockholders rely in good faith. We cannot but believe that many recent disastrous events in the investment world would not have taken place if those whose names have appeared as directors had known themselves to be under a legal, as well as a moral, responsibility to the investing public.

The committee believes that making directors and officers personally liable will result in persons retiring from many boards and confining their efforts to a few boards where they will actually direct.

Where an officer or director knowingly participates in violation of the terms of the bill, either by failure to file the information, or by filing false information, or advertises falsely, he subjects himself also to fine or imprisonment, or both. This provision is in harmony with the British statute.

6. REMEDIES IN CASE OF FRAUD, FALSE INFORMATION, ETC.

Under the bill, in case of fraud or misrepresentation in the sale of securities, the remedies are as follows:

(1) The purchaser may rescind the transaction and sue for a return of his money in the district whereof the defendant is an inhabitant or is found, or transacts business (sec. 9).

(2) The Government may stop the further or threatened fraud or misrepresentation by injunction in the district courts (sec. 13).

(3) The registration of the securities may be revoked or suspended for fraud or misrepresentation on the part of the issuer, but the revocation or suspension does not apply to such parts of an issue of securities which have already been sold and are in the hands of the public (sec. 6).

(4) Those guilty of the fraud may be prosecuted criminally by the Attorney General (sec. 13).

The registration of false information makes the issuer, including the directors, civilly liable for return of the money which the purchaser paid for the security. This civil liability is only in the case where materially false or deceptive information has been registered, and is analogous to the common-law liability of a principal for the acts of his agents or of a partner for the acts of his copartners. In case of misrepresentations in the advertisements or selling methods, those responsible for or using the misrepresentations are also made liable to the purchaser for the damages suffered by reason thereof (sec. 9).

A five-year limitation is placed upon all civil suits, actions, or proceedings brought by purchasers.

RECOVERY BILL BEFORE SENATE

Senator Harrison of Mississippi, chairman of the Senate Finance Committee, has stated that he hopes to be able to report the Industrial Recovery Bill to the Senate on June 5.

Hearings which have been held by the committee on the bill were concluded on June 1.

Considerable opposition is developing to the bill, and while there seems to be no question but what the bill will be passed, there is also very little question but what it will have a rather rocky passage through the Senate.

Present opposition is devoted almost entirely to the lack of protection for American manufacturers from foreign competition, and also to the labor provisions contained in the bill. The steel and many other industries are opposed to the labor bargaining provisions of the bill.

There is also increasing dissatisfaction over the tax provisions of the bill as it passed the House. On the other hand the Finance Committee is reported to be working out tax provisions which will not be so hard on the "little fellow."

Meeting was held June 3 of representatives of more than 1,000 industrialists under the call of the National Manufacturers Association to protest against certain sections of the bill. This association, together with the Chamber of Commerce of the United States, stuck with the administration during the drafting of the bill but both organizations now claim that some changes will have to be made in the bill if it is to be just and workable for industry.

The bill as passed by the House on May 26 undoubtedly will undergo several important changes in the Senate. A summary of Title I of the measure, as passed by the House, is as follows:

Section I—Declaration of Policy

Existence of national emergency declared. Policy of Congress declared to be:

To remove obstructions to interstate commerce.

To promote the organization of industry for cooperative action.

To obtain united action of labor and management under governmental supervision.

To eliminate unfair competitive practices, to reduce unemployment, to improve standards of labor.

Otherwise to rehabilitate industry and to conserve natural resources.

Section II—Administrative Agencies

a. Administration of measure vested in the President who is authorized to establish agencies, utilize voluntary services, and federal and state officers and employees.

b. Powers of President may be delegated to designated officers and agents; President may establish an industrial planning and research agency.

c. Title I shall cease to be in effect and all agencies established thereunder shall cease to exist at the expiration of two years after enactment, or sooner upon proclamation of President or upon joint resolution of Congress.

Section III—Codes of Fair Competition

a. Codes of fair competition may be formulated by trade organizations for submission to the President.

The code for an industry may be approved by the President if he finds:

1. That the group formulating the code imposes no inequitable restrictions on membership and is truly representative of its industry.

2. That the code is not designed to promote monopolies, to eliminate, oppress, or discriminate against small enterprises, and that it will tend to effectuate the policy of the title.

As a condition of approval, the President may impose requirements for submittal of reports, keeping of accounts, and for the protection of consumers, competitors, employees, and others, and in the public interest.

The President may also establish exceptions to and exemptions from the code.

b. Upon approval by President the code shall constitute the standards of fair competition for the industry.

Any violation of such standards "in any transaction in or affecting interstate commerce shall be deemed an unfair method of competition" as construed in the Federal Trade Commission Acts.

Violation of any provision of code shall be a misdemeanor punishable by a fine of not more than \$500 for each offense.

c. United States district courts are given jurisdiction to prevent and restrain violations of code; federal district attorneys empowered to institute proceedings.

d. When no code has been approved by the President, he may upon his own motion or upon complaint prescribe and approve a code of fair competition for an industry, such code to be binding upon the industry.

Section IV—Agreements and Licenses

a. The President is authorized to enter into agreements with, and to approve voluntary agreements between and among persons engaged in an industry, labor organizations, and trade organizations, or groups, if, in his judgment, such agreements will aid in effectuating the policy of the Act and are not inconsistent with previously approved codes of fair competition.

b. If essential to make effective codes or agreements, the President may, after notice and hearing, establish a date after which no person can conduct a specified line of business, in or affecting interstate commerce, without a license issued under regulations prescribed by the President.

The President may suspend or revoke any license after notice and hearing.

Persons conducting any business for which a license is required, without such a license or in violation of any condition thereof, shall, upon conviction, be fined not more than \$500, or imprisonment not more than six months, or both.

Section V—Applicability of Anti-Trust Laws

While Title I is in effect and for sixty days thereafter, all codes, agreements, and licenses approved or promulgated by the President, and any action complying with the provisions thereof taken during such period, shall be exempt from the federal anti-trust laws.

Section VI—Limitations Upon Application of Title I

a. No trade organization or group shall be eligible to participate in activities prescribed in previous sections until it files with the President a statement containing such information relating to its activities as the President shall prescribe.

b. The President is authorized to prescribe regulations to assure the representative nature of any organization availing itself of the benefits of Title I; any organization violating such regulations shall cease to be entitled to the benefits of the title.

c. The Federal Trade Commission, at request of the President, shall be empowered to make such investigations as he deems necessary to effectuate the provisions of this title.

Section VII—Employment Provisions

a. Every code, agreement, and license, approved or promulgated, shall contain the following provisions:

1. That employees shall have the right to organize and bargain with representatives of their own choosing and that they shall be free from interference or coercion of their employers in the designation of their representatives, or in other concerted activities relating to collective bargaining.

2. That no employee or applicant for employment shall be required to join or refrain from joining any "company union" or labor organization.

3. That employers shall comply with maximum hours of labor, minimum rates of pay, and other working conditions prescribed by the President.

b. In any industry in which requirements relating to right to organize and to collective bargaining are observed, the

President shall afford opportunity for employers and employees to establish, by mutual agreement, equitable standards for maximum hours, minimum wage rates, and other working conditions; such standards, if approved by the President, shall have the effect of a code of fair competition.

c. In any industry where no mutual agreement has been approved, the President may investigate labor practices and policies and, after hearings, the President may prescribe a limited code of fair competition fixing maximum hours, minimum wage rates, and other working conditions.

In establishing standards the President may fix differentials based upon experience and skill of the employees affected, and upon geographical considerations, provided that no classifications may be used which would tend to set a maximum as well as a minimum wage.

d. The term "person" is construed to mean any individual, partnership, association, trust, or corporation.

Section VIII—Application of Agricultural Adjustment Act

This title shall not be construed to repeal or modify any of the provisions of the Agricultural Adjustment Act approved May 12, 1933.

Section IX—Rules and Regulations

a. The President is authorized to prescribe necessary regulations, and to fix fees for licenses and for filing of codes of fair competition.

Violation of any rule or regulation shall be punishable by fine of not to exceed \$500, or imprisonment for not to exceed six months, or both.

b. The President may cancel or modify any order, license or regulation issued under this title, and each agreement, code or license shall contain an express provision to that effect.

MICHIGAN LIQUOR ADS VETOED

On May 25th the Governor of Michigan vetoed the Doyle Bill (S. 101), which would have repealed section 9203 providing for a prohibition of advertising intoxicating liquor.

FLORIDA WOULD LEASE WRUF

The Florida House on May 27 passed the Brown Bill which would permit the state to lease Station WRUF, now licensed to the state university at Gainesville, Fla. The bill now goes to the Senate.

TEN LEGISLATURES IN SESSION

Of the 45 state legislatures in session last January, only 10 now remain in session. Since the first of the year 62,500 bills were introduced in the various legislatures, of which 8,000 have been enacted into law. Of the 8,000, about 1,200 relate to taxation, many of which contain extensive regulatory features vitally affecting industry.

CONGRESS MAY SOON ADJOURN

Leaders of both the Senate and House have stated that Congress will be ready to adjourn during the present month. Every effort will be made to conclude President Roosevelt's emergency legislation program before adjournment.

PENNSYLVANIA ACT BECOMES LAW

On May 24th Governor Pinchot signed the Coyne Bill, which by its terms becomes effective immediately, prohibiting advertising by radio (or otherwise) of insurance companies not authorized to do business in the Commonwealth, and requiring that insurance advertising by broadcast include a statement that the station holds a certificate stating that the advertiser is authorized by the Insurance Department to do business in Pennsylvania.

GEORGE H. HILL TO BE EXAMINER

Appointment of George H. Hill, who has been a member of the legal staff of the Federal Radio Commission since November, 1931, as an examiner, was announced June 2. Mr. Hill will assume his new duties on June 15. He succeeds Elmer W. Pratt, who was one of the original attorneys for the Commission and also one of its first examiners. Mr. Pratt's resignation became effective on June 1. Mr. Hill, the new examiner, is a Democrat and came to the Commission from Mississippi.

APPROVE NEW ALABAMA STATION

The Federal Radio Commission on June 2 granted the application of Kathryn Jones for the erection of a new 100-watt station at Florence, Ala., sustaining Examiner E. W. Pratt in his Report No. 475. The station will operate daytime hours on a frequency of 1420 kilocycles.

The Commission in its decision found that there is need for additional daytime radio service in the Florence area and the operation of the proposed station would not create interference with any other broadcasting station. The Commission states also that "the application has the support of the community as is evidenced by the fact that representatives of five civic bodies appeared at the hearing urging the granting thereof."

LICENSE DENIED STATION WKAV

Application for renewal of the license of Station WKAV, Laconia, N. H., was denied by the Federal Radio Commission June 2, sustaining Chief Examiner Yost in his Report No. 483. The station operates on a frequency of 1310 kilocycles, 100 watts power, specified hours. The renewal was denied as in cases of default.

COURT DISMISSES KGDA CASE

The Court of Appeals of the District of Columbia on Friday dismissed the appeal of Station KGDA, Mitchell, S. Dak., against the Radio Commission. The case was dismissed at the request of the appellant.

The Radio Commission refused to renew the license of this station and also refused to allow it to move to Aberdeen, S. Dak. In the same decision the Commission granted increased power and a license renewal to Station WNAX, Yankton, S. Dak.

CANADIAN REGULATIONS FOLLOW U. S.

The Canadian Radio Broadcasting Commission, under an act which became effective on May 26, 1932, has just adopted its Rules and Regulations for broadcasting stations, which follow very closely the Rules and Regulations approved by the Federal Radio Commission and made effective February 1, 1932.

In fact, the Canadian Commission has laid down for the instruction and guidance of broadcasters the same engineering principles incorporated in the Rules and Regulations of the Federal Radio Commission. For instance, effective September 30, 1933, all Canadian broadcasting stations in operation on and after that date shall be equipped so that the station transmitter will maintain its carrier frequency between the limits of fifty cycles above and fifty cycles below the assigned frequency. The Federal Radio Commission put that rule into effect June 22, 1931.

Effective September 30, 1933, all Canadian broadcasting stations will be required to have in use transmitters capable of delivering satisfactorily the authorized power with a modulation of at least seventy-five per cent. All stations are required to have installed radio frequency monitor systems on or before September 30, 1933, which will indicate visually the stations' frequency drift. These requirements were made effective by the Federal Radio Commission as to stations in the United States on April 30, 1931.

Again the Canadians must maintain a minimum regular operating schedule of two-thirds of the hours that the stations are authorized during the broadcast day. The broadcast day is defined as that period between 6:00 a. m. and 12:00 midnight, local standard time, the same as in the Rules and Regulations of the Federal Radio Commission.

Under the Canadian rules the broadcast stations are classified, just as they are by the Federal Radio Commission, into "high-power channels," "regional stations," and "local stations," according to the same power assignments.

The definition of technical terms, their significance and application, follow almost verbatim the language used in the Rules and Regulations of the Federal Radio Commission.

Announcements regarding mechanical reproductions follow closely the rule on the subject adopted by the Federal Radio Commission.

An interesting deviation is the section devoted to "Control of Programs." That provides stations must not use more than forty per cent of their time on programs imported from foreign countries, stations in Canada shall not mention or suggest prices in connection with any advertising programs or announcements transmitted, the licensee must file with the Commission weekly in advance copy of the daily program schedule. Canadian programs are given priority, when requested, to foreign programs. The licensee, upon request of the Commission, must give right of way to programs which in the judgment of the Commission are of national interest.

The use of recorded programs and electrical transcriptions must be confined to such hours and subjects as may be defined for each station by the Commission. Electrical transcriptions designed for advertising purposes shall not be broadcast more than once from any one station.

Except where special permission has been given by the Commission, the amount of advertising matter of all kinds contained in programs broadcast from Canadian stations shall not exceed five per cent of the time of any program period; for example, in a quarter-hour program forty-five seconds only may be given to advertising matter. No station shall broadcast spot announcements to exceed one hundred words and no such announcements shall be made between the hours of 7:30 p. m. and 11:00 p. m.

Under the Radio Act of 1927 as amended the Federal Radio Commission has no right of censorship over programs.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, June 7, 1933, Oral Argument before Commission en banc

- KGIX—J. Heaton, Las Vegas, Nev.—Construction permit to move station locally, and renewal of license, 1420 kc., 100 watts, specified hours.
- WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Modification of construction permit to move station to Monongahela, Pa., and change hours from specified to unlimited, 1200 kc., 100 watts.
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Construction permit to move transmitter outside of Pittsburgh, 1220 kc., 1 KW, unlimited time.
- WHBC—Edward P. Graham, Canton, Ohio—Construction permit to increase power from 10 to 100 watts and install new equipment, 1200 kc., specified hours.

June 7, 1933, before Examiner

- KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts, LS, unlimited time; also modification of license to change frequency.
- KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification of license to change frequency from 1340 kc., to 890 kc., 1 KW, unlimited time.
- KGIR—KGIR, Inc., Butte, Mont.—Modification of license to change frequency from 1360 kc. to 1340 kc., 500 watts, 1 KW LS.

June 9, 1933

- WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Modification of license to increase night power from 250 watts to 500 watts, 580 kc.
- WOBV—WOBV, Inc., Charleston, W. Va.—Modification of license to increase night power from 250 watts to 500 watts, 580 kc.

TENTATIVE HEARING CALENDAR

(Dates subject to change)

June 12, 1933

The hearing involving the applications of KECA, KFBK, and the Don Lee Broadcasting System for facilities of KTM and KELW, and the applications of KTM and KELW for voluntary assignments of licenses and for renewals of licenses will be heard June 12.

June 14, 1933, before Commission en banc

Oral argument in re Examiner's Report No. 470, in which the Examiner recommended that time now assigned to KWKH be assigned to WWL.

June 15, 1933

- NEW—William L. Slade, Hamilton, Ohio—Construction permit, 1420 kc., 100 watts, unlimited time.
- WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license, 1420 kc., 100 watts, unlimited time.
- NEW—Philip J. Wiseman, Lewiston, Maine—Construction permit for new station, 640 kc., 500 watts, limited time.

June 16, 1933

- KGEK—Elmer G. Beehler, tr. as Beehler Elec. Equip. Co., Yuma, Colo.—Construction permit to move station to Ft. Collins, Colo., 1200 kc., 100 watts, specified hours.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 50 watts, daytime.

June 19, 1933

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power to 1 KW experimentally, 610 kc.
- WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.
- WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license to increase power to 1 KW, 560 kc.

June 20, 1933

- WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to use 500 watts, 600 kc., unlimited time.
- WICC—Bridgeport Broadcasting Station, Bridgeport, Conn.—Modification of license to use 500 watts night power experimentally.

June 21, 1933

- WINS—American Radio News Corp., New York, N. Y.—Modification of license to increase power from 500 watts to 1 KW, 1180 kc., limited time.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of license to use 630 kc., 250 watts, unlimited time.
- WABI—First Universalist Society, Bangor, Maine—Modification of license to increase time to unlimited, 1200 kc., 100 watts.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase hours from daytime to unlimited time, 830 kc., 1 KW.

June 22, 1933

- NEW—Raymond M. Brannon, Fremont, Nebr.—Construction permit for 100-watt station, 1500 kc., daytime (facilities of KFOR).
- KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Renewal of license, 1210 kc., 100 watts, 250 watts LS, unlimited time.

June 23, 1933

- WJJD—WJJD, Inc., Mooseheart, Ill.—Renewal of license, 1130 kc., 20 KW, limited time.

APPLICATIONS GRANTED

First Zone

- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted unlimited time on 1450 kc., facilities of WBMS. Hearing set for June 5 cancelled. Application of Radio Investment Co., Inc., for facilities of WBMS has been defaulted. Station WBMS has no authorization of any kind to operate at this time as its last license expired May 1, 1933.
- WODA—Richard E. O'Dea, Paterson, N. J.—Granted consent to voluntary assignment of license to WODAAM Corp.
- WAAM—WAAM, Inc., Newark, N. J.—Granted consent to voluntary assignment of license to WODAAM Corp.

Second Zone

- WNBW—WNBW, Inc., Carbondale, Pa.—Granted extension of special temporary authority to remain silent pending decision on application, but not later than Dec. 1, 1933.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted license covering changes in equipment, 880 kc., 250 watts, shares WQAN.
- WEHC—Emory and Henry College, Charlottesville, Va.—Granted modification of construction permit extending completion date to August 28, 1933.

Third Zone

- WACO—Central Texas Broadcasting Co., Inc., Waco, Texas—Granted construction permit to install new transmitter, change frequency from 1240 kc. to 1420 kc., decrease power from 1 KW to 100 watts, and change hours of operation, from sharing with KTAT to specified hours.

- KGKB—East Texas Broadcasting Co., Tyler, Texas—Granted modification of license to change hours of operation from unlimited to specified.
- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Texas—Granted modification of license to change hours of operation from sharing with WACO to unlimited.
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted modification of construction permit to extend completion date to Sept. 17, 1933.
- WPFB—Hattiesburg Broadcasting Co., Hattiesburg, Miss.—Granted authority to remain silent from June 1 to July 1, 1933, on account of business conditions.
- WBHS—The Hutchens Co., Huntsville, Ala.—Granted extension of special temporary authority to remain silent pending hearing and decision on renewal of license and assignment of license.

Fourth Zone

- WMBH—W. M. Robertson, Joplin, Mo.—Granted license covering installation of new equipment, 1420 kc., 100 watts, 250 watts LS, specified hours.

Fifth Zone

None.

MISCELLANEOUS COMMISSION ACTION

- WABI—First Universalist Society of Bangor, Maine—Application for modification of license to increase hours of operation to unlimited, heretofore set for hearing, was denied because applicant failed to enter an appearance within the time specified.
- KGBX—KGBX, Inc., Springfield, Mo.—Application for construction permit to change frequency to 1340 kc., and increase power to 250 watts, heretofore set for hearing, was dismissed at request of applicant.
- KGIZ—Grant City Park Corp., Grant City, Mo.—Granted permission to take depositions.

APPLICATIONS SET FOR HEARING

- WHAM—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit to make changes in equipment and increase power from 25 to 50 KW.

APPLICATIONS RECEIVED

First Zone

- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—License to cover construction permit to move transmitter from Cranston, R. I., to Providence, and move studio locally.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Special experimental authorization amending previous application requesting change of frequency from 1210 kc., 100 watts, to 630 kc., 250 watts on experimental basis for six months; also install new equipment.

Second Zone

None.

Third Zone

None.

Fourth Zone

- WEHS—WEHS, Inc., Cicero, Ill.—Modification of license to change frequency from 1420 kc. to 1310 kc.
- WHFC—WHFC, Inc., Cicero, Ill.—Modification of license to change frequency from 1420 kc. to 1310 kc.
- WKBI—WKBI, Inc., Cicero, Ill.—Modification of license to change frequency from 1420 kc. to 1310 kc.
- WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to change frequency from 1310 kc. to 1420 kc.
- WKBB—Sanders Brothers Radio Station, Joliet, Ill.—Modification of license to change frequency from 1310 kc. to 1420 kc.
- WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Modification of license to increase power from 500 watts to 500 watts night, 1 KW to local sunset. Resubmitted without change.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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MEXICO CITY DELEGATES NAMED

The State Department this week announced the delegates to the North American Radio Conference to be held in Mexico City, Mexico, beginning July 10. They are: Judge Eugene O. Sykes, chairman of the Federal Radio Commission, chairman of the delegation; Representative Schuyler O. Bland, of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries; and Roy T. Davis, American Minister to Panama. The Department announced that "these delegates will be accompanied by a small staff whose names will be announced later."

In its announcements the State Department said that "the American Embassy at Mexico City today has been instructed formally to accept an invitation extended by the Mexican Government to attend a Radio Conference which will be held in Mexico City beginning July 10, 1933."

Prior to the announcement of the delegates the State Department made the following statement:

"The International Radio Convention of Washington (1927) and the International Telecommunication Convention of Madrid (1932) leave to regional conferences the solution of problems affecting two or more countries in a single region, but not affecting the entire world. There is no definition in either convention of the limits of regions outside of Europe. Those limits are left to be determined by the interested governments in the light of probable interference caused by the operation of stations. In extending the invitation to the North and Central American Regional Conference, the Mexican Government naturally included all neighboring governments which might license stations capable of interfering with stations in Mexico. As the problem of interference must be considered as a unit which can be solved only by taking into account all stations likely to cause interference, the United States is glad to participate in a conference representing the governments of North and Central America at the request of the Mexican Government."

EDITORS URGE RIGID RADIO CONTROL

More rigid control of radio broadcasting by the Government was advocated in a resolution adopted by the National Editorial Association at the organization's annual meeting in Indianapolis this week.

At the opening session of the convention E. H. Harris, chairman of the Radio Committee of the American Newspaper Publishers' Association, delivered an address on the radio subject.

Self-government, he said, rests upon the right of the individual to an unhampered and unrestricted opportunity for an expression of his opinion, spoken or printed or uttered over the radio. Foreign governments, he said, had found the solution in government ownership or control, although he pointed out that he was not recommending government ownership for the United States.

"It is barely possible," he added, "that newspapers needed a

challenge such as is offered by radio, to make them recognize anew their duty as defenders of the liberties of the people. No matter how strong our zeal may be, an outside opposing force often is required to bring us together as a unit and make us produce our best."

COMMISSION TO RECESS JULY 1

The Federal Radio Commission will begin its summer recess on or about July 1 until September 1. The Commission no longer adjourns for the summer as it used to. Hearings will continue during this summer before Examiners and it is planned to have at least two members of the Commission in Washington during the entire summer. They will be clothed with authority to handle routine and emergency matters.

RADIO COMMISSION APPROPRIATION

The Independent Office Appropriation Bill, in which the appropriation for the Radio Commission for the coming fiscal year, beginning July 1, passed the Senate this week. It has already passed the House and the bill is now in conference.

As the bill passed the Senate the Radio Commission's appropriation is left as it passed the House, that is, \$640,000. This is \$140,000 less than the Commission is using for the present fiscal year but no changes at all were made in the Radio Commission section of the bill as it passed the Upper House. The Senate failed to include the amendment which would have allowed Judge Sykes, chairman of the Commission, pay for the time he lost while his name was being confirmed by the Senate. This will undoubtedly be taken care of by a separate bill later. It is expected that a compromise will be effected on the veteran dispute and that the bill will become law in due course.

SENATE REJECTS REPORT ON POWER TAX

The Senate this week by a record vote rejected the conference report on the so-called gasoline-electrical energy tax bill which would have transferred the payment of the tax from commercial and domestic users of electrical energy to the public utilities. Objection was made because the report would have placed a tax upon municipally-owned power companies.

OFFICES FOR RADIO PROGRAM FOUNDATION

Oswald F. Schuette, president of the Radio Program Foundation, has established the offices of the Foundation in the National Press Building, Washington, D. C., on the same floor with the offices of the National Association of Broadcasters. The Radio Program Foundation has been incorporated by the National Association of Broadcasters to extend the fields from which music may be obtained for broadcasting stations of the United States.

The Foundation is the medium through which the music of independent composers and publishers who are not affiliated with the American Society of Composers, Authors, and Publishers—both in the United States and abroad—may be made available for use by the broadcasting industry. At the same time it is the hope of the Foundation to secure music written primarily for the microphone rather than for the requirements of the stage or the dance halls to which ASCAP's music has been so largely limited.

The plans of the Radio Program Foundation also include the creation of a Registration Bureau for continuities and other literary features of radio programs.

Among other purposes, the certificate of incorporation of the Radio Program Foundation provides that the Foundation is "to promote advancement in the means, methods and forms of sound and visual broadcasting, and to promote and sponsor the selection of meritorious program material, as a means of promoting the cultural arts and of extending the benefits thereof to the public." It also provides that the Foundation shall "encourage and assist scientific experimentation for the improvement of radio communication, sponsor and acquire deserving productions of composers and authors and acquire copyrights therein, enter into agreements with authors and composers and establish means and agencies for fixing, collecting, and accounting for license fees or royalties, act as a clearing house for representative in agreements between authors, composers, and publishers and the users of their works, and encourage and promote the use of radio broadcasting for educational purposes."

BIG ATTENDANCE FOR COMMERCIAL MEETING

Indications are that the second NAB Commercial Section meeting to be held at Grand Rapids, Mich., on June 27 will be well attended. The program, announced in last week's NAB REPORTS, lists for discussion all of the important commercial problems now confronting broadcasters. Many NAB members in all parts of the country have written that they will be on hand to participate in the discussions.

PETITION AGAINST WGN APPEAL

The Federal Radio Commission and Stations WBBM and KFAB, intervenors, this week filed petitions with the Court of Appeals of the District of Columbia asking that the Court dismiss the appeal of Station WGN against the synchronization of Stations WBBM and KFAB. The Commission issued an order granting the two stations to synchronize, following which WGN filed an appeal with the Court against the order claiming economic interest.

COMMISSION DISMISSES WIBO PETITION

The petition and supplemental petition in the so-called WIBO case was dismissed by the Radio Commission on Friday on the basis that it is without jurisdiction in the matter.

The petition asked that the Commission reconsider the case and reopen its decision of October 6, 1931, whereby the facilities of Stations WIBO and WPCC were granted to WJKS. The case was appealed through all of the lower courts and finally into the United States Supreme Court, which held in favor of the Commission. The petition asked for reopening on the ground that new and additional evidence had been found showing alleged fraud.

WAPI CONSTRUCTION PERMIT EXTENDED

The Radio Commission on Friday sustained Chief Examiner Ellis A. Yost in his Report No. 473 by finding that the construction

permit granted to Station WAPI, Birmingham, Ala., on November 7, 1931, authorizing it to increase its power from 5,000 to 25,000 watts should be modified so as to permit the construction commencement by June 17 and completion by December 17, 1933.

In its decision the Commission found that the station is financially and otherwise qualified to construct and operate the proposed station. It was also found that preliminary steps have been taken to comply with the terms of the existing construction permit, and "in view of all the circumstances as disclosed by this record, it is believed that an extension of time as requested is warranted."

ENGINEERING SECTION MEETING

The program for the meeting of the NAB Engineering Section, to be held at the Sherman Hotel, Chicago, Monday morning, June 26, at 9:30 a. m., has been arranged tentatively. Dr. C. B. Jolliffe, Chief Engineer of the Federal Radio Commission, has been invited. The present program comprises the following discussions:

Need for Standards in Broadcast Practice, led by E. L. Nelson, of Bell Telephone Laboratories.

Progress in Antenna Development, led by Walter G. Evans, of Westinghouse Electric & Mfg. Co.

Present Status of Television, led by L. F. Jones, of RCA-Victor Co.

Synchronous Operation of Broadcast Stations, led by C. B. Aiken, of Bell Telephone Laboratories.

Technical Aspects of North American Radio Conference, led by James W. Baldwin, of NAB.

Professional Ethics, led by J. A. Chambers, of WLW.

NAB Engineering Service, led by J. C. McNary, of NAB.

Acoustics and Studios, led by J. G. Leitch, of WCAU.

Evaluation of Frequencies, led by Dr. J. H. Dellinger, of Bureau of Standards.

Power Increases for Local and Regional Stations, led by W. C. Bridges, of WEBC.

J. A. Chambers, Chairman of the NAB Engineering Committee, will preside.

COLONEL BROWN ADDRESSES RMA

Col. Thad H. Brown, Vice Chairman of the Federal Radio Commission, in an address before the RMA Convention June 6 at Chicago, emphasized the necessity of the closest kind of cooperation between the Federal Radio Commission and the Radio Manufacturers Association. Referring to mutual problems affecting the allocation of channels, Colonel Brown said:

"Improper allocation of transmission facilities which do not fit the characteristics of receiving sets can destroy the effectiveness of such sets with consequent inconvenience and expense to the listening public. Conversely, receiving sets which are designed without regard to the allocation plan followed by the Commission may render such allocation subject to very severe criticism by and consequent dissatisfaction of the listening public.

"It must be understood, of course, that the allocation plan must be built for a comparatively long period of time, and that it must take into account not only the newest type of receiving set, but also a cross section of all types of receiving sets. It must fit not alone the best receiving set nor the poorest receiving set. If the former, the public would be required to continually change their receivers;

if the latter, there would be no incentive to improve receivers. A medium must be struck and it is this medium which forms the basis for the allocation plans of the Commission.

"In the establishment of the existing allocation of broadcast stations the Commission has given close attention to the progress made in the art by the manufacturers of radio receiving sets. This has been necessary because there is a close relationship between the selectivity of present-day receivers and the spacing of stations from a geographical standpoint so as to eliminate interference."

Emphasizing the high standards attained by broadcasting stations in the technique of transmission and the importance of equal efficiency in receiving equipment, he said:

"The Commission has diligently endeavored to maintain very high standards for the transmitters of broadcast stations and has insisted on accurate monitoring equipment. These standards are set up in order to give the best possible service to the listening public. Transmitters with very few exceptions are capable of giving high quality transmission. It is equally imperative in order to satisfy the public that the reception be of the same high quality. What I am endeavoring to drive home is the necessity of the closest possible cooperation between the Commission and your Association, the representative of the designers and manufacturers of receiving sets. The Commission invites such cooperation to the end that the 'public interest, convenience and necessity' may be best served.

"On account of the many developments in the field of radio transmission, particularly with respect to the use of directional antenna, synchronous operation of stations, and television, and the problems in allocation which will naturally flow from the North American Conference to be held in Mexico City this summer, in my opinion, it is quite imperative that a very close liaison be kept between your Association and the Commission."

DIRECTIONAL ANTENNA AUTHORIZED

The Federal Radio Commission this week authorized WORC-WEPS, Worcester, Mass., to install a 3-element directional antenna system. The use of the directional system will permit a change of frequency from 1200 to 1280 kilocycles and a power increase from 100 watts to 500 watts, experimentally, with the proviso that the grant will be terminated if interference results to other stations on the same or adjacent frequencies. Commissioner La Fount opposed the grant.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

The hearing involving the applications of KECA, KFBK, and the Don Lee Broadcasting System for the facilities of KTM and KELW, and the applications of KTM and KELW for renewals of licenses and voluntary assignments of licenses will be held Monday, June 12, 1933.

June 14, 1933, before Commission en banc

Oral argument in re the applications of the International Broadcasting Corp. and the National Union Indemnity Association, of Shreveport, La., WWL, and WSPA for facilities of KWKH, Shreveport, La., and the application of KWKH for renewal of license.

June 15, 1933

NEW—Philip J. Wiseman, Lewiston, Maine—Construction permit for new station to use 640 kc., 500 watts, limited time.

APPLICATIONS GRANTED

First Zone

WCAC—Connecticut Agricultural College, Storrs, Conn.—Granted special temporary authority to operate certain specified hours.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate certain specified hours.

WORC-WEPS—Alfred Frank Kleindienst, Worcester, Mass.—Granted authority to change frequency from 1200 kc. to 1280 kc. and increase power from 100 to 500 watts experimentally with directional antenna.

Second Zone

WJAC—Johnstown Automobile Co., Johnstown, Pa.—Granted consent to voluntary assignment of license to WJAC, Inc.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted authority to reduce power temporarily.

Third Zone

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted construction permit to install new transmitter.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted construction permit to install new equipment and increase power from 1 KW to 5 KW, and move transmitter locally.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted license covering move of station from Knoxville.

Fourth Zone

WEW—St. Louis University, St. Louis, Mo.—Granted authority to discontinue operation from June 15 to August 1.

WNAX—House of Gurney, Yankton, S. Dak.—Granted a modified construction permit to install a new transmitter and increase daytime power to 2½ KW.

Fifth Zone

KGEK—Elmer G. Beehler, d/b as Beehler Electrical Equipment Co., Yuma, Colo.—Granted modification of license to change name to Elmer G. Beehler, and to change certain specified hours.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted license, 1370 kc., 100 watts, shares with KICA.

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted license, 1310 kc., 100 watts, daytime.

APPLICATIONS SET FOR HEARING

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to make changes in equipment to increase power to 100 watts.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Construction permit to install new transmitter, move transmitter locally, change frequency from 1370 kc. to 1120 kc., and increase operating power (facilities of WIAS).

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase night power from 250 watts to 500 watts.

NEW—Leo J. Omelian, Erie, Pa.—Application for construction permit for new broadcasting station at Erie set for hearing because of protests made by Broadcasters of Pennsylvania, Inc., Station WLBW. Grant made by Commission on May 9, 1933, suspended pending outcome of hearing.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Application for modification of license for increase time set for hearing because of protest of Earle C. Anthony, Inc., Station KECA. Grant made May 12 suspended pending outcome of hearing.

WIAS—Iowa Broadcasting Co., Ottumwa, Iowa—Renewal of license.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of license to change hours from limited with KPO to unlimited.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase hours of operation from specified to unlimited.

WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to increase hours from specified to unlimited.

NEW—State Investment Co. (formerly Nelson Bros. Bond & Mortgage Co.), Chicago, Ill.—Application for construction permit for new station to use 560 kc., 1 KW night and 1½ KW LS, unlimited time. Transmitter at Lake County, Ind., studio at Gary Ind. (Facilities of WJKS in so far as use of 560 kc. is concerned.)

MISCELLANEOUS COMMISSION ACTION

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Modification of license to move main studio to Los Angeles, heretofore set for hearing, was dismissed at request of applicant.

NEW—Hager & Hunter, Owatonna, Minn.—Construction permit for new station heretofore set for hearing, was dismissed at request of applicant.

WIBO and WPCC—Nelson Bros. Bond & Mortgage Co., Chicago, Ill., and North Shore Church, Chicago, Ill.—Dismissed petition and supplemental petition asking for reconsideration and reopening of Commission's decision of October 6, 1931, whereby the facilities of these stations were granted to WJKS, Gary, Ind., on the ground that the Commission is without authority to take such action.

APPLICATIONS RECEIVED

First Zone

WCAC—Connecticut Agricultural College, Storrs, Conn.—Modification of license to change name of licensee to Connecticut State College and increase power from 250 watts and 500 watts.

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—License to cover construction permit to move transmitter from Easton to Bridgeport.

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Modification of license to increase power from 250 watts, 500 watts LS, to 500 watts night experimentally and 500 watts day, amended to omit "experimentally."

Second Zone

None.

Third Zone

KWKH—Hello World Broadcasting Corporation, Shreveport, La.—Consent to voluntary assignment to International Broadcasting Corporation.

WSOC—WSOC, Inc., Gastonia, N. C.—Construction permit to move transmitter and studio from Gastonia to Charlotte, N. C., and make changes in equipment.

Fourth Zone

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Modification of license to increase hours of operation from specified to unlimited.

WCAJ—Nebraska Wesleyan University, Lincoln, Nebr.—Modification of license to increase power from 500 watts to 1 KW (filed under Rule 6-g—facilities of WOW in terms of quota units).

WGES—Oak Leaves Broadcasting System, Inc., Chicago, Ill.—Modification of license to change hours of operation from sharing with WJKS to specified hours, amended to change specified hours.

NEW—John L. Hopkins, Hammond, Ind.—Construction permit for new station to use 1360 kc., 1 KW, share with WGES. Requests facilities of WJKS, Gary, Ind., when that station shifts to 560 kc.

NEW—State Investment Co., Gary, Ind.—Construction permit for new station at Gary, site to be determined, 560 kc., 1 KW, 1½ KW day, unlimited time subject to filing of similar application by North Shore Church, then share with that station. Facilities of WJKS in so far as 560 kc. is concerned.

Fifth Zone

KNX—Western Broadcast Company, Los Angeles, Calif.—Special experimental authorization to increase power from 25 KW to 50 KW.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit to change transmitter location and increase power amended to request facilities in terms of quota units of former Station KGEF (now assigned to KFAC).

KFXD—Frank E. Hurt, Nampa, Idaho—Consent to involuntary assignment of license to H. L. Peterson.

NEW—Hilo Broadcasting Co., Ltd., Hilo, T. H.—Construction permit for new station filed by Otis Hill to use 1210 kc., 100 watts daytime, amended as to name of applicant and to request 8 hours day.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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CONGRESS ADJOURNS JUNE 16

The special or first session of the Seventy-third Congress adjourned sine die early Friday morning, June 16. The session commenced on March 9 upon call of President Roosevelt just four days after his inauguration.

The session was called for the purpose of enacting into law the President's emergency program and took no action on any of the radio broadcasting measures introduced. All of these bills, however, will be before the Congress when it meets in regular session next January.

The only action on any radio bill was a hearing before the House Merchant Marine, Radio, and Fisheries Committee on the short wave bills introduced by Representative Ludlow, Indiana. These bills have not yet been reported. Neither of them affect broadcasting.

INDUSTRIAL RECOVERY BILL ENACTED

President Roosevelt on Friday, June 16, approved the National Industrial Recovery Act which was enacted by Congress just before adjournment.

The keystone of President Roosevelt's emergency program, the bill affects every industry which is engaged in interstate commerce. With several minor changes, the bill as it became law embodies the outline of its provisions printed in NAB REPORTS, Vol. 1, No. 14, page 59.

The NAB is now giving careful study to the bill with a view to the preparation of an outline setting forth the manner in which it affects broadcasting.

Upon signing the bill, President Roosevelt said:

"History probably will record the National Industrial Recovery Act as the most important and far-reaching legislation ever enacted by the American Congress. It represents a supreme effort to stabilize for all time the many factors which make for the prosperity of the nation, and the preservation of American standards.

"Its goal is the assurance of a reasonable profit to industry and living wages for labor with the elimination of the piratical methods and practices which have not only harrassed honest business but also contributed to the ills of labor.

"While we are engaged in establishing new foundations for business which ultimately should open a return to work for large numbers of men, it is our hope through the so-called Public Works section of the law to speedily initiate a program of public construction that should early re-employ additional hundreds of thousands of men.

"Obviously, if this project is to succeed, it demands the whole-hearted cooperation of industry, labor and every citizen of the nation."

At the same time the President announced that administration of the bill would be in charge of General Hugh Johnson and that Col. Donald H. Sawyer would serve as temporary public works administrator. He also announced the personnel of the Industrial Recovery Board, which will include the Secretary of Commerce as chairman, the Secretary of Agriculture, the Secretary of Labor, the Secretary of the Interior, the Director of the Budget, the chairman of the Federal Trade Commission, and General Johnson.

U. S. RADIO DELEGATION MEETS

A meeting of the main committee preparing for the radio conference which will open in Mexico City on July 10 was held Monday, June 12. Judge E. O. Sykes, Chairman of the Federal Radio Commission and Chairman of the United States Delegation, and Honorable Schuyler O. Bland, Chairman of the House Committee

on Marine, Radio, and Fisheries, were present. Judge Sykes presided over the meeting. The delegates received reports from the various subcommittees which have, since late in February, been collecting technical data concerning the many problems confronting the delegation. The delegates will make a report to the Department of State and doubtless will receive instructions on the controversial issues.

To date there has been no announcement concerning the technical advisers to the U. S. delegates.

NAB SECTIONS MEET JUNE 26, 27

Members of the NAB were sent this week programs for the annual meetings of the NAB Engineering and Commercial Sections which will be held at Chicago, Ill., June 26, and Grand Rapids, Mich., June 27, respectively.

The Engineering Section meeting will be held at Hotel Sherman, Chicago, Ill., at 9:30 a. m., Monday, June 26, during the Eighth Annual Convention of the Institute of Radio Engineers and the program has been worked out in cooperation with officials of the Institute so as not to interfere with the main sessions of the IRE convention.

The Commercial Section meeting will be held at the Civic Auditorium, Grand Rapids, Mich., at 9:30 a. m., Tuesday, June 27, in connection with the Twenty-ninth Annual Convention of the Advertising Federation of America. The NAB Commercial Section meeting has been scheduled so as not to interfere in any way with the regular sessions of the AFA convention.

Grand Rapids is less than 150 miles from Chicago and members will be able to attend both Section meetings and combine a visit to the Century of Progress with the trip.

Members are urged to make hotel reservations promptly. Reduced railroad fares have been secured for both the IRE and AFA conventions.

POST OFFICE CLARIFIES FAN MAIL RULING

Members of the NAB this week were sent copies of a letter by Solicitor Karl A. Crowley of the Post Office Department addressed to the NAB Managing Director affirming a ruling by his predecessor, Horace J. Donnelly, relating to the forwarding of broadcast fan mail. The ruling was made following a series of conferences between the Solicitor and the NAB Managing Director and the editor of *Broadcasting*. The letter affirms the ruling of the Post Office Department as published in the April 1, 1933, issue of *Broadcasting* and in NAB REPORTS, Vol. 1, No. 8, page 31.

Mr. Crowley's letter stated:

"At the request of Mr. Harlee Branch, Executive Assistant to the Postmaster General, I have re-examined and considered the ruling of Mr. Donnelly, my predecessor as Solicitor for the Post Office Department, dated March 14, 1933, relating to the forwarding of "fan" mail by radio stations to sponsors of radio programs directly or through essential intermediaries.

"The ruling has been approved and is now in effect. The ruling referred to is published in full text in April 1, 1933, issue of *Broadcasting* magazine."

Stations located in most of the larger cities were sent copies of the ruling as published in the magazine and copies of Solicitor Crowley's letter with a suggestion that these stations bring the ruling to the attention of their postmasters.

POWER TAX PROVISION CHANGED

During the last week of the special session of Congress, the House and Senate agreed upon a provision in the so-called gas tax bill

under which the tax on electrical energy after September 1, 1933, must be borne by the power companies. The new provision of the law amends the Revenue Act of 1932 under which the three per cent tax was imposed upon commercial and domestic users of electrical energy. Over the protest of the NAB, the Commissioner of Internal Revenue has ruled that broadcasting companies were commercial users of power and therefore subject to the tax. Under the new law this tax must be borne by the power companies after September 1, 1933.

As enacted the law reads as follows:

"Sec. 6. (a) Effective September 1, 1933, section 616 of the Revenue Act of 1932 is amended to read as follows:

'Sec. 616. Tax on electrical energy for domestic or commercial consumption.

'(a) There is hereby imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3 per cent of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

'(b) The provisions of sections 619, 622, and 625 shall not be applicable with respect to the tax imposed by this section.

'(c) No tax shall be imposed under this section upon electrical energy sold to the United States or to any State or Territory or political subdivision thereof or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe.'

"(b) Despite the provisions of this section the tax imposed under section 616 of the Revenue Act of 1932 before its amendment by this section on electrical energy furnished before September 1, 1933, shall be imposed, collected, and paid in the same manner and shall be subject to the same provisions of law (including penalties) as if this section had not been enacted."

RADIO OMITTED FROM REORGANIZATION

The Federal Radio Commission was not included in the reorganization proposals submitted to the Congress during the week by President Roosevelt. The executive orders were confined to the reorganization of certain government services which will result in a saving of \$25,000,000. The fact that the Radio Commission was not included in these orders is taken as an indication that no change in the status of that body is contemplated, for the present, at least. Whether further reorganizations will be forthcoming when Congress returns next January is a matter for conjecture at this time.

FOOD AND DRUGS REVISION BILLS

Identical bills (S. 1944 and H. R. 6110) were introduced in the Senate and House on June 13 by Senator Copeland of New York and Congressman Sirovich of New York, providing for a general revision of the food and drugs law and for the prevention of false labeling and advertising of food, drugs, and cosmetics.

The bills were drafted by the Department of Agriculture, and while no action was taken on them during the special session, it is expected that hearings will be held during the regular session beginning next January. The Senate bill was referred to the Senate Committee on Commerce and the House bill was referred to the House Interstate and Foreign Commerce Committee.

Section 9 of the bill provides that an "advertisement of a food, drug, or cosmetic shall be deemed to be false if in any particular it is untrue, or by ambiguity or inference creates a misleading impression regarding such food, drug or cosmetic."

Section 17 of the bill prohibits "the dissemination of any false advertisement by radio broadcast, United States mails, or in interstate commerce for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics" but another paragraph of the same section exempts any publisher, advertising agency or radio broadcast station from penalties "if on request of an officer or employee duly designated by the Secretary, he furnishes the name and post office address of the person who contracted for or caused him to disseminate such advertisement."

Secretary of Agriculture Wallace made public the following digest of the bill:

"(1) The prevention of false advertising. The need for the control of serious abuses in this field is generally recognized.

"(2) The inclusion of cosmetics. Serious injuries have occurred through the sale and use of cosmetic products of a character harmful to the user. The practice of deceptive labeling and advertising of such products should be regulated.

"(3) The establishment of tolerances for added poisons in foods. A complete elimination of all poisonous substances from foods may be impossible. Where the presence of poisons is unavoidable, their amounts should be kept so low that by no possibility will the food be harmful to health. The present law contains no provision authorizing the establishment of tolerances for poisons, but imposes upon the Government the obligation of showing affirmatively in every case that a food containing poisonous substances may be harmful to health independent of similar adulterations prevailing extensively in other foods.

"(4) Authority for the Secretary, after notice and hearing, to promulgate definitions and standards for foods which will have the force and effect of law. Under the present law such authority extends to the field of canned foods only. Legal food standards like those now existing for official drug products are essential for efficient enforcement operations.

"(5) Power to require manufacturers to procure in certain cases Federal permits. This method of regulation will be invoked in those instances only where a menace to health is involved and where adequate protection to the public cannot be effected through the other provisions of the bill.

"(6) The control of drug products on the basis of therapeutic claims which are contrary to the general agreement of medical opinion. This removes the burden imposed by the present law of proving not only that such statements are false but that they were made with fraudulent intent on the part of the manufacturer. This has seriously handicapped the department in the extension of adequate protection to the public in the purchase of drugs labeled as treatments for various diseases.

"(7) Requirement of informative labels. With one or two minor exceptions the present food and drugs act contains no positive labeling requirement. It merely prohibits false or misleading statements and these prohibitions are to some extent minimized by excepting provisos. A disclosure on the label of sufficient facts to enable intelligent and discriminating buying will operate unquestionably to the advantage of the consumer."

NAB PROTESTS UNLICENSED STATIONS

Acting upon complaints from members, the NAB on June 13 addressed a letter to the Federal Radio Commission asking that prompt action be taken by the Government against unlicensed broadcasting stations now operating in Texas and other states.

The following news item, which appeared in the Brownwood, Texas, *Bulletin*, May 17, was attached to the letter:

"Terms of 'Illegal,' 'Bootleg' and 'Unlawful' that have been used in referring to Texas independent radio stations operating without federal licenses are unfair and misleading, members of the board of directors of the Texas Independent Radio Advertising Association said at a meeting here today. The radio station operators met here in a luncheon conference at Hotel Brownwood.

"Members of the board of directors are: E. J. Turner, Denton, and Howard Cox, Temple, North Texas District; Sam Morris, Stamford, and A. W. Stewart, Brownwood, West Texas District; W. A. Needham, Taylor, and Bill Lowry, Austin, South Bend District. B. W. Downing of Belton is president of the Association.

"Thirty-five stations were represented in person or by proxy at today's meeting. There are 57 stations in Texas eligible for membership, most of which have joined the organization.

"The board maintains that as long as the stations do only intrastate broadcasting they are violating no laws or regulations and are within their rights. These stations can be regulated only by the State, the operators say.

"Gus Rosenberg, President of the Chamber of Commerce, attended the luncheon and made a talk. Tom Posey of Brownwood also was a guest.

"The visitors were entertained by Alton W. Stewart, operator of the Heart of Texas station here."

The Commission indicated that it had collected evidence against a number of the unlicensed stations and was prepared to institute prosecution under the Radio Act of 1927.

LAFOUNT PLANS COAST TRIP

The Federal Radio Commission will carry on regular operations during the summer months although individual commissioners will be away from Washington from time to time on inspection tours and other official business.

For the first time in three years, Commissioner Lafount will make an official inspection of his fifth zone, including the Pacific states and the Rocky Mountain area. Leaving Washington early in July, he plans to stop in the larger cities and to hold conferences with broadcasters on problems of mutual concern. He will be away from Washington about six weeks.

Mr. Lafount's proposed itinerary is as follows:

Salt Lake City, July 6-7; Ogden, Utah, July 8; Pocatello, Ida., July 9; Idaho Falls, Ida., July 9; Butte, Mont., July 10; Great Falls, Mont., July 10; Spokane, Wash., July 12; Seattle, Wash., July 13-14; Tacoma, Wash., July 15; Portland, Ore., July 17; Sacramento, Cal., July 19; San Francisco, Cal., July 20-21; San Jose, Cal., July 22; Los Angeles, Cal., July 23-25; Long Beach, Cal., July 26; Santa Monica, Cal., July 26; Santa Ana, Cal., July 27; San Diego, Cal., July 28; El Centro, Cal., July 29; Phoenix, Ariz., July 30; Tucson, Ariz., July 31; El Paso, Tex., Aug. 1; Albuquerque, N. M., Aug. 2; Pueblo, Colo., Aug. 3; Colorado Springs, Colo., Aug. 3; Denver, Colo., Aug. 4-5.

Commissioner Starbuck contemplates an inspection of radio operations of leading airlines beginning late in the summer. His itinerary has not yet been arranged.

Commissioner Hanley is scheduled to deliver the dedicatory address over KICK in connection with that station's opening on June 19 at Carter Lake, Iowa, near Council Bluffs.

COMMISSION APPROPRIATION APPROVED

The Independent Offices Appropriation Bill, containing an appropriation of \$640,000 for the Federal Radio Commission for the fiscal year beginning on July 1, 1933, was approved by Congress on June 15, just prior to adjournment.

This amount is \$140,000 less than the sum allocated to the Commission for the fiscal year which ends on June 30, and although the Commission has already effected a number of economies, further reductions in expenses will have to be worked out to stay within the curtailed appropriation. Indications are that the Commission, during the coming week, will adopt either a system of furloughs for present employees or announce further dismissals from the service.

COPIES OF SECURITIES ACT MAILED

Within the next few days members of the NAB will receive copies of the Securities Act of 1933, which provides for the full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails. An analysis of the bill was contained in NAB REPORTS, Vol. 1, No. 14, page 58. The copies of the law being sent to members will be punched to fit into the NAB Handbook binder. It is urged that all members read the act carefully and then insert it in the handbook for future reference.

UIR AND NAB EXCHANGE PUBLICATIONS

The first step in bringing together in closer collaboration the Union Internationale de Radiodiffusion and the NAB was taken when the Bureau of the Council of the UIR at Geneva recently approved a regular exchange of publications between the NAB and the UIR. The decision of the Bureau was communicated in a letter from A. R. Burrows, Secretary-General of the Union, to the Managing Director and expresses the hope that still closer collaboration may be possible in the future. The UIR is the fact-gathering body for broadcasting organizations in European countries and was active in behalf of broadcasting interests at the International Radio Conference held at Madrid last fall.

AUSTRALIAN PRAISES NAB REPORTS

J. Malone, chief inspector (wireless), Postmaster-General's Department, Melbourne, C. 2, Australia, has included a word of praise for NAB REPORTS in his recent communication to the Managing Director. "I think the new form is a distinct improvement and the change is appreciated by us who are readers of all that you send out," Mr. Malone writes. For more than a year the NAB has been

exchanging information with Mr. Malone's department which is responsible for radio broadcasting in Australia.

500,000-WATT STATION FOR MEXICO

The Secretary of Communications at Mexico City has granted permission to Senor Gumaro Lazarraga, of Matamoros, to construct a 500,000-watt radio broadcasting station in Matamoros, which will be the most powerful in the world, according to a report from Vice Consul Henry G. Krausse, Matamoros, Mexico, made public by the Commerce Department.

The owner of this concession is not known in Matamoros, and as yet plans regarding construction and operation of the station have not been made public, the report said.

The station has been assigned the call letters WEM.

ASCAP CAMPAIGN AGAINST RESTAURANTS

Latest reports indicate that the campaign of the American Society of Composers, Authors and Publishers against small restaurants has now spread to Michigan and Nebraska. So far there has been no indication that ASCAP intends to live up to the pledge it made a year ago to the House Committee on Patents. The victims of this campaign should communicate with their Congressmen and Senators, or directly with Hon. William I. Sirovich, Chairman of House Patents Committee, Washington, D. C., to whom the ASCAP pledges were made.

MCCOSKER NAMES NEW COMMITTEE

President Alfred J. McCosker of the NAB this week named William S. Hedges, KDKA, Pittsburgh, Pa., Leo Fitzpatrick, WJR, Detroit, Mich., and Henry A. Bellows, vice president of the Columbia Broadcasting System, as a committee to cooperate with committees of the Radio Manufacturers Association and the Institute of Radio Service Men in the development of a public relations campaign for the radio industry.

MORE INDEPENDENT MUSIC AVAILABLE

The American Music Corporation, 1619 Broadway, New York, Sam Wigler, manager, is sending copies of the following compositions to all member broadcasting stations:

"Looking Forward" (title based on President Roosevelt's book).

"I'm Crooning A Love Song To Heaven" (ballad).

"Song Of The Legionnaire" (fox-trot).

"Your Uncle's Ankle" (comedy-novelty fast fox-trot).

"Just Another Dream Gone Wrong" (fox-trot).

The copies of this music sent to stations will bear this imprint:

"By arrangement with the Radio Program Foundation all broadcasting stations are authorized publicly to perform the within composition for profit, without the payment of a copyright fee."

Because member broadcasting stations are assured of the unrestricted use of this music, it is suggested by Oswald F. Schuette, NAB copyright director, that, so far as it meets the musical standards of their Program Departments, preference be given to this music over that published by members of ASCAP, whose music is subject to constant restriction.

MILLS RETURNS FROM EUROPE

E. C. Mills, general manager of the American Society of Composers, Authors and Publishers, returned from Europe on June 9 aboard the S. S. *Aquitania*. While abroad he attended the conference of European performing rights societies which was held in Copenhagen.

WIRED RADIO IN CLEVELAND

Information from reliable sources is to the effect that the stage is set in Cleveland, Ohio, for a tryout there of wired radio. The latest information is to the effect that two sub-stations of the Bell Telephone Company have been especially equipped for the service. Apparently about all that is holding it back is the depression. There will have to be an improvement in general conditions, advices say, before the experiment is actually started, but it is said they are

ready to start immediately whenever they receive the word to go.

A recent demonstration in Washington, D. C., by the Bell Laboratories, under the auspices of the National Academy of Sciences, whereby there was reproduced in the city of Washington, by wire, a program by the Philadelphia Symphony Orchestra playing in Philadelphia, aroused considerable speculation concerning a possible new competitor of broadcasters.

HEDGES TAKES CHARGE OF KDKA

William S. Hedges, president of the NAB during 1928 and 1929 and chairman of the Executive Committee during 1930, assumed the management of Station KDKA, Pittsburgh, Pa., on June 16. Hedges, who is well known throughout the broadcasting industry, began his radio career in 1922 as manager of Station WGU in Chicago which later became Station WMAQ. Later he became president of the latter station and more recently was a member of the executive staff of the Chicago offices of the National Broadcasting Company.

WFIW TO MOVE TO LOUISVILLE

The Radio Commission on Friday sustained Chief Examiner Yost in his Report No. 449 by granting Station WFIW, Hopkinsville, Ky., a license renewal to operate on 940 kilocycles, 1000 watts power, unlimited time, and authority to move the station to Louisville, Ky. In the same opinion the Commission denied Station WLAP, Louisville, Ky., permission to have the facilities of WFIW for which it had applied.

It was found by the Commission that WFIW presented a definite plan for the use of the regional facilities "that affords reasonable assurance that no substantial increase in interference in the reception of stations assigned to the 940 kilocycle frequency would be caused by the proposed change in the allocation of these facilities." It appeared further, says the Commission, that in the case of WLAP "the operation of this applicant's station on the 940 kilocycle frequency would result in increased interference in the reception of at least one other station." It was further found by the Commission that the operation of WLAP would cause blanketing effects against the reception of other stations in an area having a relatively large population.

WKRC DIRECTIONAL ANTENNA AUTHORIZED

The Commission sustained Chief Examiner Yost in his Report No. 446 in the case of Station WKRC, Cincinnati, Ohio. The Commission in part granted a renewal of license to the station so as to authorize its continued operation on 550 kilocycles, with 500 watts power, unlimited time, and granted special experimental authority to operate with an additional 500 watts output on the condition that such additional power be used in such manner that the field intensities of WKRC radiated in the direction of St. Louis and Buffalo are of no greater value than the intensities radiated in those directions by the station when employing 500 watts power and its present antenna.

It is stated by the Commission in its decision that the station now causes interference with other stations operating on the same frequency. It is further pointed out that if the applicant's "proposed experiments with a directional antenna prove successful the applicant will be able to continue the operation of Station WKRC with 1,000 watts power, maintain the present service area of the station, and at the same time materially reduce existing interference in the reception of other stations assigned to the 550 kilocycle frequency."

COMMISSION APPROVES KMBC MOVE

Station KMBC, Kansas City, Mo., was granted permission by the Radio Commission to move from Independence, Mo., to Kansas City, Kans., sustaining Report No. 478 of Examiner R. H. Hyde.

Moving of the station as proposed, it was found by the Commission, "would improve the service of the station as it affects a substantial number of people in the logical or natural service area of the station."

Granting of permission for the move would not change the quota of broadcast facilities assigned to the State of Kansas, the Commission states.

NORTH CAROLINA STATION GRANTED

Chief Examiner Yost in his Report No. 477 was sustained by the Commission by its granting to William A. Wynne permission to construct a new broadcasting station at Greenville, N. C., to operate on a frequency of 1420 kilocycles, 100 watts power day-time operation.

It was found by the Commission that there is a need for the proposed broadcast service in the area of Greenville and that "the application being from an under quota state and for facilities which would not cause interference with any other station or stations now licensed may be granted in conformity with Rule 6 (f) of the Commission's Rules and Regulations."

RECOMMENDS ADDED POWER FOR WMAS

Station WMAS, Springfield, Mass., asked to increase its power from 100 watts to 250 watts local sunset. The station operates on a frequency of 1420 kilocycles. Report No. 487 (Yost, c. e.). Recommended that application be granted.

The Chief Examiner found that by granting the application no objectionable interference would result; and that "the people residing within the service area of Station WMAS are entitled to the improved radio service which the granting of the application would provide." It was further found by the Examiner that the State of Massachusetts is due 11.84 units of radio broadcasting facilities and is assigned 10.46 units. The granting of this application, says the Chief Examiner, "would increase the present under quota status of Massachusetts by .1 of a unit."

WJBY TEMPORARY LICENSE FAVORED

Station WJBY, Gadsden, Ala., applied to the Commission for license renewal using 1210 kilocycles, 100 watts power unlimited time; for permission to move locally and to change equipment. Report No. 485 (Yost, c. e.). Recommended that the station be allowed to move locally, change its equipment and that the license be renewed "temporarily, pending Commission action on other applications from the State of Alabama now on file with the Commission."

The Examiner found that the applicant is qualified to operate the station but that the station was moved and made changes in its transmitter in violation of Commission rules.

It was found further by the Examiner that the station has not at all times operated in accordance with the Commission rules but it was found also that "the continued operation of Station WJBY and the change of transmitter location as proposed by applicant, would serve public interest, convenience and necessity."

PENNSYLVANIA AUTHORIZES CONCERTS

Act No. 308 of the Pennsylvania Legislature, which became law on approval June 2, 1933, legalizes the receiving of compensation by musicians for Sunday concerts, the rendering and broadcasting of the same after twelve o'clock noon, and the charging of an admission fee thereto, provided that authorization is obtained from the Department of Public Instruction and any excess admission fees over the actual expenses are paid to the Department. The Department may authorize concerts provided they maintain music of a high order although not necessarily what is known as sacred music.

CALIFORNIA SHORT WAVE ACT VETOED

The California Legislature, like many others, passed an act relating to the maintenance and use of short wave radio receiving sets in vehicles, one of the principal features of which was to prohibit the use of sets capable of receiving above 1500 kilocycles in private automobiles without a permit. The act, however, met an unusual fate in that it was vetoed by the Governor on June 12, 1933.

WISCONSIN FAVORS EXEMPTION

Passage by the Senate on June 9, 1933 of the Grimes Bill, No. A. 252, which had previously passed the Assembly, leaves solely in the hands of the Governor the question of adding radio receiving sets to the list of household furniture exempt from taxation in Wisconsin.

RADIO EMPLOYMENT UP

The May index number for radio employment increased from 67.2 in April to 81.3 in May compared with 61 in May of last year taking 1926 at 100 according to the Bureau of Labor Statistics, Department of Labor. Payroll index number for May was 62.3 compared with 50.5 in April and 53.6 in May of last year.

ASKS RADIO INVESTIGATION

Shortly before Congress adjourned Representative Ellzey of Mississippi introduced a resolution (H. Res. 181) asking for the appointment of a committee of ten members of the House to carry on a complete radio investigation.

The resolution asks for an investigation "(a) the manner in which the Federal Radio Commission is carrying out the provisions of the Davis amendment; and the reasons for any inequalities, injustices, or lack of consistency that might develop from such investigation; (b) the extent to which the two large chain networks have been favored by the activities, regulations, and decisions of the Commission against independently owned and operated radio stations; (c) the extent to which broadcasting stations in the United States are under the control of either of the two large networks by ownership, lease, stock control, or other devices; (d) the extent to which annual license fees properly may be assessed for the privileges of using licenses issued by the Government authorizing the operation of radio broadcasting stations and (e) such other matters pertaining to the business of radio broadcasting stations and chains or networks or other broadcasting companies or systems as the committee may in its discretion determine to be necessary or advisable under the circumstances."

The resolution was referred to the Committee on Rules of the House. No action was taken before adjournment.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

June 19, 1933

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power from 500 watts to 1 KW experimentally, **610 kc.**

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW, **560 kc.**

WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW, **560 kc.**

June 20, 1933

WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license to increase power from 250 watts to 500 watts, **600 kc.**

WICC—Bridgeport Broadcasting Station, Bridgeport, Conn.—Modification of license to increase power from 250 watts, 500 watts LS, to 500 watts.

June 21, 1933

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to change hours from limited time to unlimited, **830 kc.**

June 22, 1933

WBCM—James E. Davidson, Bay City, Mich.—Special experimental authority to increase power from 500 watts to 1 KW, **1410 kc.**

NEW—Raymond M. Brannon, Fremont, Nebr.—Construction permit for new station to use 100 watts on **1500 kc.**, daytime (facilities of KFOR).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Renewal of license, 100 watts, 250 watts LS, **1210 kc.**

June 23, 1933

WJJD—WJJD, Inc., Mooseheart, Ill.—Renewal of license, **1130 kc.**, 20 KW, limited time.

TENTATIVE HEARING CALENDAR

(Dates subject to change)

June 26, 1933

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of license to increase power from 250 watts to 500 watts, **1 KW LS.**

WRUF—University of Florida, Gainesville, Fla.—Renewal of license.

WGNV—Peter Goelet, Chester Township, N. Y.—Modification of license to increase power from 50 watts to 100 watts.

June 27, 1933

WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license to increase hours of operation.

WLB—University of Minnesota, Minneapolis, Minn.—Modification of license to increase hours of operation.

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase day power, and modification of license to increase hours of operation.

June 28, 1933

Oral argument before Commission en banc in re Examiner's Report No. 479, relative to applications of Herman Radner, Lansing, Mich., and Capital City Broadcasting Co., Lansing, Mich., for construction permit for new station.

June 28, 1933

WAMC—Raymond C Hammet, Anniston, Ala.—Construction permit to move station to Muscle Shoals.

June 30, 1933

Hearing involving the applications of WFOX, WARD, WLTH, and WBBC for modifications of licenses and renewals of licenses, and application of WARD for construction permit to move transmitter.

July 6, 1933

NEW—Leo J. Omelian, Erie, Pa.—Construction permit for new station to use **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

July 7, 1933

WNBW—WNBW, Inc., Carbondale, Pa.—Renewal of license, and involuntary assignment of license.

APPLICATIONS GRANTED

First Zone

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted authority to remain silent on Monday nights from August 7 to September 4.

WGNV—Peter Goelet, Chester Township, N. Y.—Granted authority to operate from 6 to 9 a. m. for one week to make field intensity survey.

WICC—Bridgeport Broadcasting Station, Inc, Bridgeport, Conn.—Granted license covering move of transmitter from Easton to Bridgeport, **600 kc.**, 250 watts night, 500 watts day.

Second Zone

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted special temporary authority to operate a maximum of 4 hours daytime only simultaneously with Station WILM for period July 1 to January 1, 1934.

WJSV—Old Dominion Broadcasting Corp., Alexandria, Va.—Granted regular license, with certain requirements and restrictions, to operate on **1460 kc.**, 10 KW, unlimited time.

Third Zone

- WKFI—J. Pat Scully, Greenville, Miss.—Granted authority to remain silent for 90 days to rebuild transmitter.
WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted full-time operation upon a special authority for experimental purposes, in keeping with previous action, since WGES has withdrawn protest.

Fourth Zone

- KGIZ—Grant City Park Corp., Grant City, Mo.—Granted renewal of license and dismissed application from hearing docket.
KGCA—Charles W. Greenley, Decorah, Iowa—Granted authority to remain silent from July 15 to July 23 to permit employees to take a vacation.
WBAA—Purdue University, W. LaFayette, Ind.—Granted special temporary authority to operate from 1:45 p. m. to 5 p. m. CST October 7, with power of 1 KW provided WKBF remains silent.
KFDY—S. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 3 p. m. CST June 30, provided KFYR remains silent.
WJKS—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted construction permit to install new equipment only.

Fifth Zone

- KUJ—KUJ, Inc., Walla Walla, Wash.—Granted renewal of license, 1370 kc., 100 watts, 6 a. m. to local sunset; also renewed special authority permitting unlimited time experimentally during next license period.
KIEM—Harold H. Hanseth, Eureka, Calif.—Granted authority to operate nighttime June 19 to broadcast election returns.

MISCELLANEOUS COMMISSION ACTION

- NEW—Juan Piza, San Juan, P. R.—Suspended grant of CP issued May 19, 1933, for new station to operate on 1290 kc., with 500 watts, unlimited time, because of protest by Radio Corp. of Puerto Rico, and set application for hearing.
KECA—Earl C. Anthony, Inc., Los Angeles, Calif.—Application for construction permit to move transmitter locally, make changes in equipment, increase daytime power, was returned to applicant because it was inconsistent with Rule 49.

APPLICATIONS SET FOR HEARING

- KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit to increase hours of operation from sharing with KFWI to unlimited; install present equipment of KFWI, and facilities of KFWI requested. Also requests modification of license to change hours from sharing with KFWI to unlimited.
WLWL—Missionary Society of St. Paul The Apostle, New York—Modification of license to increase hours of operation from specified hours to unlimited time. (To be heard by the Commission on September 6.)
WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Special experimental authority to change frequency from 1210 kc. to 630 kc., increase power from 100 to 250 watts experimentally, and install new equipment.
WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Modification of license to increase daytime power from 500 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

- WPCH—Eastern Broadcasters, Inc., New York—Consent to voluntary assignment of license to Knickerbocker Broadcasting Co., Inc.
WQDM—A. J. St. Antoine & E. J. Regan, St. Albans, Vt.—Modification of license to change specified hours of operation.
WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—License to cover construction permit for changes in equipment (resubmitted in proper form).

- WHN—Marcus Loew Booking Agency, New York—Construction permit to move transmitter from New York City to Astoria, L. I., and install new equipment.
WEVD—Debs Memorial Radio Fund, Inc., New York—Modification of license to increase power from 500 watts to 1 KW, resubmitted without amendment.
NEW—Donald E. Bean and Wendell S. Clark, d/b as The Connecticut Broadcasting Co., Danbury, Conn.—Construction permit for a new station to use 100 watts on 1310 kc., daytime, resubmitted.
WGLC—O. T. Griffin & G. F. Bissell, Hudson Falls, N. Y.—Modification of license to increase power from 50 watts night, 100 watts day, to 100 watts day and night.

Second Zone

- NEW—Rav M. Thompson, Youngstown, Ohio—Construction permit for a new station to use 1370 kc., 100 watts, unlimited time, facilities of WHBD, Mt. Orab, Ohio.
WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Construction permit to install new transmitter (site to be determined) and increase power from 10 KW to 50 KW.

Third Zone

- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Modification of construction permit for a new station to extend commencement and completion dates to 7-9-33 and 10-9-33, respectively.
KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to move transmitter locally and change equipment, frequency, power, and time from 1200 kc., 100 watts, unlimited time, to 590 kc., 250 watts, specified hours, amended as to transmitter location and hours of operation.
KTRH—KTRH Broadcasting Co., Houston, Tex.—Special experimental authorization to increase power from 500 watts to 1 KW for term ending 10-1-33.
WSB—The Atlanta Journal Co., Atlanta, Ga.—Modification of 50 KW construction permit to extend completion date to 8-14-33.

Fourth Zone

- KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—License to cover construction permit to make changes in equipment, change frequency from 1210 kc. to 1340 kc., and increase power from 100 watts to 250 watts.
WJKS—Johnson Kennedy Radio Corp., Gary, Ind.—Construction permit to move transmitter locally (site to be determined) and install new transmitter, and change power from 1 KW night, 1¼ KW day, to 1 KW, amended to omit request to move.
KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Modification of construction permit to increase power to 25 KW to extend commencement and completion dates from 11-1-32 and 1-1-33 to 7-1-34 and 1-1-35, respectively.
KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Construction permit to make changes in equipment.
KGIZ—Grant City Park Corp., Grant City, Mo.—Construction permit to move station from Grant City to Springfield, Mo., install new transmitter, and change from 1500 kc., 100 watts, unlimited time, to 560 kc., 500 watts, daytime (facilities of KGBX, Springfield, in terms of quota units).
KGIZ—Grant City Park Corporation, Grant City, Mo.—Voluntary assignment of license to KGBX, Inc.
KGBX—KGBX, Inc., Springfield, Mo.—Modification of license to change hours of operation from unlimited to from local sunset to midnight.

Fifth Zone

- KGIR—KGIR, Inc., Butte, Mont.—License to cover construction permit to make equipment changes and increase day power to 1 KW.
NEW—Fred L. Packard, G. Happ and Judge J. W. Schulman, d/b as Acme Broadcasting Co., Huntington Park, Calif.—Construction permit for a new station to use 1300 kc., 500 watts, share with KFAC, amended to change transmitter location to "to be determined" as to equipment and name of applicant.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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NAB SECTION MEETINGS ALL SET

Meetings of the Engineering and Commercial Sections of the NAB are scheduled for next week. The Engineering Section will convene at 9:30 a. m. on Monday, June 26, at the Hotel Sherman, Chicago, Ill., and the Commercial Section will meet at 9:30 a. m. on Tuesday, June 27, at the Civic Auditorium, Grand Rapids, Mich.

A meeting of the Program Committee will be held in Chicago on Wednesday.

RICORDI LICENSES AVAILABLE TO NAB

As the cooperative organization of the National Association of Broadcasters, the Radio Program Foundation has acquired the American "air rights" to the 123,000 compositions which make up the world famous catalogue of G. Ricordi & Company of Milan.

Under the contract negotiated by Oswald F. Schuette, president of the Foundation, the latter has the right to grant sublicenses to all broadcasting stations in the United States. Such sublicenses are now available under terms which will be sent to all members in a few days.

American radio listeners, therefore, are at last to hear broadcasts of "Madam Butterfly," "Tosca," "La Boheme," and other Puccini operas as well as the masterpieces of other great composers, whose works have been kept off the air by the past refusal of the Ricordi firm, owners of these copyrights, to make this music generally available for broadcasting purposes. The announcement that this music may now be included in radio programs makes the Radio Program Foundation an important factor in the musical world. It is, at the same time, a decisive victory for the broadcasters in their conflict with the American Society of Composers, Authors and Publishers, for it marks the first step in a constructive solution of that problem. Without weakening the aggressive demands of the industry for protection against ASCAP's arbitrary exactions, the fact that the Foundation has obtained the Ricordi catalogue as the initial step in the creation of an independent pool of radio music guarantees to American listeners that the Foundation will obtain for them the finest music available in the world.

To musicians everywhere the Ricordi catalogue needs no advertisement. The announcement that these works are now available for radio purposes should go far toward creating a new atmosphere in American programs.

Although Ricordi & Co. was organized 125 years ago in Milan, Italy, it has by no means limited its operations to the Italian field of music but has numbered in its lists of composers the great masters of all countries. The lists of writers whose music figures in its catalogue comprises a veritable "Who's Who in Music."

In the field of opera alone, the Ricordi catalogue enumerates works of such great composers as Beethoven, Bellini, Bizet, Boito, Casavola, Catalani, Cimarosa, Donaudy, Donizetti, Flotow, Franchetti, Glinka, Gluck, Goldmark, Gomes, Gounod, Halevy, Herold, Malipiero, Marinuzzi, Mascagni, Mascheroni, Massenet, Meyerbeer, Montemezzi, Mozart, Pergolossi, Penchielli, Puccini, Rossini, Rubinstein, Spontini, Stradella, Verdi, Wagner and Weber.

In symphonic and chamber music, the catalogue lists, among others, such modern composers as Alaleona, Alfano, Casella, Castelnuovo, Tedesco, De Sabata, Lualdi, Malipiero, Mancinelli, Martucci, Molinari, Montemezzi, Panizza, Perose, Pich-Magiagalli, Pizzetti, Respighi, Santoliquido, Tommasini, Toni, Tosti, Veretti, Vittadini and Zandonai.

The catalogue also includes one of the largest selections of band and dance music in the world and thousands of other instrumental and vocal selections compiled from the masters of other countries.

MORE INDEPENDENT MUSIC

The Bernard-Scheib Music Company, 1658 Broadway, New York, has sent broadcasting stations copies of its latest issue

"LET'S BEND AN ELBOW," and has notified the Radio Program Foundation that it may be used freely for broadcasting purposes.

TECHNICAL ADVISERS APPOINTED

The United States Delegates to the Central and North American Radio Conference will leave Washington about July 4 for Mexico City.

James W. Baldwin will represent the NAB and will leave for Mexico City in a few days.

The State Department this week announced the list of technical radio advisers to the delegates for the United States for the North American Radio Conference to begin at Mexico City, Mexico, on July 10. The technical advisers include: Dr. Charles B. Jolliffe, Chief Engineer, Federal Radio Commission; Dr. Irvin Stewart, Department of State; Mr. E. K. Jett, Chief, Commercial Communications Section of the Engineering Division, Federal Radio Commission; Mr. Andrew D. Ring, Assistant Chief, Broadcast Section, Federal Radio Commission; Mr. Gerald C. Gross, Chief, International Relations Section, Federal Radio Commission.

RADIO APPEAL DISMISSED

The Court of Appeals of the District of Columbia this week dismissed the appeal of Station KWEA, Shreveport, La., on motion of both the applicant and the Radio Commission.

The Commission granted Station WJBO permission to move from New Orleans to Baton Rouge. KWEA filed an appeal with the Court against the Commission's decision on the ground that at the time the Commission granted this permission it (KWEA) had an application pending to move to Baton Rouge also.

COMMISSION NAMES TWO ATTORNEYS

The Federal Radio Commission announced today the appointment of John Weslev Weeks, of Decatur, Georgia, and Milus A. Nisbet, of Fayetteville, Tennessee, as members of its legal division.

Mr. Weeks is now Judge of the Juvenile Court of DeKalb County, Georgia.

Mr. Nisbet was formerly Secretary to Senator Kenneth McKellar of Tennessee, and is now employed as treasurer and credit manager by the Murray Rubber Company of Trenton, N. J.

Both of these attorneys come to the Commission highly recommended for their legal ability and industry. They are to take office July 1, and will fill the vacancies made by the resignation of Chief Examiner Ellis A. Yost and Examiner Elmer W. Pratt and the promotion of Ralph L. Walker and George H. Hill as examiners.

TEN COMMISSION EMPLOYEES DISMISSED

The Federal Radio Commission announced today that it was forced to dismiss five employees at its headquarters here, and five in the "field," due to reduced appropriations for the fiscal year 1934.

These "separations" were found absolutely necessary because the 1934 appropriation for the Commission was reduced \$140,000 by the Budget Bureau which was approved by Congress, compared with the 1933 appropriation.

Because of their faithful service the Commission was loath to dismiss any of the employees but it was found to be absolutely necessary in order to balance its budget. Action by the Commission was delayed until final passage of the Independent Offices Appropriation Bill so the Commission could act in accordance with the law.

To show its interest in the welfare of the employees who were victims of unfortunate circumstances, the Commission is sending the list of "separated" employees to the personnel officers of the newly organized bureaus and commissions set up under recent acts

of Congress. Each employee will be given a letter of recommendation regarding his or her efficiency along certain lines.

While the Commission will function as usual, taking care of all essential matters with dispatch, it will be necessary to "double up" in the work in some instances as the remaining employees must absorb considerable additional work.

The appropriation for the Commission for 1934 is \$640,000 compared with \$780,587 for the fiscal year 1933. For the fiscal year 1932 the Commission's appropriation was \$454,197 and the appropriation for the Radio Division of the Department of Commerce \$490,000. During 1932 the Radio Division of the Department of Commerce was transferred to the Federal Radio Commission under an Executive Order.

Now all the work heretofore performed by the two institutions is being done by the Radio Commission so that the merger has brought about a saving of more than \$300,000.

URGES MORE LOCAL CHANNELS

Commissioner Hanley, in a speech at the dedication of Station KICK, Carter Lake, Iowa, on Saturday night, June 23, expressed the hope that more local channels can be provided as a result of the North American Radio Conference.

"Some of the local channels are more congested," he said. "It is my hope that we can clear the way for a few more local channels. That problem may be solved at the North American conference to convene in Mexico City on July 10. That conference will take up the question of allocating broadcasting frequencies to all nations in North America—The United States, Canada, Newfoundland, Cuba and the Latin-American nations. At the present time, we have an agreement with Canada whereby there is no duplication of channels, but the other nations mentioned have been using any frequencies they desired, thus causing interference to many of our stations and those of Canada. Several new high-powered stations are about ready to start operation in Mexico and it is absolutely necessary to work out an allocation to avoid chaos and confusion in the broadcasting service of the United States."

"Legislative history of cities, counties, states and the Federal government evidences the public interest in and need for education and enlightenment," he said. "I am therefore strongly in favor of educational programs and of community stations where local talent can be developed and used and local needs expressed and satisfied."

"In many respects a union between a newspaper and radio station is ideal. The very life blood of a newspaper is good will and the publishers and editors are past masters in that art and in the moulding of public opinion. As a rule radio stations which are controlled in whole or in part by newspapers are less liable to overemphasize revenues and indulge in offensive sales talk than purely commercial stations."

COURT OF APPEALS UPHOLDS COMMISSION

The Federal Radio Commission this week won three cases in the Court of Appeals of the District of Columbia including dockets Nos. 5598, Station WLOE against the Commission; No. 5604, Fred H. Goss, against the Commission; and No. 5605, Station WLOE against the Commission.

In Docket No. 5598 of Station WLOE, Boston Broadcasting Company, the appeal was from a decision of the Commission denying a license renewal to the station. The Court upheld the Commission's decision. The Commission in its decision, among other things, found that the station did not have sufficient financial resources, that its services are not needed in the Boston area and that the public need would not be served by renewing the license.

The Court in its decision found that "a review of the record convinces us that the decision of the Commission is not contrary to law and that its findings are supported by substantial evidence and are not arbitrary or capricious." In this case the "stay order entered in this appeal is dissolved and the decision of the Federal Radio Commission herein is affirmed."

In Docket No. 5604, the case of Fred H. Goss against the Commission, the Commission also was upheld. The Commission denied the application of Goss for a construction permit for a new station to be erected at Boston to use 1500 kilocycles, that formerly used by Station WLOE. The Commission did not find that there was any need for this additional service in the Boston area.

The Court in its decision in this case says that "the burden of proof is upon the applicant, and the decision of the Commission should be sustained upon the findings of fact unless they are without the support of substantial evidence. Upon a consideration of the record therefore we affirm the decision of the Commission."

The Court also upheld the Commission in Docket No. 5605, an appeal of William S. Pote (Station WLOE) against the Commission. This was an appeal from the denial of the Commission

of an application for involuntary assignment of the license of Station WLOE to the Appellant, William S. Pote.

Pote filed an application with the Commission asking that the license of Station WLOE be involuntarily assigned to him. This the Commission refused. The station became bankrupt and "its chattel property was sold in bankruptcy proceedings to appellant, William S. Pote." However, the Court refused the appeal of Pote and upheld the Commission. Justice Groner dissented in this opinion. He did vote, however, "to affirm the decision of the Commission on the merits."

KGIX GETS LICENSE RENEWAL

The Radio Commission on Friday granted a license renewal to Station KGIX, Las Vegas, Nevada, granted it permission to change its equipment, and to move the transmitter locally thereby reversing Examiner R. H. Hyde in his Report No. 467.

In this case the Commission found that there is need for broadcast service in Las Vegas and vicinity, that the applicant is now in a position to reestablish the service of the station, and that granting of the application would be in the interest of the public.

VISUAL CONSTRUCTION PERMIT GRANTED

Dr. George W. Young, Minneapolis, Minnesota, was granted a construction permit by the Commission this week for the erection of an experimental visual broadcasting station, reversing Chief Examiner Yost in his Report No. 476. The station will use frequencies 43,000-46,000; 48,500-50,300 and 60,000-80,000 kilocycles with 500 watts power.

It was found by the Commission in its decision that the applicant is technically and financially qualified to carry on the experiments proposed "and that such a program of research has been planned which may result in advancement in the art of visual broadcasting."

STATION KFH GRANTED FULL TIME

Radio Station KFH, Wichita, Kansas, has been granted full time on the air by the Radio Commission in lieu of five-sevenths time, using 1300 kilocycles with 1,000 watts power. At the same time Station WOQ, Kansas City, Missouri, was denied a license renewal. Commissioner Hanley dissented.

This case was originally Report No. 239 of Examiner Hyde who recommended that the license of Station WOQ be renewed. The Commission overruled the Examiner and the case was taken to the Court of Appeals.

The case of these two stations was remanded to the Commission by the Court of Appeals of the District of Columbia on March 13 this year for further hearing, which was held by the Commission. The Commission has now reached its original conclusions.

In its decision the Commission found that KFH delivers a meritorious service, and that its service would be materially improved by its use of full time. It was further found that "the granting of the application for unlimited time of operation for Station KFH and the consequent forfeiture of the broadcast facilities now allocated for the operation of Station WOQ would bring about a more equitable distribution of broadcast facilities within the Fourth Zone, as provided for in the Radio Act of 1927, as amended by the Act approved March 28, 1928," and "would serve the public interest."

TWO INDUSTRIES FILE CODES

In spite of the fact that the National Industrial Recovery Law just became effective a week ago two industries, the cotton textile and the cast iron pipe, have submitted their codes of ethics in final form. In fact hearings will begin the first of next week in connection with the textile code.

While there is much yet to be done, General Hugh S. Johnson, administrator of the new law, has made rapid progress in his organization.

General Johnson has stated in no uncertain terms that he has not laid down any general rule for price fixing but he will do everything he can do to discourage it at this time. He states also that he has no idea of policing this law, but believes that industries will do their own policing inasmuch as those who are trying to hold honestly to an adopted code will see that the other fellow does so too, or will know why.

There is no thought at this time, General Johnson states, to appoint a coordinator for any industry because he does not want to give the administration of the law any appearance of using czaristic methods.

Nationally known leaders in business and industry have already been announced for key positions, with many more to be appointed later.

SHORT-WAVE BROADCAST PICK-UP ARRANGEMENT

A station manager inquires—How do I arrange to use broadcast pick-up equipment? This question has presented difficulties to many station managers. The following is offered as a guide for the procedure required by the regulations of the Federal Radio Commission.

This question involves two types of licenses—a general experimental license and a regular broadcast pick-up license.

Assume you have two such stations—one we will say is W14ZZZ and operates on about 60,000 kc., and the other KBBB which operates on 2342 kc.

The W14ZZZ station operates under a general experimental license, while Station KBBB is a regular broadcast pick-up station. However, in so far as use is concerned, either of these stations may be used for regular broadcast pick-up purposes, the only condition being that when W14ZZZ is used, a record shall be maintained in conformity with Rules 310 to 313 A. It will be noted, therefore, that the practice is to permit licensed general experimental stations using frequencies in the very high frequency band (30,000 kc. and up) to carry on any recognized service, provided, of course, it is done with the understanding that any use made of the very high frequencies is experimental and no direct charge should be made for the service.

The expression "Where wire facilities are not available" in Rule 354 means where wire facilities are not installed and therefore would not be available on short notice. To illustrate, it may be desired to use W14ZZZ or KBBB for broadcast pick-up purposes in connection with the reporting of a parade and to locate the pick-up transmitter on the sidewalk. In all probability, a wireline could be obtained from a nearby building or the particular event could be reported from a building where wirelines are available. However, there may be some special advantage for locating the pick-up transmitter on the sidewalk, and since wirelines could not be made available without providing for a special installation, the licensee would be permitted to use the broadcast pick-up transmitter on the sidewalk in lieu of making arrangements for wireline connections. In other words, it is our observation that the Rule is given very liberal construction.

Under Rule 357, licensees of broadcast stations are required to obtain permission from the Commission at least two days in advance of an expected radio pick-up. However, in the event that it is impossible to comply with this rule, such permission may be obtained by telegraphing or telephoning the Commission just prior to the time of expected use of the broadcast pick-up station. *It is not necessary to obtain permission from the Commission to use a general experimental station operating on the very high frequencies (30,000 kc. and above), for broadcast pick-up purposes.* In other words, you are required to obtain permission before using KBBB, though you may do so, in cases requiring it, by telephone or telegraph. In the case of W14ZZZ you are not required to obtain permission.

In the event that a station desires to rebroadcast a short-wave broadcast program originating in, let us say, Mexico, it would be necessary to obtain the permission of the originating station. If, however, a broadcast station in the United States should desire to rebroadcast a short-wave program originating in the United States, the permission of the Commission would be necessary in accordance with Rule 321.

TURKISH STATION COMPLETED

The Turkish Government has completed plans for the construction of a radio broadcasting station at Ankara at an approximate cost of \$500,000, according to a report received in the Commerce Department's Electrical Equipment Division from the Department's office in Istanbul.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Thursday, June 29, 1933

WGNV—Peter Goelet, Chester Township, N. Y.—Modification of license to increase power from 50 watts to 100 watts, 1210 kc., specified hours.

TENTATIVE HEARING CALENDAR

(Dates subject to change.)

July 6, 1933

NEW—Leo J. Omelian, Erie, Pa.—Construction permit, 1420 kc., 100 watts 250 watts LS, unlimited time (facilities of WERE).

July 7, 1933

WNBW—WNBW, Inc., Carbondale, Pa.—Renewal of license and involuntary assignment of license.

July 10, 1933

NEW—William L. Slade, Hamilton, Ohio—Construction permit, 1420 kc., 100 watts, unlimited time (facilities of WHBD).
WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal of license.
KGEK—Elmer G. Beehler, Yuma, Colo.—Construction permit to move station to Ft. Collins, Colo.; 1200 kc., 100 watts, specified hours.

July 11, 1933

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Special experimental authority to change from 1210 kc., 100 watts, unlimited time, to 630 kc., 250 watts, unlimited time.

July 12, 1933

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Construction permit to change from 1370 kc., 100 watts 250 watts LS, unlimited time, to 1120 kc., 250 watts 500 watts LS, unlimited time (facilities of WIAS).
WIAS—Iowa Broadcasting Co., Ottumwa, Iowa—Renewal of license.

July 13, 1933

Hearing involving the applications of WARD, WBBC, WLTH, and WFOX, Brooklyn, N. Y., for renewals of licenses and modifications of licenses, and application of WARD for construction permit to move transmitter.
KFAC—Los Angeles Broadcasting Co., Los Angeles, Calif.—Modification of license to change hours to unlimited.

July 18, 1933

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase night power to 500 watts.

July 24, 1933

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to increase power from 50 watts to 100 watts.
WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to change hours to unlimited.
WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to change hours to unlimited.

APPLICATIONS GRANTED

First Zone

WHN—Marcus Loew Booking Agency, New York—Granted construction permit to move transmitter from New York City to Astoria, L. I., and install new equipment with maximum rated power of 250 watts.
WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted authority to suspend operation from June 26 to Sept. 11, 1933.
WGLC—O. T. Griffin & G. F. Bissell, Hudson Falls, N. Y.—Granted modification of license to increase night power from 50 to 100 watts.
WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted license covering change in transmitter and studio location; 1210 kc., 100 watts, unlimited time.
WPCH—Eastern Broadcasters, Inc., New York City—Granted voluntary assignment of license to Knickerbocker Broadcasting Co., Inc.
WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted special temporary experimental authority to end 3 a. m., Sept. 9, 1933, to change frequency from 1200 kc. to 1280 kc., increase power from 100 to 500 watts, and install new equipment using directional antenna.

Second Zone

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted special authority to operate from 8 p. m. to 12 midnight June 23.

WFIW—WFIW, Inc., Hopkinsville, Ky.—Granted authority to waive Rule 151 to reduce hours of operation to minimum of 5 hours daily.

Third Zone

- KGKB—East Tyler Broadcasting Co., Tyler, Tex.—Granted authority to continue operating unlimited time pending completion of WACO transmitter.
- WSOC—WSOC, Inc., Gastonia, N. C.—Granted construction permit to move transmitter and studio from Gastonia to Charlotte and make changes in equipment.
- WSB—Atlanta Journal Co., Atlanta, Ga.—Granted modification of construction permit to extend completion date to August 14, 1933.
- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Granted modification of construction permit to extend commencement date to July 9 and completion date to October 9, 1933.

Fourth Zone

- WJKS—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted authority to conduct tests in Gary, Ind., to determine relative values of locations.
- WEW—St. Louis University, St. Louis, Mo.—Granted authority to discontinue operation from June 15, 1933, to Sept. 1, 1933, except to broadcast all government reports.
- KGNO—The Dodge City Broadcasting Co., Dodge City, Kans.—Granted license covering change in transmitter and studio location; 1210 kc., 100 watts, unlimited time.
- KWLC—Luther College, Decorah, Iowa—Granted authority to remain silent from August 12 to Sept. 12.
- WILL—University of Illinois, Urbana, Ill.—Granted authority to remain silent from June 20 to Sept. 1, 1933.

Fifth Zone

- KGY—KGY, Inc., Olympia, Wash.—Granted authority to change specified hours of operation.
- KGIR—KGIR, Inc., Butte, Mont.—Granted license covering equipment changes and power increase; 1360 kc., 500 watts night, 1 KW LS.

APPLICATIONS SET FOR HEARING

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change from 3/7ths time sharing with WJKS, to specified hours.
- WSYR—WMAC—Central New York Broadcasting Corp., Syracuse, N. Y.—Construction permit to move transmitter locally, make equipment changes, and increase power to 500 watts.
- NEW—John L. Hopkins, Hammond, Ind.—Construction permit for new station to use 1 KW on 1360 kc., sharing with WGES. Requests facilities formerly used by WJKS.
- WCAJ—Nebraska Wesleyan University, Lincoln, Nebr.—Modification of license to increase power from 500 watts to 1 KW, also renewal of license.
- WCAC—Connecticut Agricultural College, Storrs, Conn.—Modification of license to change name of licensee to Connecticut State College, and increase operating power from 250 to 500 watts.
- WEVD—Debs Memorial Radio Fund, Inc., New York City—Modification of license to increase power from 500 watts to 1 KW.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to move transmitter locally in Monroe, install new equipment, change frequency from 1200 kc. to 590 kc., increase power from 100 watts to 250 watts, and change unlimited time to certain specified hours.

MISCELLANEOUS COMMISSION ACTION

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied authority to operate unlimited time on frequency of 1360 kc., pending disposition of unused 4/7ths time on 1360 kc., formerly used by WJKS.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to move station locally and install new transmitter heretofore granted was retired to closed file for want of prosecution.
- KOCW—J. T. Griffin, Chickasha, Okla.—Modification of construction permit to move transmitter from Chickasha to Tulsa

and change studio location, heretofore granted, was suspended and set for hearing because of protest of KVOO.

WAMC—Raymond C. Hammett, Anniston, Ala.—Construction permit to move station to Muscle Shoals, heretofore set for hearing, was denied because applicant failed to enter appearance within time allowed.

APPLICATIONS RECEIVED

First Zone

- WGCP—May Radio Broadcast Corp., Newark, N. J.—Construction permit to install new equipment and increase power from 250 watts to 1 KW.
- WINS—American Radio News Corp., New York, N. Y.—License to cover construction permit for moving transmitter from Astoria, L. I., to Carlstadt, N. J.
- WFBR—Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license to increase power from 500 watts to 1 KW.

Second Zone

- WEHC—Emory & Henry College, Emory, Va.—Modification of construction permit to change authorized locations of transmitter and studio (when moving station to Charlottesville, Va.).
- WNBW—WNBW, Inc., Carbondale, Pa.—Modification of construction permit (to install new equipment and increase power from 10 watts to 10 watts night, 100 watts day) to extend completion date from 6-15-33 to 10-15-33.
- WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Construction permit to change equipment and increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day, amended as to antenna specifications.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of license to change power and hours of operation from 1 KW day to 250 watts night, 1 KW day to local sunset and unlimited hours.
- WSEN—The Columbus Broadcasting Corp., Columbus, Ohio—License to cover construction permit granted 4-28-33 to move transmitter locally.
- NEW—Lebanon Broadcasting Corp., Lebanon, Pa.—Construction permit for new station to use 1500 kc., 50 watts, daytime.

Third Zone

- WKEU—Allen Wright Marshall, Jr., Allen Wright Marshall, Sr., and Guy Aaron Malcom, La Grange, Ga.—Consent to voluntary assignment of construction permit granted 1-20-33 to radio station WKEU.
- NEW—Edward Goodberlet and Harry J. Frahn, d/b as Greater Muscle Shoals Broadcasting Co., Sheffield, Ala.—Construction permit for new station to use 1500 kc., 100 watts, unlimited hours (facilities of WAMC).
- KFLX—George Roy Clough, Galveston, Texas—License to cover construction permit for moving transmitter and studio locally.
- KNOW—KUT Broadcasting Co., Austin, Texas—Modification of construction permit to change authorized location of transmitter and extend commencement and completion dates amended as to antenna specifications.
- WDAE—Tampa Publishing Co., Tampa, Fla.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night and 2½ KW day (facilities of WRUF in terms of quota units).

Fourth Zone

- NEW—Central Broadcasting Co., Davenport, Iowa—Construction permit for new station, 1310 kc., 100 watts night, 250 watts day, unlimited time (facilities of WIAS, Ottumwa, Iowa).
- KFH—Radio Station KFH Co., Wichita, Kans.—Modification of license to move main studio locally.

Fifth Zone

- NEW—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Construction permit for new station to use 750 kc., 250 watts, daytime.
- NEW—Victor Beverly Pitts, Raton, New Mexico—Construction permit for new station to use 1500 kc., 100 watts, daytime.